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STATE OF MAINE

MARIJUANA ADVISORY COMMISSION

MEMORANDUM

TO: Senator Geoffrey Gratwick, Chair
Representative Patricia Hymanson, Chair
Joint Standing Committee on Health and Human Services

Senator Louis Luchini, Chair
Representative John Schneck, Chair
Joint Standing Committee on Veterans and Legal Affairs

FROM: Senator Justin Chenette, Chair ^{JC or}
Representative Teresa Pierce, Chair ^{TP or}
Marijuana Advisory Commission

DATE: December 5, 2019

SUBJ: Marijuana Advisory Commission annual report pursuant to Title 28-B, section 903, subsection 5

On behalf of the Marijuana Advisory Commission (MAC), we are submitting this letter as our annual report pursuant to Title 28-B, section 903, subsection 5. The MAC held its first meeting on October 24, 2019, during which we received a detailed update from the Department of Administrative and Financial Services, Office of Marijuana Policy (OMP) regarding the recent and upcoming changes to the State's medical marijuana program and the implementation of an adult use marijuana program.

As described below, the marijuana industry in Maine is rapidly changing. The OMP is continuing to implement rules resulting from amendments to the medical marijuana and adult use marijuana programs directed by the 128th Legislature in 2018, there are numerous legislative proposals relating to both programs under consideration by the 129th Legislature in 2020 and the OMP anticipates accepting commercial applications under the adult use marijuana program by the end of 2019. Given this posture, the MAC has decided to focus its efforts and discussions following likely implementation of the adult use marijuana program and full implementation of the amendments to both programs directed by the 128th and 129th Legislatures, which should be realized by the 2020 legislative interim.

Background, OMP update and October 24th MAC meeting

As you know, the 128th Legislature in 2018 made numerous, substantive changes to the State's longstanding medical marijuana program and a special legislative committee's recommendations were enacted following its two years of work reviewing and amending the citizen-initiated law legalizing adult use marijuana. In early 2019, Governor Mills established the new OMP, which oversees the medical marijuana and adult use marijuana programs. The OMP subsequently initiated major substantive rulemaking necessary to implement the adult use marijuana program and those rules were approved for final adoption by the Legislature in June 2019. Since that time, the OMP has been engaged in additional rulemaking under both programs, which are at various stages of adoption.

Pursuant to Public Law 2017, chapter 409, sections A-9 and A-10, the OMP is required to begin accepting commercial applications under the adult use marijuana program no later than thirty days following final adoption of the major substantive rules required under that law; however, for the first six months in which applications are accepted, the OMP is not required to act on any application within a ninety-day window that is otherwise required by the law. Accordingly, we were advised by the OMP at our October 24th meeting that it intended to begin accepting applications before the end of 2019 and anticipated that licenses might be issued for legal adult use marijuana sales to begin by spring 2020.

At our October 24th meeting, Erik Gundersen, the Director of the OMP, and OMP senior staff presented an overview of their office and the status of changes to the medical marijuana and adult use marijuana programs. The OMP presented a detailed timeline of the history of its office, including its office organizational structure and efforts to hire staff. The presentation included information on the status of developing and adopting rules, implementing a marijuana tracking system for both programs and certification and licensing of marijuana testing facilities. It also discussed the office's various outreach activities to stakeholders, members of the community and industry and public health experts. The presentation also included a review of opt-in provisions for municipalities and a discussion of the office's efforts to ensure compliance with the statutory and regulatory frameworks for both programs. Finally, the presentation previewed three OMP bills for introduction to the Second Regular Session of the 129th Legislature, which will largely attempt to align definitions and policies between the two programs, along with some additional substantive changes. We encourage both of your committees to invite the OMP to provide you with a similar presentation next legislative session on the changes to and status of both programs, which our members found quite informative.

At the October 24th meeting, we also reviewed the fourteen pieces of marijuana-related legislation that were carried over from the First Regular Session to the Second Regular Session of the 129th Legislature, as well as the three new OMP-submitted bills and the twelve new legislator-requested bills that may be considered during the Second Regular Session. These bills span a broad range of subjects. Through our staff, we intend to track the progress of these legislative proposals as their legislative outcomes will necessarily impact our future discussions.

Solicitation of public comment regarding law enforcement contacts with citizens

Pursuant to Title 28-B, section 903, subsection 2, the MAC has solicited public comment regarding contacts between law enforcement officers and citizens following the initiation of an adult use marijuana market in the State that involve the personal adult use of marijuana and marijuana products and the home cultivation of marijuana for personal adult use. This public comment was solicited for a period of thirty days, beginning on October 28, 2019 and ending on November 26th, 2019, using the MAC's interested party distribution list and by posting on the MAC's website. No comments were received.

Future plans

The MAC intends to engage in efforts and discussions during the 2020 legislative interim following the full implementation of changes to the medical marijuana and adult use marijuana programs and the initiation of an adult use marijuana marketplace in the State. It is our intent that these discussions will result in substantive, meaningful recommendations, perhaps with draft legislation, that can be provided to the 130th Legislature in our next annual report. To better direct our work next year, we would encourage both of your committees to submit to the MAC any recommendations for matters relating to the medical marijuana or adult use marijuana programs that you believe merit further discussion by our members.

Should you have any questions, please feel free to contact us directly or through our Office of Policy and Legal Analysis staff, Erin Dooling and Dan Tartakoff.

Cc: Members, Marijuana Advisory Commission
Members, Joint Standing Committee on Health and Human Services
Members, Joint Standing Committee on Veterans and Legal Affairs
Marion Hylan Barr, Director, Office of Policy and Legal Analysis