

§502. Operation of products manufacturing facilities

A products manufacturing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Manufacture only for sale or distribution to other licensees. Except as otherwise provided in this section, a products manufacturing facility may manufacture adult use cannabis and adult use cannabis products only for sale or distribution to cannabis stores or other products manufacturing facilities.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

2. Retail sale of adult use cannabis or adult use cannabis products without separate cannabis store license prohibited. A products manufacturing facility may not sell or offer to sell adult use cannabis or adult use cannabis products to consumers unless the products manufacturing facility licensee obtains from the department a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A products manufacturing facility may not give away adult use cannabis, adult use cannabis products or cannabis plants to a consumer.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

3. Cultivation of cannabis without separate cultivation facility license prohibited. A products manufacturing facility shall purchase all cannabis necessary for its manufacturing processes from a cultivation facility and may not engage in the cultivation of cannabis unless the products manufacturing facility licensee obtains from the department a separate license to operate a cultivation facility and otherwise meets all applicable requirements under this chapter and under the rules adopted pursuant to this chapter concerning the operation of cultivation facilities.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

4. Use of shared facility for manufacture of adult use cannabis products and cannabis products for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary may manufacture adult use cannabis and adult use cannabis products pursuant to this chapter within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The following items or areas within the shared facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use:

(1) Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;

(2) Manufacturing-related and nonmanufacturing-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. The department shall adopt rules governing the use of a shared facility by a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary, including, but not limited to, requirements for the maintenance of a log or other record relating to the use of the shared facility space, shared equipment and shared supplies or products to ensure compliance with the requirements of this chapter and the rules adopted pursuant to this chapter and the requirements of the Maine Medical Use of Cannabis Act. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV); PL 2021, c. 669, §5 (REV).]

5. Sampling by employees. A products manufacturing facility licensee and its employees may sample adult use cannabis and adult use cannabis products manufactured at the licensed premises of the products manufacturing facility for the purposes of product quality control and product research and development only. The licensee may not otherwise allow the consumption of adult use cannabis or adult use cannabis products within the licensed premises. The sampling of adult use cannabis and adult use cannabis products authorized under this subsection may not involve the consumption of cannabis or cannabis products by means of smoking the cannabis or cannabis products. For the purposes of this subsection, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

6. Sampling by other licensees. A products manufacturing facility licensee may provide samples of adult use cannabis and adult use cannabis products manufactured at the licensed premises to another products manufacturing facility licensee or to a cannabis store licensee for business or marketing purposes only. Samples provided by a products manufacturing facility to other licensees under this subsection may not be consumed within the licensed premises of the products manufacturing facility.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

7. Cannabis extraction. Subject to the requirements and restrictions of this subsection, a products manufacturing facility licensee may manufacture cannabis concentrate by cannabis extraction using water, lipids, gases, solvents or other chemicals or chemical processes.

A. A products manufacturing facility licensee may engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance if:

- (1) The solvent or other chemical or chemical process is listed by the department by rule as approved for use in cannabis extraction; or
- (2) The products manufacturing facility licensee requests and obtains from the department written approval to engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance and that is not listed by the department by rule as approved for use in cannabis extraction.

The department shall adopt by rule a list of those solvents or other chemicals or chemical processes that are not and do not contain an inherently hazardous substance that the department approves for use in cannabis extraction by products manufacturing facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. A products manufacturing facility licensee may not engage in cannabis extraction involving the use of any inherently hazardous substance unless:

- (1) The licensee submits to the department a request for approval of the cannabis extraction method the facility plans to engage in that includes a description of the proposed cannabis extraction method and a certification from an industrial hygienist or professional engineer following a review of the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems; and
- (2) The department approves in writing the proposed cannabis extraction method.

The department, within 14 days of receipt of a request for approval under this paragraph, shall notify the products manufacturing facility licensee in writing whether the request is approved or denied. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

8. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or distributed by a products manufacturing facility must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted pursuant to subchapter 7.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

9. Compliance with sanitary standards. All areas within the licensed premises of a products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured must meet all sanitary standards specified in rules adopted by the department.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

10. Commercial kitchen license. A products manufacturing facility licensee must obtain a commercial kitchen license for any area within the licensed premises of the products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured and for which the department requires a products manufacturing facility licensee to obtain a commercial kitchen license. The department shall adopt rules requiring certain areas within the licensed premises of a products manufacturing facility to be licensed as commercial kitchens based upon the types of manufacturing processes conducted within those areas.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

11. Refrigeration. A products manufacturing facility licensee shall store and transport in a refrigerated environment all adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage. The department shall adopt rules regarding the storage and transportation of adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

12. Testing. A products manufacturing facility licensee may test cannabis and cannabis products within its licensed premises for research and development purposes, quality control purposes and health and safety purposes. Testing performed by a products manufacturing facility licensee within its licensed premises is not subject to the requirements for testing facilities under section 503 but does not satisfy the mandatory testing requirements of subchapter 6.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

13. Tracking. In accordance with the requirements of section 105, a products manufacturing facility licensee shall track the adult use cannabis it uses in its manufacturing processes from the point the cannabis is delivered or transferred to the products manufacturing facility by a cultivation facility to the point the cannabis or cannabis concentrate or an adult use cannabis product produced using the cannabis or cannabis concentrate is delivered or transferred to another products manufacturing facility, a testing facility or a cannabis store or is disposed of or destroyed. If a products manufacturing facility licensee receives a return of cannabis, cannabis concentrate or an adult use cannabis product from another products manufacturing facility or a cannabis store, the products manufacturing facility licensee shall track the cannabis, cannabis concentrate or adult use cannabis product until transferred, whether in its original form or as a cannabis product, to another products manufacturing facility or a cannabis store or disposed of or destroyed.
[PL 2023, c. 396, §7 (AMD).]

14. Return of cannabis plant, flower or trim. Notwithstanding any provision of law to the contrary, a products manufacturing facility licensee may return a cannabis plant, cannabis flower or cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or cannabis trim

was received, as long as the products manufacturing facility licensee tracks the cannabis plant, cannabis flower or cannabis trim until transferred to the cultivation facility and as long as the cultivation facility accepts returns.

[PL 2023, c. 396, §8 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§7, 8 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.