



Cannabis At-a-Glance: Legalized Marijuana in Maine

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<https://www.maine.gov/dafs/omp>

Today's Goals and Objectives

1

Introduction to Office of Marijuana Policy (OMP) and its mission, vision, and values.

2

Understand OMP's role and responsibility in regulating Maine's marijuana industries.

3

Discuss the current status of adult use marijuana in Maine.

4

Discuss the current status of medical marijuana in Maine.

5

Understand other important work currently undertaken by OMP.

6

Answer any questions.



OMP Introduction – Mission and Vision Statements

- **Mission Statement** - To ensure the health and safety of all Mainers by effectively and responsibly licensing and regulating marijuana establishments.
- **Vision Statement** - Develop a good faith partnership between the State of Maine and stakeholders by establishing rules and policies that provide interested consumers with access to a regulated industry while diminishing an unregulated, untested illicit market.



OMP Introduction – Guiding Principles

1. The public's health, safety, and well-being are always our top priority.
2. Develop and institute regulations that are necessary, not over burdensome.
3. Compliance every day, enforcement only when needed.
4. Strive to be transparent and clearly communicate with the public and stakeholders.
5. Treat everyone fairly and with respect.



OMP Introduction – Divisions

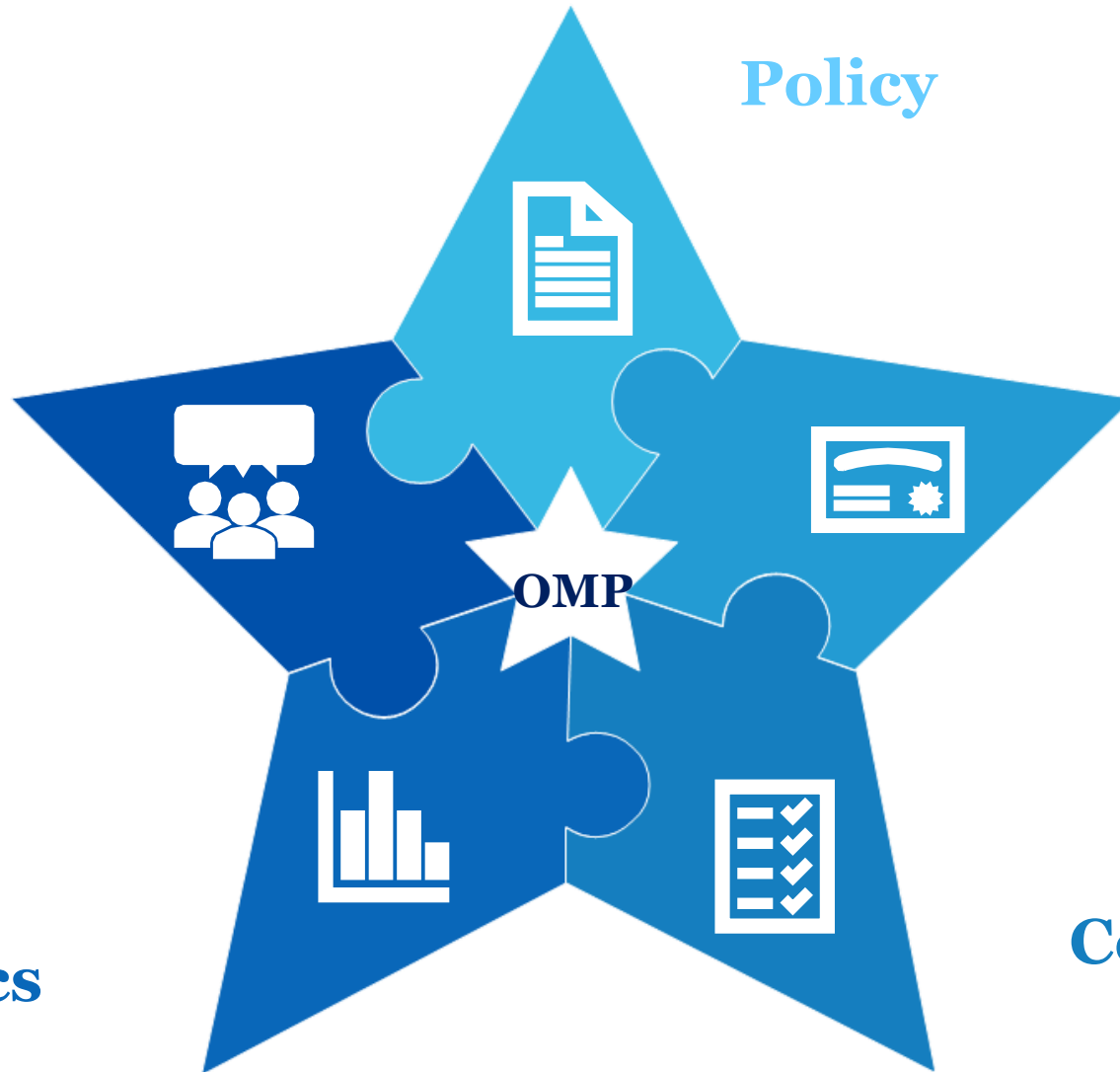
**Engagement and
Community
Outreach**

**Data
Analytics**

Policy

Licensing

Compliance



Purview of OMP as a Regulator

Office of Marijuana Policy

- Licensing
- Programmatic Compliance
- General Oversight

Maine Revenue Services/ Internal Revenue Service

- Tax Compliance

Department of Environmental Protection

- Waste, Air, Water, Land
Permitting

Center for Disease Control and Prevention

- Certification of Marijuana
Testing Facilities
- Retail Tobacco License

Department of Agriculture, Conservation & Forestry

- Board of Pesticide Control
- Food Processing License(s)
- Food Establishment License(s)
- Beverage Plant Licenses



Adult Use Marijuana Program (AUMP)

- **Established:** November 2016 (Possession, Use), September/October 2020 (Distribution, Sales)

Date	Milestone
February 2019	OMP Established
May 2019	Adult Use Rule Provisionally Adopted
June 2019	Legislature Approves Rules
November 2019	Adult Use Rules Adopted
December 2019	Rules in Effect, Applications Available
March 2020	First Conditional Licenses Issued
September 2020	First Active Licenses Issued
October 2020	First Adult Use Retail Sales Begin



AUMP: Overview of Program

- **Licensing:** Individual Identification Cards, Conditional Licenses, Active Licenses.
- **Applicant Standards:** State and federal background checks with no disqualifying drug offense.
- **Tax Regime:** Excise and Sales Tax
- **Consumer Safety:** Universal Symbol, Packaging and Labeling, Inventory Tracking, Edible THC Limits, Mandatory Testing.
- **Administrative Remedies:** Fines, Penalties, Administrative Holds, Suspension, Revocation.



License Types

- Marijuana Stores
- Cultivation Facilities
 - Nurseries ($\leq 1,000$ sq. ft.)
 - Tier 1 (Plant Count or Canopy)
 - Tier 2 ($\leq 2,000$ sq. ft.)
 - Tier 3 ($\leq 7,000$ sq. ft.)
 - Tier 4 ($\leq 20,000$ sq. ft.)
- Manufacturing Facilities
- Marijuana Testing Facilities

Application Process

1. Conditional License
 - 26 Days Median Processing Time
2. Local Authorization
 - 98 Days Median Processing Time
3. Active License
 - 47 Days Median Processing Time

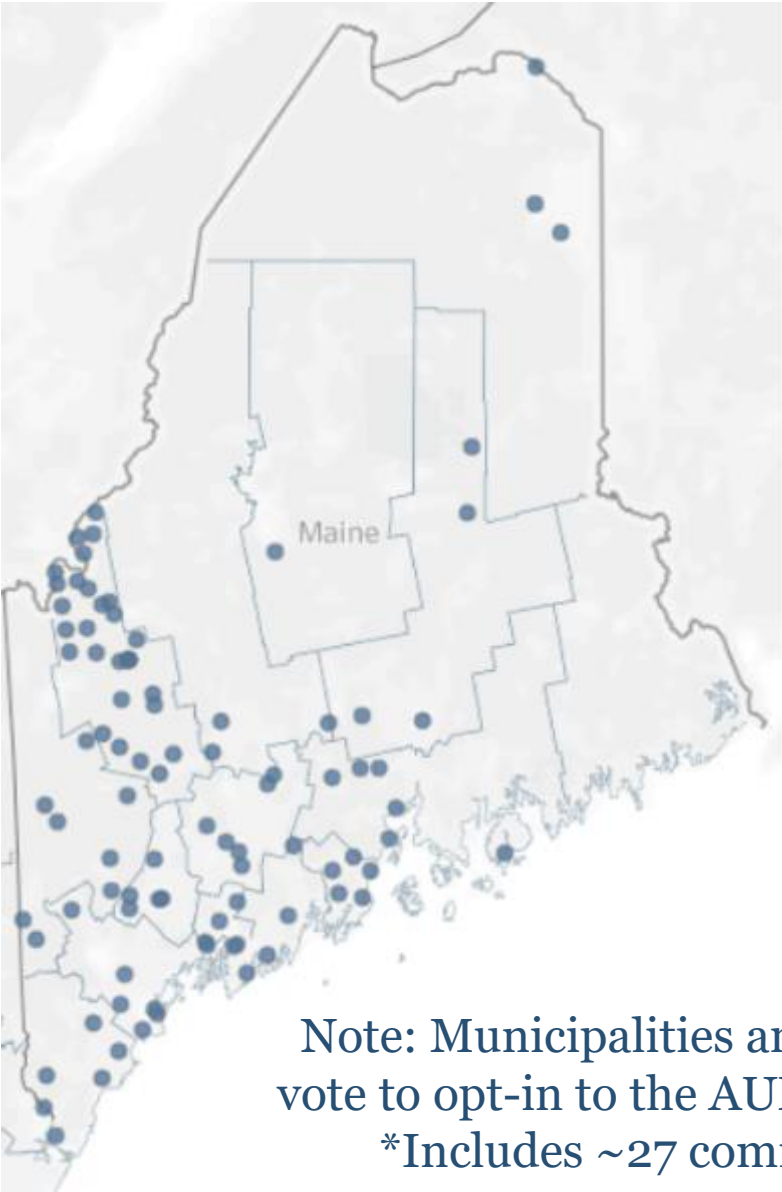


AUMP: The Role of Municipalities

- **De facto status for a municipality is prohibition.**
- Legislative body must affirmatively opt-in for any type of establishment.
 - City Council in larger communities.
 - Town Meeting and/or referendum in smaller communities.
- Must provide local authorization before OMP issues active license.



AUMP: Opt-in Communities



Category	Opt-ins
Retail	51
Cultivation	93*
Products Manufacturing	59
Marijuana Testing Facilities	58
Total Municipal Opt-ins	96*

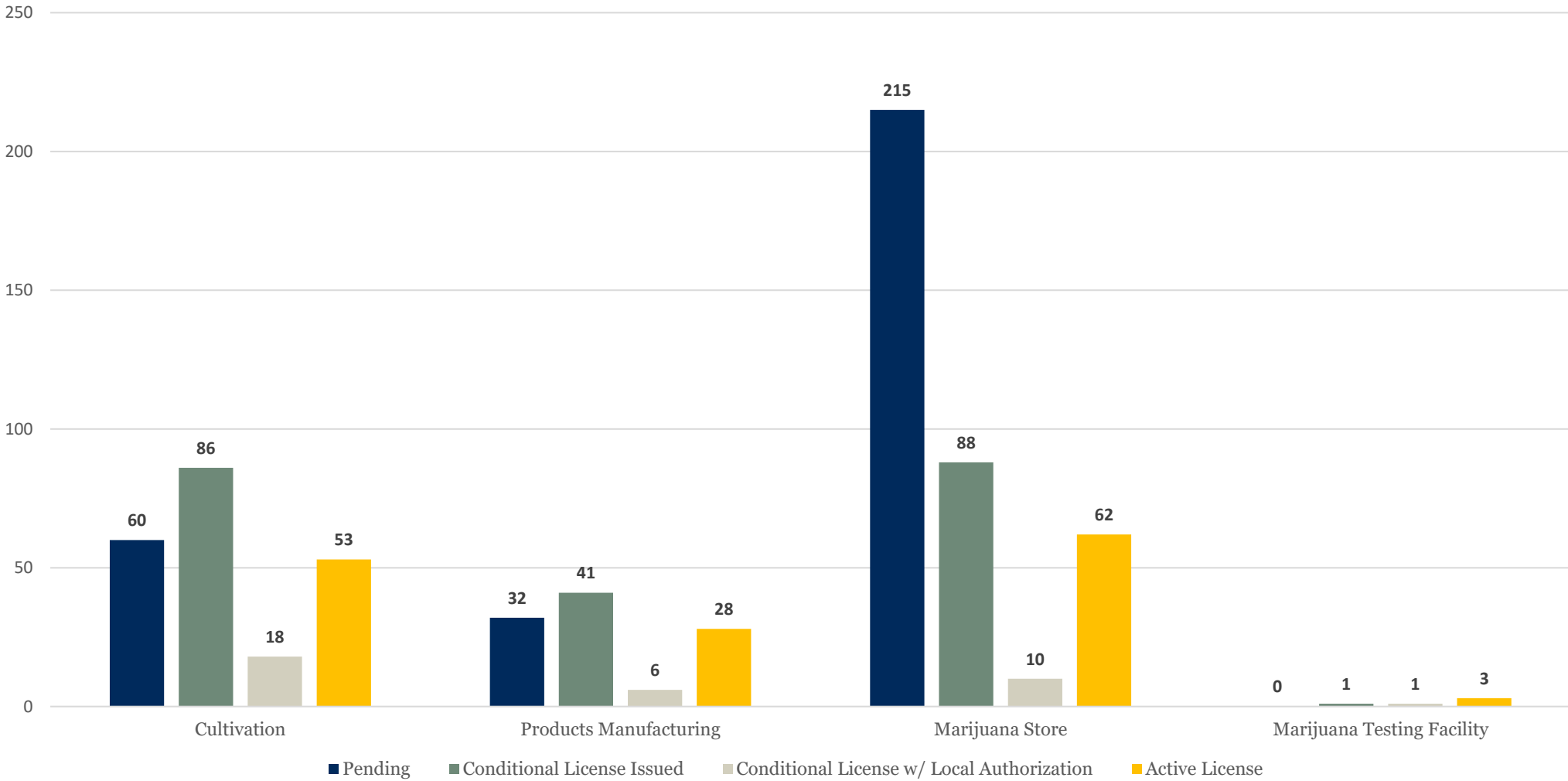
Note: Municipalities are not required to notify the Office of Marijuana Policy of a vote to opt-in to the AUMP. This information is compiled from a variety of sources.

*Includes ~27 communities in Unorganized Territory of Franklin County.



AUMP: By the Numbers

Status of Adult Use Marijuana Establishment Applications
(as of November 8, 2021)

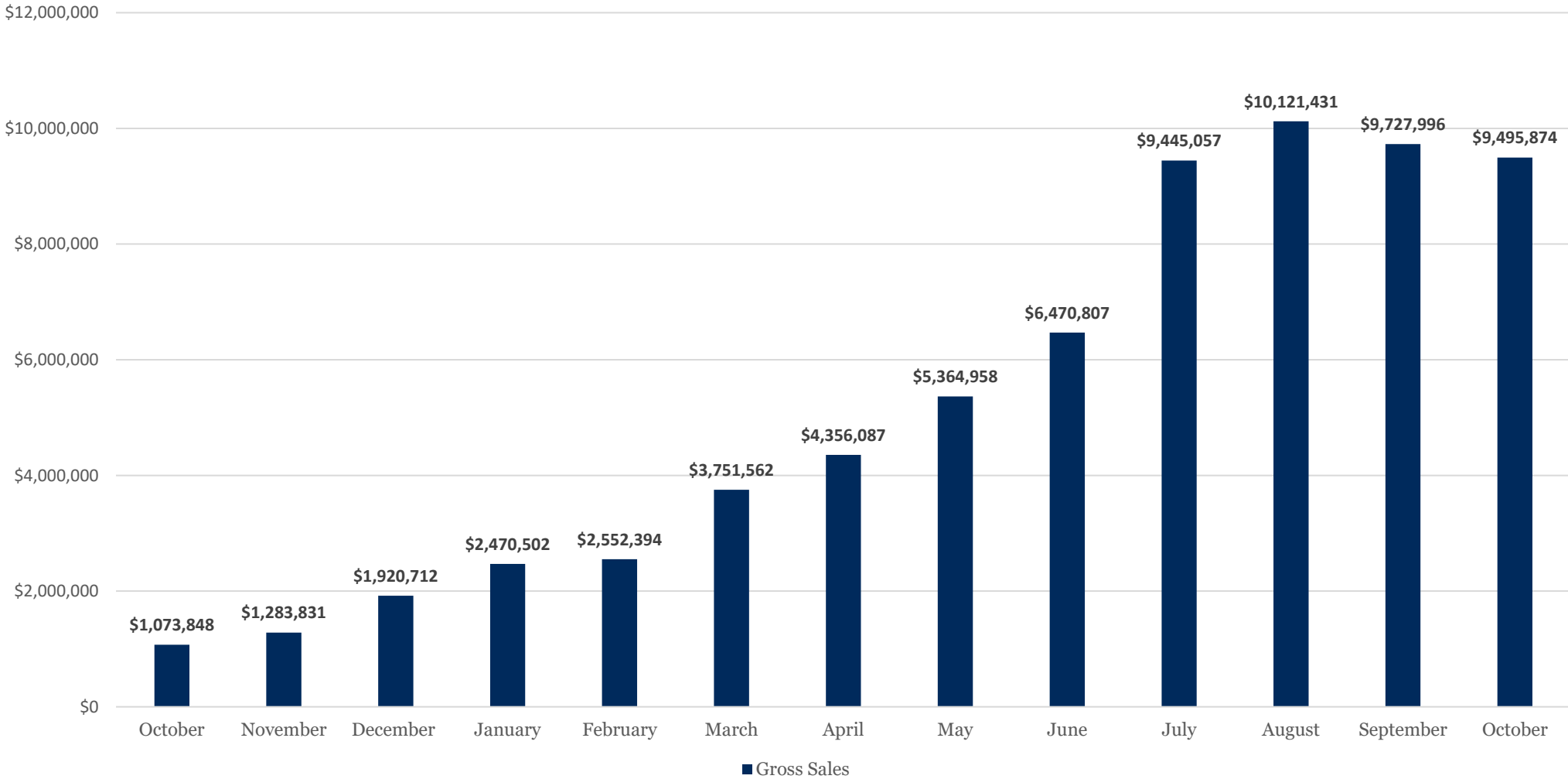


Source: Agency Licensing Management System



AUMP: Gross Retail Sales

Adult Use Marijuana Gross Retail Sales
(as of November 8, 2021)



Source: Metrc inventory tracking system.



AUMP: Inventory Tracking with Metrc

- Track and Trace System (Seed-to-sale)

- Provides important data to inform policy decisions.
- Assists OMP in ensuring program compliance.
- Prevents diversion to the illicit market.
- Assists in ensuring consumer safety.



AUMP: Hybrid Tax Regime

- **Sales Tax:** 10 percent sales tax rate at retail.
- **Excise Tax:** Weight or quantity of product at cultivation.
- **Proceeds:** 88 percent to General Fund, 12 percent to Adult Use Marijuana Public Health and Safety Fund.

Fiscal Year	Estimated Excise Tax	Estimated Sales Tax
2021	\$3.0 million	\$2.5 million
2022	\$13.0 million	\$13.0 million
2023	\$18.0 million	\$18.0 million
2024	\$22 million	\$22 million
2025	\$27 million	\$27 million

Source: Report of the Revenue Forecasting Committee, May 2021



AUMP: Rulemaking

- OMP is undertaking first revisions to program rule since AUMP launched.

Date	Event
August 30, 2021	Draft of Rule Published
September 17, 2021	Last Informal Rule Meeting
September 29, 2021	Notice of Rulemaking
October 18, 2021	Public Hearing
November 7, 2021	Public Comment Deadline
January 2022	Provisional Adoption/Submission to Legislature



AUMP: Mandatory Testing

- Title 28-B, Subchapter 6 establishes the statutory guidelines for the testing of adult use marijuana and marijuana products in Maine.
- The Office of Marijuana Policy has implemented testing-related administrative rules in 18-691 C.M.R. ch. 1 and 18-691 C.M.R. ch. 5.

Date	Mandatory Testing Analytes
September 8, 2020	Filth and foreign materials; Dangerous molds and mildews; Harmful microbes; THC potency, homogeneity and cannabinoid profiles; Water activity and moisture content
June 1, 2021	Other harmful chemicals (metals, including cadmium, lead, arsenic, and mercury)
October 1, 2021	Residual solvents
TBD	Pesticides



Maine Medical Use of Marijuana Program (MMMP)

- **Established:** November 1999 (Possession and Use), November 2009 (Distribution and Retail Sales)

Date	Milestone
July 2018	MMMP Transfers from DHHS to DAFS
December 2018	LD 1539 Commercializes Medical Program
February 2019	OMP Established
October 2020	Rulemaking Development Begins
January 2021	Preliminary Draft Rule Released
March 2021	Updated Rule Formally Proposed
May-June 2021	LDs 882 and 1242 Considered by Legislature
July 2021	MMMP Rules Become Major Substantive



MMMP: Overview of Program

- **Licensing:** Caregiver Registration, Caregiver Assistant Registration, Dispensary Registration Certificate
Dispensary Employee Registration
- **Applicant Standards:** State background checks with no disqualifying drug offense.
- **Tax Regime:** Sales Tax
- **Patient Safety:** THC “Signifier”, Voluntary Testing, No THC Limits on Edibles, No Inventory Tracking
- **Administrative Remedies:** Suspension and Revocation



MMMP: Registering with OMP

Registration Types

- Registered Caregivers[†]
 - Caregiver Retail Stores
- Registered Dispensaries[†]
- Manufacturing Facilities^{*}
- Marijuana Testing Facilities^{*}

Application Process

1. Application
2. Local Authorization[‡]

Median Processing Times

- Registered Caregiver: 12 days.
- Caregiver Assistant: 9 days.

[†]May engage in cultivation, manufacturing, and sales to patients.

^{*}No such establishments presently in operation.

[‡]For dispensaries and caregiver retail stores only.



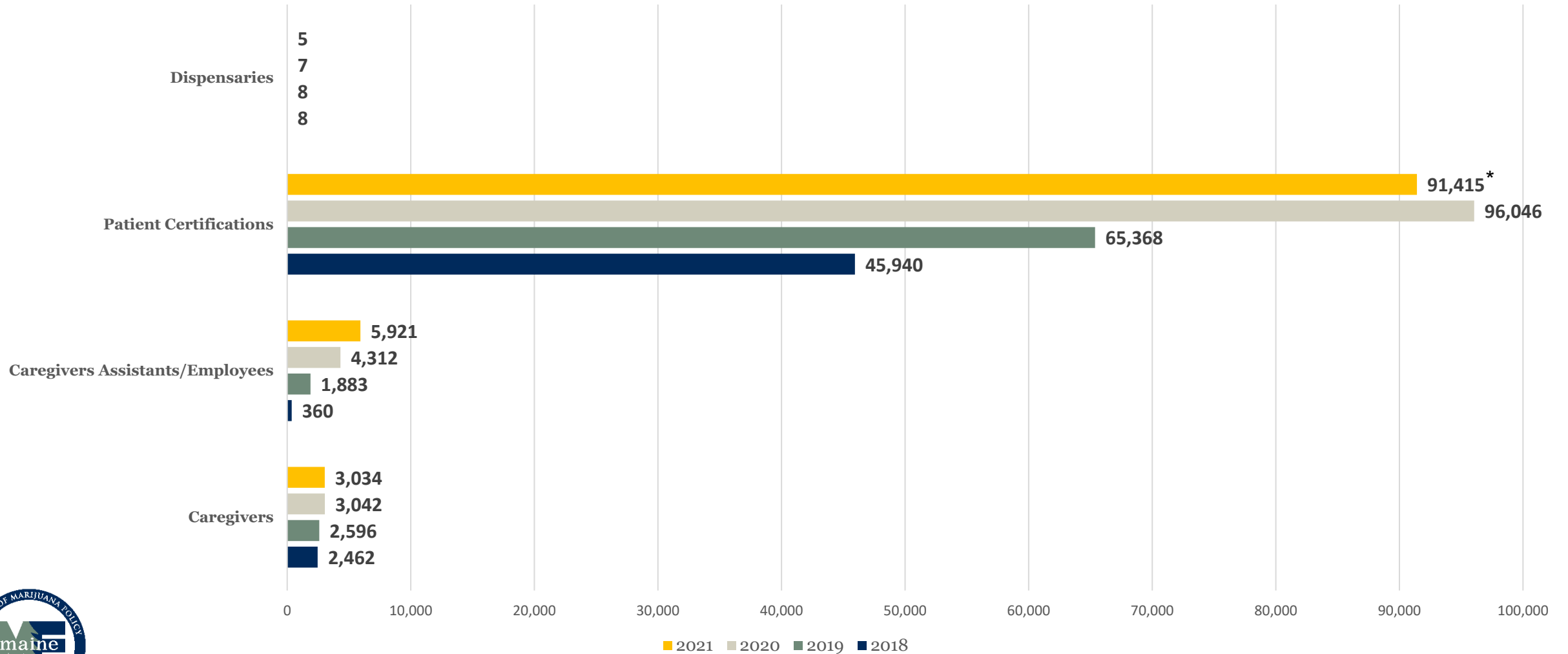
MMMP: The Role of Municipalities

- **Hybrid status in Maine's municipalities.**
- Must opt-in for establishments other than caregivers.
 - City Council in larger communities.
 - Town Meeting and/or referendum in smaller communities.
 - Facilities operating with municipal approval prior to December 13, 2018 grandfathered even if the town has not subsequently opted-in to the program.
- Limited role in state registration process.



MMMP: Registrations and Certification Numbers

Status of Adult Use Marijuana Establishment Applications
(as of October 1, 2021)



*Represents certifications issued January 1, 2021-October 31, 2021.



MMMP: Sales Tax Regime

- **Sales Tax:** Two different sales tax rates applied at retail.
 - State’s general 5.5 percent sales tax rate on flower, concentrates, and certain edibles.
 - Prepared foods rate of 8 percent on certain edibles.
- **Proceeds:** 100 percent to General Fund.
- **Revenue Forecast:** “...estimated \$16.5 million per year in GF revenue from the sales tax on medical marijuana sales.”



MMMP: Rulemaking

- **Major Substantive:** All MMMP regulations.
- **Rulemaking Activity:** Began in early 2021.
 - On hold following legislative action and work of Medical Marijuana Workgroup.
- **Goal:** Align outdated rule with current statutory requirements.
 - Packaging and labeling.
 - Inventory tracking.
 - Local regulation.
 - Security standards.



MMMP: Medical Marijuana Workgroup

- **Purpose:** Advise on regulatory issues, best practices in patient access and education, contribute to ongoing improvements in MMMP, fulfill the stakeholder engagement charges in Public Laws 2021, ch. 387 (LD 1242) and Resolves 2021, ch. 95 (LD 882).
- **Vision:** Prioritize Maine patients and Maine businesses while developing standards that work for all interested stakeholders.
- **Membership:** 17 Members Selected After Competitive Application Process
 - Six registered caregiver representatives;
 - Two registered dispensary representatives;
 - One marijuana testing facility representative;
 - One products manufacturing facility representative;
 - Three qualifying patients who are not also registered caregivers;
 - Two individuals representing municipalities in Maine; and
 - Two relevant health care professionals.



MMMP: Medical Marijuana Workgroup (cont.)

- **Next Steps**

- Continue Meeting
- Develop Report to Legislature
- Engage in Major Substantive Medical Marijuana Rulemaking

Date	Milestone
August 20, 2021	Workgroup Established, Application Process Announced
September 3, 2021	Workgroup Application Deadline
September 23, 2021	Workgroup Members Announced
September 28, 2021	First Meeting Convened
October 12, 2021	Second Meeting Convened
November 2, 2021	Third Meeting Convened
November 30, 2021	Fourth Meeting Scheduled

See more: <https://www.maine.gov/dafs/omp/workgroup>



OMP Special Projects and Initiatives

- Public Health and Safety Campaign
- Data Lake and Data Warehouse
- Stakeholder Engagement
- Cannabis Regulators Association
- Open Data/Transparency Initiative
- Ongoing System Enhancements



Public Health and Safety Campaign

- **Goals:** Youth education/prevention and adult risk reduction.
- **Vendor:** Rescue Agency Public Benefit, LLC

Date	Event
November 2021	Project Kickoff
Spring 2022	Adult-centric Message Packet
Summer 2022	Youth Education/Prevention Message Packet



RESCUE
The **Behavior Change** Agency®



Data Lake and Data Warehouse

- The Office continues surveying its partner state agencies to centralize marijuana-specific data.
- Partner Agencies
 - District Attorney: All Prosecutorial Districts
 - Maine Bureau of Highway Safety
 - Maine Center for Disease Control and Prevention
 - Behavioral Risk Factor Surveillance System Program
 - Maine Prevention Services: Domain 1
 - Maine Integrated Youth Health Survey Program
 - Pregnancy Risk Assessment Monitoring Program
 - Maine Department of Education
 - Maine Emergency Management Services
 - Northern New England Poison Control
 - Office of the Attorney General: Criminal Division



Stakeholder Engagement

Law Enforcement Workgroup

- Focused on better understanding needs of law enforcement agencies and what is occurring in their communities.
 - Future Law Enforcement and Municipal Training/Education Opportunities

Ongoing discussions about aligning data collection and reporting to inform policy decisions.

Public Health Workgroups

- Maine CDC Marijuana Workgroup
- Maine CDC Tobacco Laws Workgroup

Connects community-based public health professionals with regulators to discuss ongoing challenges and concerns.



Cannabis Regulators Association

- **Purpose:** Assists federal, state, and local jurisdictions that have approved or are weighing legalization of cannabis.
- **Founding Members:** 19 states, including Maine.
- **Subcommittees**

CANNRA
Cannabis Regulators Association



Open Data/Transparency Initiative

Guiding Principle #4: Strive to be transparent and clearly communicate with the public and stakeholders.

- **Current State:** AUMP Licensing, AUMP Sales, MMMP Generally
- **Potential Enhancements:** AUMP Testing Data, AUMP Compliance Data, Analysis of Public Health Data



Open Data/Transparency Initiative (AUMP Licensing)

Adult Use Applicant and Licensee Search

Enter full or partial name to filter list:

Filter by License Status:

License Type Counts: (based on filter selections)

■ Cultivation	213	■ Store	404
■ Manufacturing	105	■ Testing	5

Applicant and Licensee Information

License	License Type	License Name	Status	License Location, if known	
ACA549	Cultivation, Tier 1 (Canopy)	GREEN ENVY, LLC	Conditional	Waterboro, ME	●
ACA665	Cultivation, Tier 1 (Canopy)	CURALEAF MAINE ADULT USE INC.	Conditional	Auburn, ME	●
ACA671	Cultivation, Tier 1 (Canopy)	LINDA FRANCES VAIL	Conditional, Jurisdiction Approved	Orneville Township, ME	●
ACA675	Cultivation, Tier 1 (Canopy)	CM GENERAL INC.	Conditional	Ashland, ME	●
ACA682	Cultivation, Tier 1 (Canopy)	ORGANIC SELECT COMPANY, LLC	Conditional	Poland, ME	●
ACA692	Cultivation, Tier 1 (Canopy)	GREENWAY FARMS INC	Conditional, Jurisdiction Approved	Jackson, ME	●
ACA702	Cultivation, Tier 1 (Canopy)	PICKLE LIPS LLC	Conditional	Rockland, ME	●
ACA721	Cultivation, Tier 1 (Canopy)	STATE OF MIND CO.	Pending Conditional	Windham, ME	●
ACA733	Cultivation, Tier 1 (Canopy)	MULLEIN MEADOWS LLC	Conditional	Auburn, ME	●

Select an applicant/licensee from above to filter the map and view Principal and Owner information.

Location



Principals

Name	Description	Location	Associated Licenses
JACQUELINE LEE FAZIO	Officer	East Waterboro, ME	ACA549 GREEN ENVY, LLC

Owners

Name	Description	Location	Associated Licenses
JACQUELINE FAZIO	Individual Owner	East Waterboro, ME	ACA549 GREEN ENVY, LLC



Open Data/Transparency Initiative (AUMP Sales)

Retail Sales - Overview

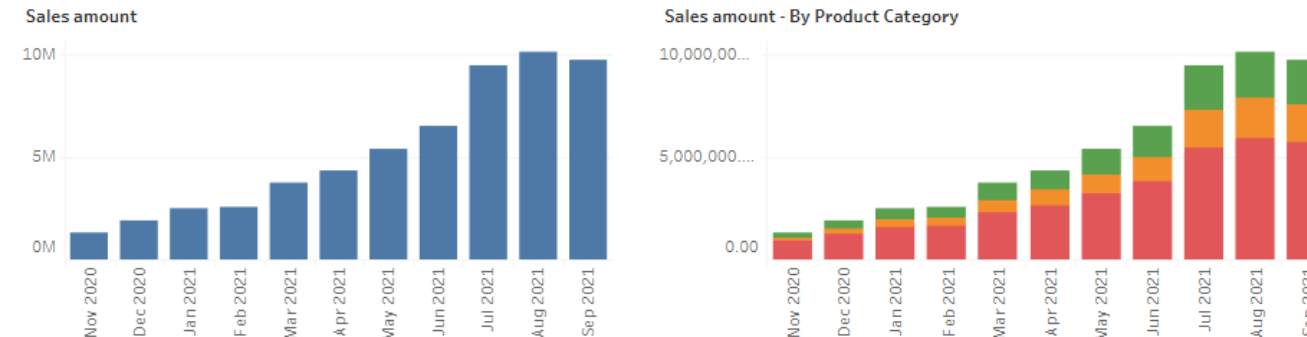
Sales Amount Month: September 2021	Number of Sales Transactions Month: September 2021	Average Price per Gram (Bud/Flower) Month: September 2021
\$9,727,996	132,981	\$12.46
Sales Amount Total Calendar Year to Date	Number of Sales Transactions Total Calendar Year to Date	Average Price per Gram (Bud/Flower) Average for Calendar Year to Date
\$54,260,794	726,092	\$13.18

Retail Sales - Annual Trend



Note: Annual data for 2021 represents calendar year 2021 to date and is not a full year.

Retail Sales - Previous 12 Months



Footnotes:

- 1) October 2020 data begins October 9, 2020 and does not represent a full calendar month.
- 2) Data is preliminary and subject to revisions and/or adjustments.
- 3) Transaction means number of receipts or overall purchases in a single customer transaction.
- 4) Sales Transactions by Product Category represents all line items on a receipt.

Item Category

- Concentrate
- Infused Product
- Usable Marijuana



Continued System Enhancements



STATE OF MAINE
Office of Marijuana Policy
Medical Use of Marijuana Program
Caregiver Application

SECTION 1: Caregiver Information.			
<input type="checkbox"/> New			
<input type="checkbox"/> Renewal of CGR _____			
<input type="checkbox"/> Modification to plant count for CGR _____			
<input type="checkbox"/> Change to canopy-based cultivation for CGR _____			
Legal Name:			
Date of Birth:		Telephone Number:	
Home Address:			
City:	State:	Zip:	
Mailing Address:			
City:	State:	Zip:	
Email Address (required):	SSN or Federal EIN:	Sales Tax Registration Number:	
SECTION 2A: Cultivation Location.			
Street Address:			
City:	State:	Zip:	
<input type="checkbox"/> Indoor OR <input type="checkbox"/> Outdoor. Please describe:			
SECTION 2B: Property Owner.			
Legal Name of Property Owner:			
Street Address:			
City:	State:	Zip:	

Regulatory Licensing & Permitting

MAINE MEDICAL USE OF MARIJUANA PROGRAM

[« Go Back to Main Menu](#)

Individual Options

Please select from the following options:

Apply for an Individual Caregiver Registration

You must be at least 21 years of age to hold an Individual Caregiver Registration. You must also have a Sales Tax...

[View more +](#)

Apply for a Registered Individual Card

Coming Soon...

Renew an Individual Caregiver Registration

Select this option to renew a license *prior to its expiration date*. If your registration has passed its expiration date, select the...

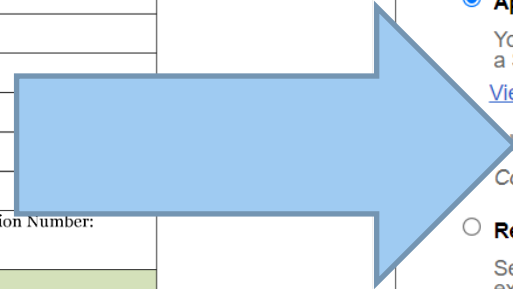
[View more +](#)

Upload Outstanding Application Documents

For applications in process, select this option to upload additional documentation.

[Continue](#)

Questions about this service? Contact MAINE MEDICAL USE OF MARIJUANA PROGRAM at: (207) 287-3282 or [email](#).



Ongoing System Enhancements (cont.)

- Continued Digitization of Licensing Process
 - 2019/2020: AUMP Licensing Online.
 - 2021: Caregivers Applications Online.
 - 2022: Caregiver Assistants and Dispensaries Online.
- Making Compliance Data More Accessible and Standardized
 - AT&T Workforce Manager Shield



The Ideal State

- **Medical Use:** Patient-centric program with testing.
- **Adult Use:** Consumer-centric program with testing and responsible avenues for access.
- **Generally:** Expand access to well-regulated marketplace for interested consumers and patients.



Questions?

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@MaineOMP