

CHAPTER 558-C

MAINE MEDICAL USE OF CANNABIS ACT

§2421. Short title

This chapter may be known and cited as "the Maine Medical Use of Cannabis Act." [PL 2009, c. 631, §7 (AMD); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §7 (AMD). PL 2009, c. 631, §51 (AFF). PL 2021, c. 669, §5 (REV).

§2421-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 679, Pt. A, §3 (NEW).]

1. Assistant. "Assistant" means an individual who is paid to perform a service for a registrant, whether as an employee or independent contractor, in accordance with this chapter. [PL 2023, c. 679, Pt. A, §3 (NEW).]

2. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. [PL 2023, c. 679, Pt. A, §3 (NEW).]

3. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. [PL 2023, c. 679, Pt. A, §3 (NEW).]

4. Cannabis Legalization Act. "Cannabis Legalization Act" means the laws governing adult use of cannabis under Title 28-B, chapter 1. [PL 2023, c. 679, Pt. A, §3 (NEW).]

5. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:

A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; [PL 2023, c. 679, Pt. A, §3 (NEW).]

B. Isomerization devices used for adjusting the potency of a cannabis plant; [PL 2023, c. 679, Pt. A, §3 (NEW).]

C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis; [PL 2023, c. 679, Pt. A, §3 (NEW).]

D. Scales and balances used for weighing or measuring harvested cannabis; [PL 2023, c. 679, Pt. A, §3 (NEW).]

E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis; [PL 2023, c. 679, Pt. A, §3 (NEW).]

F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use; [PL 2023, c. 679, Pt. A, §3 (NEW).]

G. Containers and other objects used for storing harvested cannabis; [PL 2023, c. 679, Pt. A, §3 (NEW).]

H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking; [PL 2023, c. 679, Pt. A, §3 (NEW).]

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and [PL 2023, c. 679, Pt. A, §3 (NEW).]

J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device. [PL 2023, c. 679, Pt. A, §3 (NEW).]

[PL 2023, c. 679, Pt. A, §3 (NEW).]

6. Cannabis plant. "Cannabis plant" means a plant of the genus *Cannabis sativa* L. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

7. Cannabis product. "Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

8. Cannabis testing facility. "Cannabis testing facility" means a public or private laboratory that is:

A. Authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [PL 2023, c. 679, Pt. A, §3 (NEW).]

B. Accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the office. [PL 2023, c. 679, Pt. A, §3 (NEW).]

[PL 2023, c. 679, Pt. A, §3 (NEW).]

9. Cannabis tincture. "Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

10. Cardholder. "Cardholder" means an individual who has been issued and possesses a valid registry identification card.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

11. Caregiver. "Caregiver" means an individual who provides care for a qualifying patient in accordance with this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

12. Caregiver retail store. "Caregiver retail store" means a store authorized in accordance with this chapter and used by a registered caregiver to sell cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and other items to the general public at a fixed location.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

13. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

14. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [RR 2023, c. 2, Pt. A, §31 (COR).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2023, c. 679, Pt. A, §3 (NEW).]
[RR 2023, c. 2, Pt. A, §31 (COR).]

15. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

16. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the office all application forms required and provided by the office; [PL 2023, c. 679, Pt. A, §3 (NEW).]

B. If required by the office pursuant to this chapter, the applicant has submitted to a criminal history record check; [PL 2023, c. 679, Pt. A, §3 (NEW).]

C. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the office documentation of the registration; and [PL 2023, c. 679, Pt. A, §3 (NEW).]

D. If applying for a registration certificate for a dispensary, the applicant has submitted to the office documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary. [PL 2023, c. 679, Pt. A, §3 (NEW).]

[PL 2023, c. 679, Pt. A, §3 (NEW).]

17. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

18. Department. "Department" means the Department of Administrative and Financial Services.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

19. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier; [PL 2023, c. 679, Pt. A, §3 (NEW).]

B. An offense that consisted of conduct that would have been permitted under this chapter; or [PL 2023, c. 679, Pt. A, §3 (NEW).]

C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B. [PL 2023, c. 679, Pt. A, §3 (NEW).]
[PL 2023, c. 679, Pt. A, §3 (NEW).]

20. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

21. Harvested cannabis. "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

22. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

23. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

24. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

25. Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with this chapter.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

26. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.
[PL 2023, c. 679, Pt. A, §3 (NEW).]

27. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction in accordance with this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

28. Mature cannabis plant. "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

29. Mature plant canopy. "Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

30. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

31. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

32. Member of the family. "Member of the family" means an individual who is a resident of the State and who is a spouse, domestic partner, child, sibling, sibling of a parent, child of a sibling, parent, stepparent, grandparent or grandchild of another individual.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

33. Members of the same household. "Members of the same household" means 2 or more individuals who are residents of the State and who reside in a shared dwelling unit.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

34. Minor. "Minor" means a person who has not attained 21 years of age.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

35. Office. "Office" means the Office of Cannabis Policy established in Title 28-B, section 104-A within the department.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

36. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other individual holding a management position or ownership interest in the organization.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

37. Physician. "Physician" means an individual licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an individual licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

38. Physician assistant. "Physician assistant" means an individual licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an individual licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

39. Qualifying patient. "Qualifying patient" means an individual who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

40. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the office pursuant to this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

41. Registered dispensary. "Registered dispensary" means an entity registered in accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and the caregivers of those patients.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

42. Registrant. "Registrant" means a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

43. Registrant agent. "Registrant agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

44. Registration certificate. "Registration certificate" means a document issued by the office that identifies a person who has registered with the office in accordance with this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

45. Registry identification card. "Registry identification card" means a document issued by the office that identifies an individual who has registered with the office in accordance with this chapter.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

46. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis for medical use is transferred or furnished by that person to another person.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

47. Sample. "Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

48. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

- A. Not flowering; [PL 2023, c. 679, Pt. A, §3 (NEW).]
- B. Less than 24 inches in height; and [PL 2023, c. 679, Pt. A, §3 (NEW).]
- C. Less than 24 inches in width. [PL 2023, c. 679, Pt. A, §3 (NEW).]

[PL 2023, c. 679, Pt. A, §3 (NEW).]

49. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

50. Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

51. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters.

As used in this subsection, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider. [PL 2023, c. 679, Pt. A, §3 (NEW).]

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider. [PL 2023, c. 679, Pt. A, §3 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider. [PL 2023, c. 679, Pt. A, §3 (NEW).]

D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time. [PL 2023, c. 679, Pt. A, §3 (NEW).]

[PL 2023, c. 679, Pt. A, §3 (NEW).]

52. Timely filed. "Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the office no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

53. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State and who is not a resident of the State or who has been a resident of the State less than 30 days.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

54. Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient, or a digital image of that document issued by the medical provider that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

[PL 2023, c. 679, Pt. A, §3 (NEW).]

SECTION HISTORY

PL 2023, c. 679, Pt. A, §3 (NEW). RR 2023, c. 2, Pt. A, §31 (COR).

§2422. Definitions**(REPEALED)**

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§8-19 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§1-15 (AMD). PL 2013, c. 361, §1 (AMD). PL 2013, c. 396, §1 (AMD). PL 2013, c. 503, §1 (AMD). PL 2013, c. 516, §§1-5 (AMD). PL 2015, c. 475, §§1-5 (AMD). PL 2017, c. 409, Pt. E, §2 (AMD). PL 2017, c. 447, §§1-3 (AMD). PL 2017, c. 452, §3 (AMD). PL 2019, c. 217, §1 (AMD). PL 2019, c. 256, §1 (AMD). PL 2019, c. 331, §§1-4 (AMD). PL 2019, c. 528, §§12-16 (AMD). PL 2021, c. 251, §§1-3 (AMD). PL 2021, c. 293, Pt. A, §§25, 26 (AMD). PL 2021, c. 662, §§1-8 (AMD). PL 2021, c. 669, §3 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §33 (AMD). PL 2023, c. 6, §1 (AMD). PL 2023, c. 679, Pt. A, §4 (RP).

§2422-A. Administration and enforcement; rulemaking

1. Administration and enforcement. The department shall administer and enforce this chapter and the rules adopted pursuant to this chapter.

[PL 2023, c. 365, §1 (RPR).]

2. Rules. The department shall adopt rules as necessary to administer and enforce this chapter. Unless otherwise indicated, rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. These rules may include, but are not limited to, minimum oversight requirements for dispensaries and registered caregivers and minimum security requirements for dispensaries and registered caregivers operating retail stores.

A. Before adopting or provisionally adopting rules pursuant to this section, the department shall consult with qualifying patients, caregivers, registered caregivers, registered dispensaries, cannabis testing facilities, manufacturing facilities and medical providers. [PL 2023, c. 365, §1 (RPR).]

B. Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the department in accordance with this section and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption is enacted into law. [PL 2023, c. 365, §1 (NEW).]

[PL 2023, c. 365, §1 (RPR).]

SECTION HISTORY

PL 2017, c. 409, Pt. E, §3 (NEW). PL 2021, c. 387, §1 (AMD). PL 2021, c. 652, §1 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 96, §1 (AMD). PL 2023, c. 365, §1 (RPR).

§2423. Protections for the medical use of marijuana**(REPEALED)**

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §20 (RP). PL 2009, c. 631, §51 (AFF).

§2423-A. Authorized conduct for the medical use of cannabis**(CONFLICT)**

1. Qualifying patient. Except as provided in section 2426, a qualifying patient may:

A. Possess up to 8 pounds of harvested cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature cannabis plants, 12 immature cannabis plants and unlimited seedlings for that qualifying patient. The total number of mature cannabis

plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own cannabis plants may share not more than 2 cultivation areas; [PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

C. Possess cannabis paraphernalia; [PL 2009, c. 631, §21 (NEW); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of cannabis up to 2 1/2 ounces of harvested cannabis for no remuneration; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

E. [PL 2017, c. 452, §4 (RP).]

F. [PL 2017, c. 452, §4 (RP).]

F-1. Obtain or receive harvested cannabis for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:

(1) A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate cannabis plants for the patient;

(2) A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested cannabis. A long-term care facility that is designated by a patient may not be designated to cultivate cannabis plants for the patient;

(3) A person in order to have that person obtain harvested cannabis on behalf of the qualifying patient or transport the harvested cannabis to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and

(4) A caregiver in order to have that caregiver possess and administer harvested cannabis for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.

A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature cannabis plants and immature cannabis plants the caregiver is cultivating for the patient; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

F-2. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient; [PL 2017, c. 452, §4 (NEW).]

G. Be in the presence or vicinity of the medical use of cannabis and assist any qualifying patient with using or administering harvested cannabis; [PL 2019, c. 331, §5 (AMD); PL 2021, c. 669, §5 (REV).]

H. Accept cannabis plants or harvested cannabis from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary; [PL 2019, c. 331, §6 (RPR); PL 2021, c. 669, §5 (REV).]

I. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2017, c. 447, §5 (AMD); PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

J. Manufacture cannabis products and cannabis concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §7 (RPR); PL 2021, c. 669, §5 (REV).]

K. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the qualifying patient provided to the manufacturing facility; [PL 2019, c. 331, §8 (RPR); PL 2021, c. 669, §5 (REV).]

L. Transport cannabis plants or harvested cannabis for a qualifying patient's medical use of cannabis in accordance with this chapter; and [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

M. Use harvested cannabis in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested cannabis. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer. [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy; [PL 2021, c. 662, §10 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §4 (RP).]

C-1. Assist a qualifying patient with the patient's medical use of cannabis; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

D. [PL 2017, c. 452, §4 (RP).]

E. Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

F. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis; [PL 2011, c. 407, Pt. B, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §9 (RPR); PL 2021, c. 669, §5 (REV).]

H. [PL 2017, c. 452, §4 (RP).]

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver; [PL 2021, c. 367, §1 (AMD).]

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J)

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver; [PL 2021, c. 367, §2 (NEW).]

J. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Use a pesticide in the cultivation of cannabis plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

K. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration; [PL 2021, c. 662, §11 (AMD); PL 2021, c. 669, §5 (REV).]

K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient; [PL 2021, c. 367, §3 (AMD); PL 2021, c. 669, §5 (REV).]

L. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2019, c. 331, §10 (RPR); PL 2021, c. 669, §5 (REV).]

M. Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §11 (RPR); PL 2021, c. 669, §5 (REV).]

N. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the caregiver provided to the manufacturing facility; [PL 2019, c. 331, §12 (RPR); PL 2021, c. 669, §5 (REV).]

O. Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter; [PL 2023, c. 6, §2 (AMD).]

Q. Be organized as any type of legal business entity recognized under the laws of the State, including, but not limited to, a limited liability company, partnership or limited liability partnership; and [PL 2023, c. 679, Pt. A, §5 (AMD).]

R. [PL 2021, c. 662, §14 (RP).]

S. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient, caregiver or registered dispensary for a qualifying patient's medical use of cannabis. [PL 2023, c. 6, §4 (NEW).]

[PL 2023, c. 679, Pt. A, §5 (AMD).]

3. Cultivation of cannabis. The following provisions apply to the cultivation of cannabis plants by a qualifying patient under subsection 1 and a caregiver under subsection 2.

A. A patient who elects to cultivate cannabis plants must keep the plants in a cultivation area unless the plants are being transported pursuant to subsection 1, paragraph L. Access to a cultivation area is limited to the patient, except that emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the patient. [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. A caregiver cultivating cannabis plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O. The cultivation area must be enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

(1) The caregiver shall ensure that the mature cannabis plants, immature cannabis plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants and seedlings may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.

(2) Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a cannabis testing

facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver. [PL 2023, c. 679, Pt. A, §6 (AMD).]

B-1. Except as provided in paragraph C, a caregiver is required to register with the department. [PL 2017, c. 452, §4 (NEW).]

C. The following caregivers are not required to register with the department:

- (1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver;
- (2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and
- (3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. [PL 2017, c. 452, §4 (AMD).]

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

- (1) Cultivate cannabis plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature cannabis plants and 12 immature cannabis plants for each qualifying patient who has designated the caregiver to cultivate cannabis plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested cannabis;
- (4) Sell cannabis plants or harvested cannabis at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q. [PL 2019, c. 217, §3 (AMD); PL 2021, c. 669, §5 (REV).]

D. Two caregivers who are members of the same family or household may share not more than 2 cultivation areas. [PL 2021, c. 662, §16 (AMD).]

E. A person who is authorized to cultivate cannabis plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own cannabis plants in a cultivation area of the caregiver who employs that person. [PL 2021, c. 662, §17 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. A, §6 (AMD).]

4. Long-term care facility. A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of cannabis if that use is consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1, subparagraph (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate cannabis plants for the patient.

[PL 2019, c. 501, §12 (AMD); PL 2021, c. 669, §5 (REV).]

4-A. Use and storage in inpatient long-term care facility permitted. A qualifying patient who is a resident of a long-term care facility while in the facility may use forms of harvested cannabis consistent with the facility's policy. A qualifying patient who uses a form of harvested cannabis pursuant to this subsection may store the harvested cannabis in the qualifying patient's room and is not required to obtain a registry identification card or to designate the long-term care facility under subsection 1, paragraph F-1, subparagraph (2). A long-term care facility is not required to be designated by a qualifying patient who uses harvested cannabis pursuant to this subsection. This subsection does not limit the ability of a long-term care facility to prohibit or restrict the use or storage of harvested cannabis by a qualifying patient.

[PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

5. Incidental amount of marijuana.

[PL 2017, c. 452, §4 (RP).]

6. Onsite assessments by the department.

[PL 2011, c. 407, Pt. B, §16 (RP).]

7. Excess marijuana; forfeiture.

[PL 2017, c. 452, §4 (RP).]

8. Repeat forfeiture.

[PL 2017, c. 452, §4 (RP).]

9. (REALLOCATED FROM T. 22, §2423-A, sub-§7) Collectives prohibited.

[PL 2017, c. 452, §4 (RP).]

10. Cannabis testing facility. The following provisions apply to a cannabis testing facility.

A. A cannabis testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

B. An assistant of a cannabis testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. An assistant of a cannabis testing facility must be 21 years of age or older. [PL 2021, c. 367, §7 (AMD); PL 2021, c. 669, §5 (REV).]

C. A cannabis testing facility shall:

- (1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;
- (2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;
- (3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only";
- (4) Maintain testing results as part of the facility's business books and records; and
- (5) Operate in accordance with any rules adopted by the department. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major

substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing cannabis testing facilities, including but not limited to:

- (1) Cannabis testing facility officer or director qualification requirements;
- (2) Required security for cannabis testing facilities; and
- (3) Requirements for the registration, certification or other approval of cannabis testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §2 (RPR); PL 2021, c. 669, §5 (REV).]

D-1. Upon the adoption of rules pursuant to paragraph D and this paragraph, a cannabis testing facility must be certified by the certification program established pursuant to section 569 as meeting all operational and technical requirements in accordance with rules adopted by the department after consultation with the Maine Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A cannabis testing facility operating in compliance with this chapter on the date of the adoption of rules pursuant to this paragraph and paragraph D may continue to operate pending completion of certification under this paragraph. The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §3 (AMD); PL 2021, c. 669, §5 (REV).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 646, Pt. A, §25)** A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. [PL 2023, c. 646, Pt. A, §25 (RPR).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 679, Pt. A, §7)** A cannabis testing facility shall obtain and must be able to produce, upon demand of the office or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. [PL 2023, c. 679, Pt. A, §7 (RPR).]

F. The department and the Maine Center for Disease Control and Prevention may inspect a cannabis testing facility during regular business hours and hours of apparent activity for compliance with this chapter. [PL 2019, c. 354, §6 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2023, c. 646, Pt. A, §25 (AMD); PL 2023, c. 679, Pt. A, §7 (AMD).]

11. Immunity.

[PL 2019, c. 331, §14 (RP).]

12. Interest. A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a cannabis testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.

[PL 2019, c. 331, §15 (RPR); PL 2021, c. 669, §5 (REV).]

13. Moratorium ordinance.

[PL 2017, c. 447, §13 (RP); PL 2017, c. 452, §4 (RP); MRSA T. 22 §2423-A, sub-§13 (RP).]

14. Municipal regulation.

[PL 2019, c. 331, §16 (RP).]

SECTION HISTORY

PL 2009, c. 631, §21 (NEW). PL 2009, c. 631, §51 (AFF). RR 2011, c. 1, §31 (COR). PL 2011, c. 383, §1 (AMD). PL 2011, c. 407, Pt. B, §16 (AMD). RR 2013, c. 1, §§39, 40 (COR). PL 2013, c. 371, §§1-3 (AMD). PL 2013, c. 374, §1 (AMD). PL 2013, c. 393, §§1-3 (AMD). PL 2013, c. 396, §§2-8 (AMD). PL 2013, c. 424, Pt. G, §1 (AMD). PL 2013, c. 424, Pt. G, §2 (AFF). PL 2013, c. 498, §1 (AMD). PL 2013, c. 501, §1 (AMD). PL 2013, c. 516, §§6, 7 (AMD). PL 2013, c. 520, §1 (AMD). PL 2013, c. 588, Pt. A, §§25, 26 (AMD). PL 2013, c. 588, Pt. D, §3 (AMD). PL 2015, c. 475, §§6-14 (AMD). PL 2017, c. 271, §1 (AMD). PL 2017, c. 447, §§4-14 (AMD). PL 2017, c. 452, §4 (AMD). PL 2019, c. 217, §§2, 3 (AMD). PL 2019, c. 256, §2 (AMD). PL 2019, c. 331, §§5-16 (AMD). PL 2019, c. 354, §§2-6 (AMD). PL 2019, c. 501, §12 (AMD). PL 2021, c. 367, §§1-7 (AMD). PL 2021, c. 387, §§2, 3 (AMD). PL 2021, c. 662, §§9-17 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§2-4 (AMD). PL 2023, c. 365, §2 (AMD). PL 2023, c. 405, Pt. A, §57 (AMD). PL 2023, c. 646, Pt. A, §25 (AMD). PL 2023, c. 679, Pt. A, §§5-7 (AMD).

§2423-B. Authorized conduct by a medical provider

A medical provider may provide a written certification in accordance with this section for the medical use of cannabis under this chapter and, after having done so, may otherwise state that in the medical provider's professional opinion a qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis. [PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

1. Adult qualifying patient. Prior to providing written certification for the medical use of cannabis under this section, a medical provider shall inform an adult qualifying patient or the patient's legal guardian or representative of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis. [PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

2. Minor qualifying patient.
[PL 2017, c. 452, §5 (RP).]

2-A. Minor qualifying patient. A medical provider who provides a written certification to a patient who has not attained 18 years of age shall:

- A. Prior to providing written certification, inform the qualifying patient and the parent, legal guardian or person having legal custody of the patient of the risks and benefits of the medical use of cannabis and that the patient may benefit from the medical use of cannabis; and [PL 2021, c. 662, §18 (AMD); PL 2021, c. 669, §5 (REV).]
- B. [PL 2021, c. 662, §18 (RP).]
- C. [PL 2021, c. 662, §18 (RP).]
- D. [PL 2021, c. 662, §18 (RP).]
- E. Provide the parent, legal guardian or person having legal custody of the qualifying patient with a reliable method of communicating with the medical provider at all times, including when the medical provider's office is closed, regarding the proper dosage of and mitigation of any side effects caused by cannabis used by the qualifying patient for medical purposes. [PL 2021, c. 662, §18 (NEW); PL 2021, c. 669, §5 (REV).]

The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A as necessary to implement the requirements of this subsection. [PL 2021, c. 662, §18 (AMD); PL 2021, c. 669, §5 (REV).]

2-B. Adult and minor patients with substance use disorder. Prior to providing written certification for the medical use of cannabis under this section for a medical diagnosis of substance use

disorder that, in the medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis, the medical provider shall develop a recovery plan with the patient. For purposes of this subsection, "substance use disorder" means a diagnosis related to alcohol or drug abuse covered by Title 5, chapter 521.

[PL 2017, c. 452, §5 (NEW); PL 2021, c. 669, §5 (REV).]

2-C. Bona fide provider-patient relationship. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the patient's medical history. If a patient has not provided a medical provider who is not the patient's primary care provider with the name and contact information of the patient's primary care provider, a medical provider shall conduct an in-person consultation with the patient prior to providing a written certification.

[PL 2017, c. 452, §5 (NEW).]

3. Expiration. A written certification form for the medical use of cannabis under this section is valid for the term provided by the qualifying patient's medical provider, which must be included in the written certification and which may not exceed one year.

[PL 2021, c. 662, §19 (AMD); PL 2021, c. 669, §5 (REV).]

4. Form; content; digital image. A written certification under this section must be issued on tamper-resistant paper provided by the department in the form required by rule adopted by the department and may not require a qualifying patient's medical provider to state the patient's specific medical diagnosis. A medical provider may also provide to a qualifying patient a digital image of the patient's written certification document as long as the document portrayed in the digital image is identical to the document issued by the medical provider and the information contained in the document is legible in the digital image.

[PL 2021, c. 662, §20 (AMD).]

5. Possible sanctions. Nothing in this chapter prevents a professional licensing board from sanctioning a medical provider for failing to properly evaluate or treat a patient's medical diagnosis or otherwise violating the applicable standard of care for evaluating or treating medical diagnoses.

[PL 2017, c. 452, §5 (AMD).]

6. Certification issued based on medical diagnosis. A medical provider may not condition the issuance of a written certification for the medical use of cannabis on any requirements other than that the patient's medical diagnosis may be alleviated by the therapeutic or palliative medical use of cannabis. Nothing in this section may be construed to prevent a medical provider from exercising professional judgment in declining to issue a certification for the medical use of cannabis.

[PL 2017, c. 452, §5 (AMD); PL 2021, c. 669, §5 (REV).]

7. Patient referral disclosure of interest. Prior to providing a referral to a qualifying patient for goods and services associated with a certification for the medical use of cannabis to an entity in which the medical provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.

[PL 2015, c. 475, §15 (NEW); PL 2021, c. 669, §5 (REV).]

8. Continuing medical education. A medical provider who has not previously provided a written certification to a qualifying patient for the medical use of cannabis shall, prior to providing a written certification to a qualifying patient, submit evidence, satisfactory to the department, of successful completion of a one-hour course of continuing medical education relating to medical cannabis within the preceding 24 months.

[PL 2017, c. 452, §5 (NEW); PL 2021, c. 669, §5 (REV).]

9. Telehealth. A medical provider who provides written certifications for the medical use of cannabis under this section may use telehealth services to consult with a patient subject to the following conditions:

A. A medical provider using telehealth services to consult with a patient seeking a written certification for the medical use of cannabis under this section shall engage in a synchronous encounter with a patient before providing a written certification or renewal of a written certification; and [PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

B. A medical provider who provides written certifications for the medical use of cannabis and uses telehealth services to consult with patients shall operate within the standards of practice determined by the licensing board for that medical provider. [PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §21 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §22 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §17 (RPR). PL 2013, c. 516, §8 (AMD). PL 2015, c. 475, §15 (AMD). PL 2017, c. 409, Pt. E, §4 (AMD). PL 2017, c. 452, §5 (AMD). PL 2021, c. 387, §4 (AMD). PL 2021, c. 662, §§18-21 (AMD). PL 2021, c. 669, §5 (REV).

§2423-C. Authorized conduct

Notwithstanding chapter 262-A, a person may provide a caregiver or a registered dispensary with cannabis paraphernalia for purposes of a qualifying patient's medical use of cannabis in accordance with this chapter. A person may be in the presence or vicinity of the medical use of cannabis as allowed under this chapter. [PL 2023, c. 6, §5 (AMD).]

SECTION HISTORY

PL 2009, c. 631, §23 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §18 (AMD). PL 2017, c. 452, §6 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §5 (AMD).

§2423-D. Authorized conduct by a visiting qualifying patient

A visiting qualifying patient from another jurisdiction that authorizes the medical use of cannabis pursuant to a law recognized by the department who possesses a valid medical cannabis certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter, except that a visiting qualifying patient may not: [PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

1. Cultivate. Cultivate cannabis plants;

[PL 2017, c. 452, §7 (NEW); PL 2021, c. 669, §5 (REV).]

2. Possess. Possess more than 2 1/2 ounces of harvested cannabis in a 15-day period; or

[PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

3. Transfer or furnish. Transfer or furnish harvested cannabis to another person.

[PL 2019, c. 209, §1 (AMD); PL 2021, c. 669, §5 (REV).]

4. Obtain.

[PL 2019, c. 209, §1 (RP).]

The department shall maintain a list of other jurisdictions that authorize the medical use of cannabis and the images of the valid medical cannabis certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries. [PL 2019, c. 209, §1 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §24 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §19 (AMD). PL 2013, c. 516, §9 (AMD). PL 2017, c. 452, §7 (AMD). PL 2019, c. 209, §1 (AMD). PL 2021, c. 669, §5 (REV).

§2423-E. Requirements

(REPEALED)

SECTION HISTORY

PL 2009, c. 631, §25 (NEW). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §20 (AMD). PL 2015, c. 475, §§16-18 (AMD). PL 2017, c. 252, §1 (AMD). PL 2017, c. 452, §8 (RP).

§2423-F. Cannabis manufacturing facilities

A person may not manufacture cannabis products or cannabis concentrate or engage in cannabis extraction except as provided in this chapter. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

1. Tier 1 manufacturing facility. A tier 1 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 40 pounds of harvested cannabis. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

2. Tier 2 manufacturing facility. A tier 2 manufacturing facility registered pursuant to subsection 8 may engage in the activities authorized under subsection 4 in accordance with rules adopted pursuant to subsection 10 and may possess up to 200 pounds of harvested cannabis. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

3. Authorization for extraction using inherently hazardous substances. This subsection governs the authority of a person to engage in cannabis extraction using inherently hazardous substances in accordance with subsection 5.

A. A qualifying patient, caregiver, registered dispensary or manufacturing facility may engage in cannabis extraction using inherently hazardous substances if the person can produce, upon demand of the department:

- (1) Certification from a professional engineer licensed in this State of the safety of the equipment used for cannabis extraction and the location of the equipment and the professional engineer's approval of the standard operating procedures for the cannabis extraction;
- (2) Documentation from a professional engineer licensed in this State or a state or local official authorized to certify compliance that the equipment used for cannabis extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes and fire codes, including the chapters of the most recent National Fire Protection Association Fire Code relating to cannabis extraction facilities;
- (3) Documentation from the manufacturer of the cannabis extraction system or a professional engineer licensed in this State showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce cannabis concentrate is used by the person; and
- (4) Evidence that the person has provided notice to the department of the person's intent to engage in cannabis extraction using inherently hazardous substances and the location where the cannabis extraction will occur prior to engaging in cannabis extraction using inherently hazardous substances.

A person that intends to engage in cannabis extraction using inherently hazardous substances shall notify the department of that intention prior to engaging in cannabis extraction using inherently hazardous substances. The department may deny an application of a person authorized under this

paragraph to register pursuant to rules adopted under subsection 10 if the person did not notify the department in accordance with this paragraph. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. A person that is not a qualifying patient, caregiver or dispensary and that meets the requirements of a person authorized under paragraph A, pays the fee required by section 2425-A, subsection 10 and meets the requirements of rules adopted under subsection 10 is authorized to engage in cannabis extraction using inherently hazardous substances and may possess up to 40 pounds of harvested cannabis in accordance with subsection 5. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

4. Authorized conduct; manufacturing facilities. A registered manufacturing facility:

A. May manufacture cannabis products and cannabis concentrate for medical use using any method that does not involve an inherently hazardous substance, except that a registered manufacturing facility may manufacture cannabis concentrate using inherently hazardous substances if authorized under subsection 3; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. May obtain harvested cannabis from a qualifying patient, a caregiver or a registered dispensary and may transfer cannabis products and cannabis concentrate to the person that provided the harvested cannabis used to manufacture the cannabis product or cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. May transfer samples to a cannabis testing facility for testing; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. May conduct testing of cannabis products or cannabis concentrate manufactured by the facility for research and development purposes; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

E. May receive reasonable compensation for manufacturing cannabis products or cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Shall dispose of harvested cannabis used in the manufacturing process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the facility and in accordance with rules adopted by the department; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

G. May hire any number of assistants who are 21 years of age or older to assist in performing the duties of the manufacturing facility. [PL 2021, c. 367, §8 (AMD).]

[PL 2021, c. 367, §8 (AMD); PL 2021, c. 669, §5 (REV).]

5. Authorized conduct; extraction using inherently hazardous substances. A person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3:

A. May engage in cannabis extraction to produce cannabis concentrate for medical use; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. May obtain harvested cannabis from a qualifying patient, a caregiver or a dispensary and may transfer cannabis concentrate to the person that provided the harvested cannabis used to produce the cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. May transfer samples to a cannabis testing facility for testing; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. May conduct testing of cannabis concentrate produced by the person for research and development purposes; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

E. May receive reasonable compensation for producing cannabis concentrate; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Shall dispose of harvested cannabis used in the extraction process in a manner that prevents its diversion to persons not authorized to possess harvested cannabis possessed by the person and in accordance with rules adopted by the department; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

G. May hire any number of assistants who are 21 years of age or older to assist in performing the activities authorized under this subsection, except that a qualifying patient authorized under subsection 3 may not hire an assistant. [PL 2021, c. 367, §9 (AMD).]

Notwithstanding the authorizations established in this subsection, a person that is authorized to engage in cannabis extraction using inherently hazardous substances pursuant to subsection 3 shall comply with any rules adopted pursuant to subsection 10.

[PL 2021, c. 367, §9 (AMD); PL 2021, c. 669, §5 (REV).]

6. Retail sale prohibited. A registered manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 may not engage in retail sales of cannabis products or cannabis concentrate unless the person is authorized to engage in retail sales under this chapter.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

7. Food establishment license required to manufacture food products. A registered manufacturing facility or a person authorized to produce cannabis concentrate using inherently hazardous substances may not manufacture edible cannabis products or cannabis tinctures unless licensed pursuant to section 2167.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

8. Registration requirements. This subsection governs registration requirements of a manufacturing facility or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 and the officer or director or assistant of the facility or person.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility or a person authorized to engage in cannabis extraction within 30 days to the facility or person if the facility or person provides:

(1) The annual fee required pursuant to section 2425-A, subsection 10;

(2) The legal name of the facility or person and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility or person or the physical address where an applicant who is an individual will engage in the activities authorized under this section. If the facility or person changes its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section, the facility or person shall notify the department of the new location; and

(4) The name, address and date of birth of each officer or director of the facility or person. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous

substances. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date of the registry identification card; and
- (3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each person, officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card for a person, officer or director or assistant, the department shall notify the registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances in writing of the reason for denying the registry identification card. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

9. Packaging and labeling requirements. A manufacturing facility shall package and label its cannabis products and cannabis concentrate prior to transfer from the manufacturing facility in a form intended for use or consumption by a qualifying patient in tamper-evident packaging and with a label that includes the following information:

A. The registry identification number of the manufacturing facility; [PL 2019, c. 331, §17 (RPR).]

B. Information that allows the provider of the cannabis to the manufacturing facility to confirm that the cannabis provided was used to manufacture the cannabis product or cannabis concentrate transferred back to that provider; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. Ingredients other than material derived from cannabis plants contained in the cannabis product or cannabis concentrate; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

D. Any chemicals, solvents or other substances used to manufacture the cannabis product or cannabis concentrate. [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

10. Rulemaking. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing manufacturing facilities, including but not limited to:

A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility; [PL 2019, c. 331, §17 (RPR).]

B. Requirements for engaging in cannabis extraction using inherently hazardous substances; [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. Manufacturing facility officer or director qualification requirements; [PL 2019, c. 331, §17 (RPR).]

D. Required security for manufacturing facilities; [PL 2019, c. 331, §17 (RPR).]

E. Requirements of a disposal plan for harvested cannabis used in the manufacturing process; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

F. Minimum record-keeping requirements. [PL 2021, c. 367, §10 (AMD).]

G. [PL 2019, c. 331, §17 (RP).]

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection 3, paragraph A from engaging in conduct authorized under this section.

[PL 2021, c. 367, §10 (AMD); PL 2021, c. 387, §5 (AMD); PL 2021, c. 669, §5 (REV).]

11. Multiple authorizations. A manufacturing facility or person registered pursuant to subsection 8 may also be a qualifying patient, a caregiver or a registered dispensary. A manufacturing facility or person authorized to possess cannabis under this chapter may possess the amount allowed for that manufacturing facility or person in addition to the possession amount allowed under this section if the manufacturing facility or person is registered pursuant to this section. The cannabis possessed must be distinguishable with respect to the purposes for which it is authorized to be possessed.

[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

12. Record keeping. A registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3 shall maintain records of all transactions in accordance with section 2430-J.

[PL 2023, c. 679, Pt. A, §8 (AMD).]

13. Colocation of facilities. A manufacturing facility that is also licensed as an adult use cannabis products manufacturing facility under Title 28-B, chapter 1 may manufacture cannabis products and cannabis concentrate for adult use within the same facility in which the licensee also manufactures cannabis products or cannabis concentrate for medical use pursuant to this chapter. The following items or areas within the shared facility may be shared for both manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1:

A. Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for manufacturing pursuant to this chapter and pursuant to Title 28-B, chapter 1; [PL 2019, c. 331, §17 (RPR).]

B. Manufacturing-related and nonmanufacturing-related supplies or products not containing harvested cannabis and the storage areas for those supplies or products; and [PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

C. General office space, bathrooms, entryways and walkways. [PL 2019, c. 331, §17 (RPR).]
[PL 2019, c. 331, §17 (RPR); PL 2021, c. 669, §5 (REV).]

14. Immunity.

[PL 2019, c. 331, §17 (RP).]

SECTION HISTORY

PL 2017, c. 447, §15 (NEW). PL 2017, c. 452, §9 (NEW). PL 2019, c. 331, §17 (RPR). PL 2021, c. 367, §§8-10 (AMD). PL 2021, c. 387, §5 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. A, §8 (AMD).

§2424. Rules

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§26, 27 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§21, 22 (AMD). PL 2013, c. 394, §1 (AMD). PL 2017, c. 409, Pt. E, §§5, 6 (AMD). PL 2017, c. 452, §10 (AMD). PL 2019, c. 217, §4 (AMD). PL 2021, c. 387, §§6, 7 (AMD). PL 2021, c. 652, §2 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §3 (RP).

§2425. Registry identification cards

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§28-36 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 383, §§2-4 (AMD). PL 2011, c. 407, Pt. B, §§23-29 (AMD). PL 2011, c. 691, Pt. A, §§21, 22 (AMD). RR 2013, c. 2, §33 (COR). PL 2013, c. 394, §§2-6 (AMD). PL 2013, c. 396, §§9-11 (AMD). PL 2013, c. 516, §§10-14 (AMD). PL 2013, c. 595, Pt. J, §1 (AMD). PL 2013, c. 595, Pt. J, §4 (AFF). PL 2015, c. 475, §§19-21 (AMD). RR 2017, c. 1, §13 (COR). PL 2017, c. 409, Pt. E, §§7, 8 (AMD). PL 2017, c. 447, §§16-18 (AMD). PL 2017, c. 452, §11 (RP). PL 2019, c. 331, §18 (RP).

§2425-A. Registry identification cards and registration certificates

This section governs registry identification cards and registration certificates, except that registration of manufacturing facilities and persons authorized to engage in cannabis extraction is governed by section 2423-F and registration of cannabis testing facilities is governed by section 2423-A, subsection 10. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

1. Voluntary registration.

[PL 2023, c. 679, Pt. A, §9 (RP).]

2. Required registration. A caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, and an officer or director or assistant of a dispensary or a caregiver, other than a caregiver operating under section 2423-A, subsection 3, paragraph C, shall obtain a registry identification card in accordance with subsections 3, 4 and 5. A long-term care facility designated by a qualifying patient pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (2) and a dispensary shall obtain a registration certificate in accordance with subsections 6, 7 and 8.

[PL 2017, c. 452, §12 (NEW).]

3. Application for registry identification card; qualifications. The department shall register and issue a registry identification card to an applicant who submits a complete application that meets the requirements of this subsection.

The department shall conduct a criminal history record check for any applicant for a registry identification card, except that an assistant is not required to submit to a criminal history record check. The criminal history record check is valid for 2 years from the date it was conducted, regardless of the person's employment status. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

An application must include, as applicable:

- A. The fee required pursuant to subsection 10; and [PL 2023, c. 679, Pt. A, §11 (AMD).]
- B. A statement that the requirements of section 2423-B have been met if the qualifying patient applying for the registry identification card has not attained 18 years of age and the qualifying patient's parent, guardian or person having legal custody of the patient consents in writing to:
 - (1) The qualifying patient's medical use of cannabis;
 - (2) Serving as one of the qualifying patient's caregivers; and
 - (3) Controlling the acquisition of the cannabis plants or harvested cannabis and the dosage and the frequency of the medical use of cannabis by the qualifying patient. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. A, §§10, 11 (AMD).]

3-A. Criminal history record check for caregivers administering medical cannabis on school grounds. The department shall request a criminal history record check for a caregiver designated under section 2423-A, subsection 1, paragraph F-1, subparagraph (4), except for a caregiver who is a parent,

a legal guardian or a person having legal custody of the qualifying patient. The department may not issue a registry identification card to an applicant who is not permitted to have a disqualifying drug offense or who would be denied an approval, credential, certification, authorization or renewal under Title 20-A, section 6103 or 13011 based on that criminal history record check.

The criminal history record check requested under this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2017, c. 452, §12 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2017, c. 452, §12 (NEW).]

C. A person subject to a criminal history record check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 452, §12 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2017, c. 452, §12 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a person in accordance with this chapter. [PL 2019, c. 331, §19 (AMD).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal history record checks received by the department are for official use only and may not be disseminated to any other person. [PL 2019, c. 331, §19 (AMD).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2017, c. 452, §12 (NEW).]

The department, with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 387, §8 (AMD); PL 2021, c. 669, §5 (REV).]

4. Issuance or denial of registry identification cards. The department shall verify the information contained in an application for a registry identification card or for renewal of a card submitted pursuant to subsection 3 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.

- A. Within 5 business days of approving a complete application, the department shall issue a registry identification card to the applicant. [PL 2021, c. 662, §22 (AMD).]
- B. The department may deny an application for a card or for renewal of a card only if:
- (1) The applicant did not provide the information required pursuant to subsection 3;
 - (2) The department determines that the applicant does not qualify; or
 - (3) The department determines that the information provided by the applicant was falsified. [PL 2017, c. 452, §12 (NEW).]
- C. The department shall notify the applicant and, if the applicant is an officer or director or assistant of a registered dispensary, the registered dispensary, in writing of the reason for denying the registry identification card. [PL 2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a caregiver's application for renewal of a registry identification card, upon receipt of a timely filed, complete application submitted by the caregiver, the department shall provide the caregiver with a written statement acknowledging receipt of the application that authorizes the caregiver to continue operating under the caregiver's current card until the application is approved and a renewed card is issued by the department, the application is denied and the current card expires, 90 days elapse from the date of the written statement or the current card is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registry identification card within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registry identification card is deemed a valid registry identification card.

If the department fails to issue or deny a valid registry identification card in response to a complete application for a card submitted pursuant to subsection 3 within 45 days of its submission, the registry identification card is deemed granted and a copy of the application for a registry identification card is deemed a valid registry identification card. [PL 2021, c. 662, §22 (AMD).]

5. Requirements for issuance of registry identification cards. The following provisions apply to the issuance of registry identification cards.

- A. A registry identification card expires 2 years after the date of issuance, regardless of the person's employment status, except that a caregiver's registry identification card expires one year after the date of issuance. The card must contain:
- (1) The name of the cardholder;
 - (2) The date of issuance and expiration date;
 - (3) A randomly generated unique identification number to the cardholder;
 - (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate cannabis plants; and
 - (5) A photograph of the cardholder, if required by the department. [PL 2023, c. 679, Pt. A, §12 (AMD).]
- B. If a caregiver is organized as a legal business entity pursuant to section 2423-A, subsection 2, paragraph Q, the caregiver may obtain a registry identification card in the name of the business entity if the caregiver submits evidence of the business entity's registration with the Secretary of State and evidence that the business entity is in good standing with the Secretary of State. [PL 2017, c. 452, §12 (NEW).]

C. Registry identification cards issued to an officer or director of a registered dispensary must also contain:

- (1) The legal name of the registered dispensary with which the officer or director is affiliated;
- (2) The address and date of birth of the officer or director; and
- (3) A photograph of the officer or director if required by the department. [PL 2021, c. 662, §23 (AMD).]

C-1. Registry identification cards issued to an assistant of a registered caregiver or registered dispensary must also contain:

- (1) The address and date of birth of the assistant; and
- (2) A photograph of the assistant if required by the department. [PL 2021, c. 662, §24 (NEW).]

D. The registry identification card of an officer or director of a registered dispensary expires 10 days after notification is given to the department by the registered dispensary that the person has ceased to work at the dispensary. [PL 2021, c. 662, §25 (AMD).]
[PL 2023, c. 679, Pt. A, §12 (AMD).]

5-A. Issuance of single registry identification card to caregiver or dispensary assistant. The department shall issue a single registry identification card pursuant to this section authorizing a person to be an assistant of one or more registered caregivers or registered dispensaries and who satisfies all applicable requirements under this section for issuance of a registry identification card. A single registry identification card issued to a person in accordance with this subsection authorizes the person to assist one or more registered caregivers or registered dispensaries in accordance with this chapter and may not associate the person with or restrict the person to assisting a specific caregiver or dispensary.
[PL 2021, c. 662, §26 (NEW).]

6. Application for registration certificate; qualifications. The department shall register and issue a registration certificate to an applicant who submits a complete application that meets the requirements of this subsection. An application must include, as applicable:

- A. The annual fee required pursuant to subsection 10; [PL 2017, c. 452, §12 (NEW).]
- B. Evidence of the applicant's registration with the Secretary of State and evidence that the applicant is in good standing with the Secretary of State; and [PL 2017, c. 452, §12 (NEW).]
- C. The name, address and date of birth of each officer or director of the applicant. [PL 2017, c. 452, §12 (NEW).]
[PL 2017, c. 452, §12 (NEW).]

7. Issuance or denial of registration certificate. The department shall verify the information contained in an application for a registration certificate or for renewal of a certificate submitted pursuant to subsection 6 and shall approve or deny a complete application in accordance with this subsection within 30 days of receipt.

- A. Within 10 days of approving a complete application, the department shall issue a registration certificate to the applicant. [PL 2021, c. 662, §27 (AMD).]
- B. The department may deny an application for a certificate or for renewal of a certificate only if:
 - (1) The applicant did not provide the information required pursuant to subsection 6;
 - (2) The department determines that the applicant does not qualify; or
 - (3) The department determines that the information provided by the applicant was falsified.
[PL 2017, c. 452, §12 (NEW).]

C. The department shall notify the applicant in writing of the reason for denying the registration certificate. [PL 2017, c. 452, §12 (NEW).]

An applicant whose application is denied pursuant to this subsection may request an administrative hearing in accordance with Title 5, chapter 375, subchapter 4.

In the case of a registered dispensary's application for renewal of a registration certificate, upon receipt of a timely filed, complete application submitted by the dispensary, the department shall provide the dispensary with a written statement acknowledging receipt of the application that authorizes the dispensary to continue operating under the dispensary's current certificate until the application is approved and a renewed certificate is issued by the department, the application is denied and the current certificate expires, 90 days elapse from the date of the written statement or the current certificate is suspended or revoked in accordance with this chapter, whichever occurs first. If the department fails to issue or deny a renewal of a registration certificate within 90 days of providing the written statement acknowledging receipt of the application, the renewal is deemed granted and a copy of the application for renewal of the registration certificate is deemed a valid registration certificate.

If the department fails to issue or deny a registration certificate in response to a complete application for a certificate submitted pursuant to subsection 6 within 45 days of its submission, the registration certificate is deemed granted and a copy of the application for a registration certificate is deemed a valid registration certificate.

[PL 2021, c. 662, §27 (AMD).]

8. Requirements for issuance of registration certificates. A registration certificate expires one year after the date of issuance. The certificate must contain:

A. The name of the certificate holder; [PL 2017, c. 452, §12 (NEW).]

B. The date of issuance and expiration date of the registration certificate; [PL 2017, c. 452, §12 (NEW).]

C. A random identification number that is unique to the certificate holder; [PL 2017, c. 452, §12 (NEW).]

D. The physical address of the certificate holder and, if the certificate holder is a dispensary, the physical address of one additional location, if any, where cannabis plants will be cultivated; and [PL 2019, c. 331, §20 (AMD); PL 2021, c. 669, §5 (REV).]

E. A clear designation showing whether the certificate holder is allowed under this chapter to cultivate cannabis plants. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §20 (AMD); PL 2021, c. 669, §5 (REV).]

9. Drug testing. The department may not require an assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility who is an applicant for a registry identification card to submit to a drug test as a condition of receiving a registry identification card. This subsection does not prevent a caregiver, dispensary, manufacturing facility or cannabis testing facility from requiring drug testing of its assistants as a condition of employment.

[PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

10. Fees. The department shall adopt rules to establish fees in accordance with this subsection. The application and renewal fees must generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department may accept donations from private sources to offset the expenses of implementing and administering this chapter and shall, if those donations are received, reduce application and renewal fees accordingly. The fees and donations must be credited to the Medical Use of Cannabis Fund pursuant to section 2430. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A. There is no annual registration fee for a qualifying patient or visiting qualifying patient or a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. There is no annual registration fee for a caregiver who does not cultivate cannabis plants for a qualifying patient. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

B. There is an annual registration fee for a caregiver who cultivates cannabis plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature cannabis plants cultivated by the caregiver. The caregiver shall notify the department of the number of cannabis plants the caregiver cultivates.

(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total mature plant canopy of 500 square feet or less. [PL 2021, c. 662, §28 (AMD); PL 2021, c. 669, §5 (REV).]

C. There is an annual registration fee for a dispensary, which may not be less than \$5,000 or more than \$12,000. There is a fee to change the location of a registered dispensary or the location at which a registered dispensary cultivates cannabis plants, which may not be less than \$3,000 or more than \$4,000. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

D. There is an annual registration fee for a tier 1 manufacturing facility, which may not be less than \$50 or more than \$150. [PL 2017, c. 452, §12 (NEW).]

E. There is an annual registration fee for a tier 2 manufacturing facility, which may not be less than \$150 or more than \$250. [PL 2017, c. 452, §12 (NEW).]

F. There is an annual registration fee to engage in cannabis extraction under section 2423-F, subsection 3, which may not be less than \$250 or more than \$350. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

G. There is an annual registration fee for a cannabis testing facility, which may not be less than \$250 or more than \$1,000, except that there is no fee if the testing facility is licensed in accordance with Title 28-B, chapter 1. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

H. There is an annual registration fee for an officer or director or assistant of a registered caregiver or registered dispensary, which may not be less than \$20 or more than \$50. [PL 2017, c. 452, §12 (NEW).]

I. There is a fee to replace a registry identification card that has been lost, stolen or destroyed or a card that contains information that is no longer accurate, which may not be less than \$10 or more than \$20. Replacement of a registry identification card does not extend the expiration date. [PL 2017, c. 452, §12 (NEW).]

J. There is a fee for a criminal history record check for a caregiver or an officer or director of a registered dispensary, cannabis testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the registered dispensary, cannabis testing facility or manufacturing facility for an officer or director of the registered dispensary, cannabis testing facility or manufacturing facility. [PL 2023, c. 679, Pt. A, §13 (AMD).]

[PL 2023, c. 679, Pt. A, §13 (AMD).]

11. Notification of change in status or loss of registry identification card or registration certificate. This subsection governs notification of a change in status or the loss of a registry identification card or registration certificate.

A. If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the department within 10 days of losing the card and submit the fee required by subsection 10,

paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. [PL 2017, c. 452, §12 (NEW).]

B. If the information appearing on the cardholder's registry identification card is inaccurate or changes, the cardholder shall notify the department of the inaccuracy or change and submit the fee required by subsection 10, paragraph I. Within 5 days after such notification, the department shall issue a replacement registry identification card. A cardholder who fails to notify the department as required under this paragraph commits a civil violation for which a fine of not more than \$150 may be adjudged. [PL 2017, c. 452, §12 (NEW).]

C. A registered dispensary shall notify the department in writing of the name, address and date of birth of an officer or director or assistant who ceases to work at the dispensary or cannabis testing facility and of any new officer or director or assistant before the officer or director or assistant begins working at the dispensary or cannabis testing facility. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

D. A registered dispensary shall notify the department in writing if the dispensary changes the physical location of the dispensary or the location at which the dispensary cultivates cannabis plants. [PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]
[PL 2017, c. 452, §12 (NEW); PL 2021, c. 669, §5 (REV).]

11-A. Temporary appointee. Notwithstanding any provision of this chapter to the contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances, unless a court appoints a temporary appointee, the office may approve a temporary appointee to take possession of, operate, manage, control or wind down a registrant's operations. Under such circumstances:

A. A temporary appointee must be otherwise qualified under the provisions of this chapter to be a registered caregiver or an officer or director; [PL 2023, c. 679, Pt. A, §14 (NEW).]

B. A temporary appointee may not transfer cannabis or cannabis products for medical use without a valid registry identification card; and [PL 2023, c. 679, Pt. A, §14 (NEW).]

C. The registrant shall submit a plan of temporary appointment, on forms made available by the office, as soon as practicable but no later than 60 days after a qualifying event. [PL 2023, c. 679, Pt. A, §14 (NEW).]

For purposes of this subsection, "temporary appointee" means a court-appointed receiver, personal representative, executor, administrator, guardian, conservator, trustee or similarly situated person or person approved by the office pursuant to this section.
[PL 2023, c. 679, Pt. A, §14 (NEW).]

12. Confidentiality.

[PL 2023, c. 637, §1 (RP).]

13. Reporting requirements.

[PL 2023, c. 365, §9 (RP).]

14. Confidentiality. This subsection governs confidentiality.

A. For purposes of this subsection, "personal contact information" has the same meaning as in Title 1, section 402, subsection 3, paragraph O, subparagraph (1) and "caregiver exempt from registration" means a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C. [PL 2023, c. 637, §2 (NEW).]

B. Information that identifies a qualifying patient, a visiting qualifying patient or a registered patient under this chapter is confidential and may not be disclosed by the department, except:

- (1) With the written consent of the patient; or

- (2) Pursuant to a court order or a subpoena. [PL 2023, c. 637, §2 (NEW).]
- C. Information that identifies a caregiver exempt from registration is confidential and may not be disclosed by the department, except:
- (1) With the written consent of the caregiver; or
 - (2) Pursuant to a court order or a subpoena or as provided in paragraph F. [PL 2023, c. 637, §2 (NEW).]
- D. Except as provided in this paragraph and in paragraphs B and C, applications, supporting information and other information regarding a registered caregiver, including any address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis under this chapter, are not confidential. The personal contact information of a registered caregiver or of an applicant for registration as a registered caregiver is confidential and may not be disclosed by the department, except:
- (1) With the written consent of the registered caregiver or applicant for registration as a registered caregiver;
 - (2) Pursuant to a court order or a subpoena;
 - (3) As provided in paragraph F; or
 - (4) If a registered caregiver resides at the same address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis under this chapter, the department may disclose that address to a state, county or municipal employee responsible for the administration of this chapter or of rules, ordinances or warrant articles authorized under this chapter, including, but not limited to, law enforcement officers and code enforcement officers. Any information received by a state, county or municipal employee under this subparagraph is confidential and may not be further disclosed or disseminated, except as otherwise provided by law. [PL 2023, c. 637, §2 (NEW).]
- E. Except as provided in this paragraph and in paragraphs B and C, applications, supporting information and other information regarding a dispensary, manufacturing facility, cannabis testing facility and an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility under this chapter are not confidential. The personal contact information of a cardholder who is an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility and an applicant for a registry identification card as an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility or registration certificate for a dispensary, manufacturing facility or cannabis testing facility is confidential and may not be disclosed by the department, except:
- (1) With the written consent of the cardholder or applicant; or
 - (2) Pursuant to a court order or a subpoena. [PL 2023, c. 637, §2 (NEW).]
- F. Notwithstanding any provision of this subsection to the contrary, the department may, when necessary to protect the public from a threat to public health or safety, notify the public of the following:
- (1) The identity of a caregiver exempt from registration, a registered caregiver, a dispensary, a manufacturing facility or a cannabis testing facility associated with the threat to public health or safety and that person's status as a caregiver exempt from registration, registered caregiver, dispensary, manufacturing facility or cannabis testing facility; and

(2) The location where any cannabis plants or harvested cannabis associated with the threat to public health or safety were cultivated, manufactured, tested, packaged, stored or sold. [PL 2023, c. 637, §2 (NEW).]

G. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the department's Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36. [PL 2023, c. 637, §2 (NEW).]

H. A final written decision of the department pursuant to section 2430-I imposing an administrative penalty; ordering forfeiture and destruction of cannabis plants, cannabis or cannabis products; or suspending or revoking a registry identification card or registration certificate is not confidential. [PL 2023, c. 637, §2 (NEW).]

I. A caregiver, dispensary, manufacturing facility or cannabis testing facility or an officer, director or assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility may not be required to disclose to a law enforcement officer information that could reasonably identify an individual's identity without a warrant requiring the disclosure. [PL 2023, c. 637, §2 (NEW).]

J. A person who accompanies a patient to obtain cannabis plants or harvested cannabis may not be required to disclose to a law enforcement officer information that could reasonably identify an individual patient's identity without a warrant requiring the disclosure. [PL 2023, c. 637, §2 (NEW).]

[PL 2023, c. 637, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 452, §12 (NEW). PL 2019, c. 331, §§19, 20 (AMD). PL 2021, c. 251, §4 (AMD). PL 2021, c. 367, §§11, 12 (AMD). PL 2021, c. 387, §§8-10 (AMD). PL 2021, c. 662, §§22-30 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §§4-9 (AMD). PL 2023, c. 637, §§1, 2 (AMD). PL 2023, c. 679, Pt. A, §§9-14 (AMD).

§2426. Scope

1. Limitations. This chapter does not permit any person to:

A. Undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; [PL 2009, c. 631, §37 (AMD); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

B. Except as provided in subsection 1-A, possess cannabis or otherwise engage in the medical use of cannabis:

(1) In a school bus;

(2) On the grounds of any preschool or primary or secondary school; or

(3) In any correctional facility; [PL 2015, c. 369, §2 (AMD); PL 2021, c. 669, §5 (REV).]

C. Smoke cannabis:

(1) On any form of public transportation; or

(2) In any public place; [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

D. Operate, navigate or be in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of cannabis; [PL 2023, c. 6, §6 (AMD).]

E. Use or possess cannabis plants or harvested cannabis if that person is not a qualifying patient, caregiver, registered dispensary or other person authorized to use or possess cannabis under this chapter; or [PL 2023, c. 6, §7 (AMD).]

F. Sell, offer to sell or furnish any products containing tobacco, nicotine or synthetic nicotine to any person without first obtaining a retail tobacco license in accordance with chapter 262-A. [PL 2023, c. 6, §8 (NEW).]
[PL 2023, c. 6, §§6-8 (AMD).]

1-A. School exceptions. Notwithstanding subsection 1, paragraph B, a caregiver designated pursuant to section 2423-A, subsection 1, paragraph F-1, subparagraph (4) or the parent, legal guardian or person having legal custody of a qualifying patient may, for the benefit of the qualifying patient, possess and administer harvested cannabis in a school bus and on the grounds of the preschool or primary or secondary school in which the qualifying patient is enrolled only if:

A. A medical provider has provided the qualifying patient with a current written certification for the medical use of cannabis under this chapter; [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

B. Possession of harvested cannabis is for the purpose of administering cannabis to the qualifying patient; and [PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

C. The parent, legal guardian or person having legal custody of a qualifying patient enrolled in the preschool or primary or secondary school has notified the school that a caregiver has been designated on behalf of the qualifying patient to possess and administer harvested cannabis to the qualifying patient. [PL 2017, c. 452, §14 (NEW); PL 2021, c. 669, §5 (REV).]

Harvested cannabis possessed or administered in accordance with this subsection may not be in a form that permits the qualifying patient to engage in smoking. For the purposes of this subsection, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer.

[PL 2017, c. 452, §14 (AMD); PL 2021, c. 669, §5 (REV).]

2. Construction. This chapter may not be construed to require:

A. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; or [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

B. An employer to accommodate the ingestion of cannabis in any workplace or any employee working while under the influence of cannabis. [IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

[IB 2009, c. 1, §5 (NEW); PL 2021, c. 669, §5 (REV).]

3. Penalty for fraudulent representation.

[PL 2009, c. 631, §39 (RP); PL 2009, c. 631, §51 (AFF).]

3-A. Penalty for fraud.

[PL 2017, c. 452, §15 (RP).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§37-39 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§30, 31 (AMD). PL 2015, c. 369, §§2, 3 (AMD). PL 2017, c. 452, §§13-15 (AMD). PL 2019, c. 331, §32 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§6-8 (AMD).

**§2427. Affirmative defense and dismissal for medical marijuana
(REPEALED)**

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §51 (AFF). PL 2009, c. 631, §§40, 41 (AMD). MRSA T. 22 §2427, sub-§4 (RP).

§2428. Registered dispensaries

1. Provisions pertaining to primary caregiver apply to nonprofit dispensary.

[PL 2009, c. 631, §42 (RP); PL 2009, c. 631, §51 (AFF).]

1-A. Provisions pertaining to registered dispensary. For the purpose of assisting a qualifying patient, a registered dispensary may in accordance with rules adopted by the department:

A. Dispense up to 2 1/2 ounces of harvested cannabis to the qualifying patient in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

B. Cultivate cannabis plants and possess all harvested cannabis from those cannabis plants; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating cannabis plants for the qualifying patient; [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

D. Assist the qualifying patient with the medical use or administration of harvested cannabis; [PL 2019, c. 331, §22 (RPR); PL 2021, c. 669, §5 (REV).]

E. Obtain harvested cannabis from a caregiver under section 2423-A, subsection 2, paragraph K; [PL 2019, c. 331, §23 (RPR); PL 2021, c. 669, §5 (REV).]

F. Except as provided in section 2426:

(1) Transfer cannabis plants and harvested cannabis to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;

(2) Transfer cannabis plants and harvested cannabis to a qualifying patient, caregiver or dispensary for no remuneration;

(3) Acquire cannabis plants and harvested cannabis from another dispensary for no remuneration;

(4) Transfer to and accept from a registered caregiver or another dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the dispensary over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the dispensary. A dispensary may transfer to or accept from registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A dispensary that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this subparagraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested cannabis to a manufacturing facility and accept cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the dispensary provided to the manufacturing facility; and

(6) Provide samples to a cannabis testing facility for testing and research purposes; [PL 2021, c. 669, §5 (REV); PL 2021, c. 676, Pt. A, §34 (AMD).]

G. Conduct cannabis testing at the request of anyone authorized to possess cannabis plants or harvested cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §25 (RPR); PL 2021, c. 669, §5 (REV).]

H. Manufacture cannabis products for medical use, except that a dispensary may not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to section 2167; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

I. Manufacture cannabis concentrate for medical use, except that a dispensary may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

J. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that is produced from the harvested cannabis the registered dispensary provided to the manufacturing facility; [PL 2017, c. 452, §16 (NEW); PL 2021, c. 669, §5 (REV).]

K. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the dispensary; [PL 2023, c. 6, §9 (AMD).]

L. Transport cannabis plants and harvested cannabis as necessary to carry out the activities authorized under this section; and [PL 2023, c. 6, §10 (AMD).]

M. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient or to a caregiver for a qualifying patient's medical use of cannabis. [PL 2023, c. 6, §11 (NEW).]

[PL 2023, c. 6, §§9-11 (AMD).]

2. Registration requirements.

[PL 2017, c. 452, §16 (RP).]

3. Rules.

[PL 2017, c. 452, §16 (RP).]

4. Expiration.

[PL 2017, c. 452, §16 (RP).]

5. Inspection.

[PL 2017, c. 452, §16 (RP).]

6. Registered dispensary requirements. This subsection governs the operations of registered dispensaries.

A. [PL 2017, c. 452, §16 (RP).]

B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school. [PL 2009, c. 631, §42 (AMD); PL 2009, c. 631, §51 (AFF).]

C. [PL 2017, c. 452, §16 (RP).]

D. [PL 2017, c. 452, §16 (RP).]

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing cannabis plants and harvested cannabis and the theft of cannabis plants and harvested cannabis at the dispensary and the one permitted additional location at which the dispensary cultivates cannabis plants for medical use by qualifying patients. [PL 2019, c. 331, §26 (AMD); PL 2021, c. 669, §5 (REV).]

F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section 2430-J. [PL 2023, c. 365, §10 (AMD).]

G. [PL 2017, c. 452, §16 (RP).]

H. [PL 2023, c. 679, Pt. A, §15 (RP).]

I. All cultivation of cannabis plants must take place in a cultivation area unless the cannabis plants are being transported pursuant to subsection 1-A, paragraph L.

(1) The dispensary shall ensure that the mature cannabis plants and immature cannabis plants and seedlings cultivated by the dispensary are kept in separate spaces within the same cultivation area. The cultivation area must be located on a single parcel or tract of land, and the dispensary must disclose the location of the cultivation area to the department. The dispensary may not maintain more than one cultivation area.

(2) Access to cultivation areas is limited to a cardholder who is an officer, director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer, director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer, director or assistant of the dispensary. [PL 2021, c. 662, §31 (AMD); PL 2021, c. 669, §5 (REV).]

J. [PL 2017, c. 452, §16 (RP).]

K. A dispensary shall display the dispensary's registration certificate issued under section 2425-A in a publicly visible location in the dispensary. [PL 2017, c. 452, §16 (AMD).]

L. [PL 2017, c. 452, §16 (RP).]

M. [PL 2017, c. 452, §16 (RP).]

N. [PL 2017, c. 452, §16 (RP).]

O. A dispensary may not be required to have designated parking spaces in order to be issued or reissued a registration certificate by the office. [PL 2023, c. 679, Pt. A, §16 (NEW).]
[PL 2023, c. 679, Pt. A, §§15, 16 (AMD).]

7. Maximum amount of cannabis to be dispensed. A dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis in one transaction to a qualifying patient or to a caregiver on behalf of a qualifying patient, except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period. [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

8. Immunity.

[PL 2009, c. 631, §42 (RP); PL 2009, c. 631, §51 (AFF).]

8-A. Immunity.

[PL 2017, c. 452, §16 (RP).]

9. Prohibitions. The prohibitions in this subsection apply to a registered dispensary.

A. [PL 2017, c. 452, §16 (RP).]

B. A dispensary may not dispense, deliver or otherwise transfer cannabis plants or harvested cannabis except as provided in this chapter. [PL 2019, c. 331, §27 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §16 (RP).]

D. A person who has been convicted of a disqualifying drug offense may not be an officer or director of a dispensary.

(1) A person who is an officer or director of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

(2) A person who is an officer or director of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph may be subject to additional enforcement action as established by the office in rule. [PL 2023, c. 679, Pt. A, §17 (AMD).]

E. [PL 2017, c. 452, §16 (RP).]

F. A dispensary may not contract for the cultivation of seeds of a cannabis plant, seedlings or immature cannabis plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4). [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. A registered dispensary may not use a pesticide on cannabis plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of cannabis plants use a pesticide unless at least one registered dispensary assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. A registered dispensary assistant who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230. [PL 2017, c. 452, §16 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. A, §17 (AMD).]

10. Local regulation.

[PL 2017, c. 447, §22 (RP); PL 2017, c. 452, §16 (RP).]

11. Limitation on number of dispensaries.

[PL 2017, c. 452, §16 (RP).]

11-A. Limitation on number of dispensaries registered. This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary. [PL 2017, c. 452, §16 (NEW).]

B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired. [PL 2017, c. 452, §16 (NEW).]

[PL 2017, c. 452, §16 (NEW).]

12. Labels.

[PL 2017, c. 452, §16 (RP).]

13. Reorganization to for-profit status. Any of the 8 registered dispensaries that were issued registration certificates as of April 1, 2018 and that are operating as nonprofit entities may convert to a for-profit entity pursuant to this subsection. A registered dispensary established pursuant to subsection 11-A, paragraph A that was not issued a dispensary registration certificate before April 1, 2018 and operates as a nonprofit entity may not convert to a for-profit entity.

A. A registered dispensary that is operating as a nonprofit entity may enter into any of the following transactions to reorganize the registered dispensary as a for-profit entity:

- (1) A registered dispensary operating as a nonprofit entity may merge with and into a business corporation formed pursuant to Title 13-C;
- (2) A business corporation formed pursuant to the laws of this State may purchase substantially all of the assets of a registered dispensary operating as a nonprofit entity; and
- (3) Notwithstanding any provision of the law to the contrary in this Title, Title 13-B or Title 13-C, a registered dispensary operating as a nonprofit entity is entitled to convert into a domestic business corporation by adopting a plan of entity conversion in accordance with Title 13-C, section 953 that is approved by a vote of 2/3 of the members of the board of directors of the nonprofit entity at a meeting duly called for that purpose or by unanimous written consent. A plan of entity conversion adopted pursuant to this subparagraph must be signed and submitted to the Secretary of State on a form prescribed by the Secretary of State, must be executed and filed in the manner prescribed in Title 13-C, section 955 and is subject to Title 13-C, section 957. If the Secretary of State finds that such filings comply with this subparagraph, the Secretary of State shall accept the filings. [PL 2019, c. 312, §1 (NEW).]

B. Notwithstanding Title 13-B, section 718, and notwithstanding any provision to the contrary in the articles of incorporation or the bylaws of a registered dispensary operating as a nonprofit entity, there exists no conflict of interest nor violation of fiduciary duty for the directors of a registered dispensary operating as a nonprofit entity for the limited purposes of:

- (1) Approving a transaction in order to reorganize pursuant to this section as set forth in paragraph A, subparagraph (1), (2) or (3);
- (2) Issuing any shares, membership interests or other securities, obligations, rights to acquire interests or other securities, cash or other property in order to reorganize pursuant to this section; or
- (3) Designating the directors or a business corporation in which the directors hold interests as members of a nonprofit entity that previously had no members in order to reorganize pursuant to this section. [PL 2019, c. 312, §1 (NEW).]

C. The patients of a registered dispensary that is operating as a nonprofit entity may not be deemed members entitled to vote under Title 13-B, section 604, nor may such patients be deemed members for purposes of a merger, purchase or conversion reorganization transaction pursuant to this subsection. [PL 2019, c. 312, §1 (NEW).]

D. If a registered dispensary reorganizes as a for-profit entity pursuant to this section and subsequently sells or transfers its interest in the reorganized registered dispensary, the registered dispensary or the dispensary's successor in interest, shall pay to the Medical Use of Cannabis Fund established under section 2430 a percentage of the value of the sale or transfer of interest, as determined by an independent appraisal at the time of the sale or transfer of interest, in accordance with this paragraph:

- (1) If the sale or transfer of interest is completed in the first year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 10% of the value of the sale or transfer of interest;
- (2) If the sale or transfer of interest is completed in the 2nd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 7.5% of the value of the sale or transfer of interest;
- (3) If the sale or transfer of interest is completed in the 3rd year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 5% of the value of the sale or transfer of interest; and
- (4) If the sale or transfer of interest is completed in the 4th year after the reorganization, the amount paid to the Medical Use of Cannabis Fund must equal 2.5% of the value of the sale or transfer of interest.

The cost of an appraisal required under this paragraph must be paid from the Medical Use of Cannabis Fund. [PL 2019, c. 312, §1 (NEW); PL 2021, c. 669, §5 (REV).]

E. [PL 2019, c. 312, §1 (NEW); MRSA T. 22 §2428, sub-§13, ¶E (RP).]

F. A registered dispensary subject to paragraph D shall provide to the Attorney General the independent appraisal required in paragraph D. [PL 2019, c. 312, §1 (NEW).]

G. Except as provided in paragraph F, a transaction pursuant to this subsection does not require any approval or notice under the provisions of Title 5, chapter 9. [PL 2019, c. 312, §1 (NEW).]

H. The registration status of a registered dispensary that has completed a reorganization transaction pursuant to this subsection is governed by subsection 11-A, paragraph B. [PL 2019, c. 312, §1 (NEW).]

[PL 2019, c. 312, §1 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §42 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §32 (AMD). RR 2013, c. 1, §41 (COR). PL 2013, c. 371, §4 (AMD). PL 2013, c. 374, §2 (AMD). PL 2013, c. 393, §4 (AMD). PL 2013, c. 394, §§7, 8 (AMD). PL 2013, c. 498, §2 (AMD). PL 2013, c. 501, §2 (AMD). PL 2013, c. 503, §§2-6 (AMD). PL 2013, c. 516, §15 (AMD). PL 2015, c. 475, §§22-24 (AMD). PL 2017, c. 409, Pt. E, §9 (AMD). PL 2017, c. 447, §§19-22 (AMD). PL 2017, c. 452, §16 (AMD). PL 2019, c. 312, §1 (AMD). PL 2019, c. 331, §§22-27 (AMD). PL 2019, c. 354, §7 (AMD). PL 2021, c. 293, Pt. A, §27 (AMD). PL 2021, c. 367, §§13, 14 (AMD). PL 2021, c. 662, §31 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §34 (AMD). PL 2023, c. 6, §§9-11 (AMD). PL 2023, c. 365, §10 (AMD). PL 2023, c. 679, Pt. A, §§15-17 (AMD).

§2429. Enforcement

(REPEALED)

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §51 (AFF). PL 2009, c. 631, §§43, 44 (AMD). PL 2011, c. 407, Pt. B, §§33, 34 (AMD). PL 2017, c. 452, §17 (RP).

§2429-A. Packaging and labeling requirements

1. Packaging requirements. As applicable based on the form of the item sold, harvested cannabis sold in a retail transaction under this chapter must be:

- A. Prepackaged in child-resistant and tamper-evident packaging or placed in child-resistant and tamper-evident packaging with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Prepackaged in opaque packaging or an opaque container or placed in opaque packaging or an opaque container with a signifier that the package contains harvested cannabis at the final point of sale to a qualifying patient; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- C. Packaged in a container with an integral measurement component and child-resistant cap if the cannabis product is a multiserving liquid; and [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- D. In conformity with all other applicable requirements and restrictions imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

Any package required under this subsection that contains edible cannabis products must include a signifier that the package contains harvested cannabis.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

2. Packaging prohibitions. Harvested cannabis sold in a retail transaction under this chapter may not be:

- A. Labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the harvested cannabis was a trademarked product; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]
- B. Labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. Labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label; [PL 2017, c. 452, §18 (NEW).]
- D. Sold or offered for sale using a label or packaging that depicts a human, animal or fruit; or [PL 2017, c. 452, §18 (NEW).]
- E. Labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the department. [PL 2017, c. 452, §18 (NEW).]

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

3. Labels. If a registered caregiver, dispensary or manufacturing facility affixes a label on the packaging of any harvested cannabis provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the harvested cannabis, the label must be verified by a cannabis testing facility. This subsection does not apply if there is no cannabis testing facility operating in accordance with section 2423-A, subsection 10.

[PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

4. Educational materials. A person that provides harvested cannabis to a qualifying patient shall make educational materials about the use of harvested cannabis available in printed or electronic form to the qualifying patient at the time of the transaction. The department shall develop the minimum

content of the educational materials provided under this subsection and make that content available publicly.

[PL 2021, c. 662, §32 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §28 (AMD). PL 2021, c. 662, §32 (AMD). PL 2021, c. 669, §5 (REV).

§2429-B. Signs, advertising and marketing

1. Prohibitions. Signs, advertising and marketing used by or on behalf of a registered caregiver or dispensary may not:

- A. Be misleading, deceptive or false; [PL 2017, c. 452, §18 (NEW).]
- B. Involve mass-market advertising or marketing campaigns that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age; [PL 2017, c. 452, §18 (NEW).]
- C. Be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school, except that, if a municipality chooses to prohibit the placement or use of signs or advertising by or on behalf of a registered caregiver or dispensary at distances greater than or less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that greater or lesser distance applies; [PL 2017, c. 452, §18 (NEW).]
- D. Violate any other requirement or restriction on signs, advertising and marketing imposed by the department by rule pursuant to subsection 2; or [PL 2017, c. 452, §18 (NEW).]
- E. Market to any person authorized to possess cannabis plants or harvested cannabis under this chapter and specifically to any adult use or recreational cannabis market within the same sign, advertisement or marketing material. [PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2019, c. 331, §29 (AMD); PL 2021, c. 669, §5 (REV).]

2. Rules on signs, advertising and marketing. The department shall adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a registered caregiver or dispensary, which may include, but are not limited to:

- A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested cannabis, except that advertising, marketing, labeling or packaging may contain qualifying patients' testimonials of how cannabis for medical use has provided palliative or therapeutic effects for the patients' conditions. All testimonials must contain the following disclaimer: "This statement has not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease"; [PL 2023, c. 679, Pt. A, §18 (AMD).]
- B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites; [PL 2017, c. 452, §18 (NEW).]
- C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature; and [PL 2017, c. 452, §18 (NEW).]
- D. A prohibition on advertising or marketing directed toward location-based devices unless such marketing includes a permanent and easy opt-out feature and the owner of the device is 21 years of age or older. [PL 2021, c. 367, §15 (AMD).]

[PL 2023, c. 679, Pt. A, §18 (AMD).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §29 (AMD). PL 2021, c. 367, §15 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. A, §18 (AMD).

§2429-C. Edible cannabis products health and safety requirements and restrictions

In addition to all other applicable provisions of this chapter, edible cannabis products to be sold or offered for sale in a retail transaction in accordance with this chapter: [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

1. Cannabinoid content. Must be manufactured in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content; [PL 2017, c. 452, §18 (NEW).]

2. Cannabis content. Must be manufactured in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate; [PL 2017, c. 452, §18 (NEW); PL 2021, c. 669, §5 (REV).]

3. Shape. May not be manufactured in the distinct shape of a human, animal or fruit; [PL 2017, c. 452, §18 (NEW).]

4. Adulterated or misbranded. May not be adulterated or misbranded as prohibited in sections 2156 and 2157, respectively, or contain additives specifically formulated to increase the addictiveness of the edible cannabis product; and

A. [PL 2023, c. 679, Pt. A, §19 (RP).]

B. [PL 2023, c. 679, Pt. A, §19 (RP).]
[PL 2023, c. 679, Pt. A, §19 (RPR).]

5. Addition to trademarked food or drink. May not involve the addition of harvested cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product. [PL 2019, c. 331, §30 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 331, §30 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. A, §19 (AMD).

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, cannabis testing facilities and manufacturing facilities. [PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

A municipality may not: [PL 2017, c. 452, §18 (NEW).]

1. Registered caregivers. Prohibit or limit the number of registered caregivers; [PL 2017, c. 452, §18 (NEW).]

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not

limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or [PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities, as applicable, to operate within the municipality. [PL 2019, c. 217, §5 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2017, c. 452, §18 (NEW). PL 2019, c. 217, §5 (AMD). PL 2021, c. 669, §5 (REV).

§2430. Medical Use of Cannabis Fund established

1. Fund established. The Medical Use of Cannabis Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the department for the purposes specified in this section.

[PL 2017, c. 409, Pt. E, §10 (AMD); PL 2021, c. 669, §5 (REV).]

2. Sources of fund. The State Controller shall credit to the fund:

A. All money received as a result of applications and reapplications for registration as a qualifying patient, caregiver, dispensary, manufacturing facility and cannabis testing facility; [PL 2017, c. 452, §19 (AMD); PL 2021, c. 669, §5 (REV).]

B. All money received as a result of applications and reapplications for registry identification cards for registered patients, caregivers, dispensaries and officers or directors or assistants of registered caregivers, dispensaries, manufacturing facilities and cannabis testing facilities; [PL 2017, c. 452, §20 (AMD); PL 2021, c. 669, §5 (REV).]

C. All penalties and fines assessed for violations of this chapter; [PL 2009, c. 631, §45 (NEW); PL 2009, c. 631, §51 (AFF).]

D. All money from any other source, whether public or private, designated for deposit into or credited to the fund; [PL 2019, c. 312, §2 (AMD).]

E. Interest earned or other investment income on balances in the fund; and [PL 2019, c. 312, §2 (AMD).]

F. All money received as a result of a reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity pursuant to section 2428, subsection 13, paragraph D. [PL 2019, c. 312, §3 (NEW).]

[PL 2019, c. 312, §§2, 3 (AMD); PL 2021, c. 669, §5 (REV).]

3. Uses of the fund. The fund may be used for expenses of the department to administer this chapter or for research in accordance with subsection 5, as allocated by the Legislature.

A. [PL 2021, c. 181, Pt. A, §2 (RP).]

B. [PL 2021, c. 181, Pt. A, §2 (RP).]

[PL 2021, c. 181, Pt. A, §2 (AMD).]

4. Review of fund balance. Beginning January 2018 and every 2 years thereafter, the department shall review the balance in the fund. If the balance in the fund exceeds \$400,000, the department shall

reduce the fees established under section 2425-A, subsection 10 for a 2-year period beginning with the calendar year following the review.

[PL 2017, c. 452, §22 (NEW).]

5. Medical cannabis research grant program established. The medical cannabis research grant program, referred to in this subsection as "the program," is established within the department to provide grant money to support objective scientific research, including observational and clinical trials and existing research, on the efficacy of harvested cannabis as part of medical treatment and the health effects of harvested cannabis used as part of medical treatment. The program must be funded from the fund. The department shall adopt rules necessary to implement the program, including, but not limited to, required qualifications of persons conducting the research; determining the scientific merit and objectivity of a research proposal; criteria for determining the amount of program funds distributed; criteria for determining the duration of the research; procedures for soliciting research participants, including outreach to patients, and for obtaining the informed consent of participants; and reporting requirements for the results of the research and evaluation of the research results. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 387, §11 (AMD); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2009, c. 631, §45 (NEW). PL 2009, c. 631, §51 (AFF). PL 2015, c. 475, §25 (AMD). PL 2017, c. 409, Pt. E, §10 (AMD). PL 2017, c. 452, §§19-22 (AMD). PL 2019, c. 312, §§2, 3 (AMD). PL 2019, c. 331, §31 (AMD). PL 2021, c. 181, Pt. A, §2 (AMD). PL 2021, c. 387, §11 (AMD). PL 2021, c. 669, §5 (REV).

§2430-A. Compliance

(REPEALED)

SECTION HISTORY

PL 2009, c. 631, §46 (NEW). PL 2009, c. 631, §51 (AFF). PL 2013, c. 516, §16 (RPR). PL 2015, c. 475, §26 (AMD). PL 2017, c. 452, §23 (RP).

§2430-B. Admissibility of records

A certificate, signed by the commissioner or the commissioner's designee, stating what the records of the department show on any given matter related to this chapter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter. Upon testimony of a law enforcement officer that the certificate and records were obtained by that law enforcement officer from the department, the court shall admit that certificate and those records as evidence without any further foundation or testimony. If the department stores records in a computer or similar device, a printout or other output readable by sight of information stored in the department's computer or similar device, certified by the commissioner or the commissioner's designee as an accurate reflection of the stored information, is admissible in evidence to prove the content of the records. [PL 2011, c. 383, §5 (NEW); PL 2011, c. 407, Pt. B, §35 (NEW).]

SECTION HISTORY

PL 2011, c. 383, §5 (NEW). PL 2011, c. 407, Pt. B, §35 (NEW).

§2430-C. Protections for authorized activity

1. Rights of persons or entities acting pursuant to this chapter. A person whose conduct is authorized under this chapter may not be denied any right or privilege or be subjected to arrest, prosecution, penalty or disciplinary action, including but not limited to a civil penalty or disciplinary

action by a business or occupational or professional licensing board or bureau, for lawfully engaging in conduct involving the medical use of cannabis authorized under this chapter.

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

2. Legal protection for hospitals and long-term care facilities. The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and an officer or director, employee or agent of the hospital and a long-term care facility and an officer or director, employee or agent of the long-term care facility. Any immunity provision in this chapter in conflict with this subsection does not apply to a hospital or long-term care facility. The legal protection for hospitals and long-term care facilities applies in accordance with the following.

A. If the use of a form of harvested cannabis that is not smoked, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

B. If the use of a form of harvested cannabis consistent with a long-term facility's policy by an admitted patient who has been certified under section 2423-B occurs in the long-term care facility, that long-term care facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

C. An officer or director, employee or agent of a hospital or long-term care facility where the use of a form of harvested cannabis that is not smoked or vaporized, including but not limited to edible cannabis products and tinctures and salves of cannabis, by an admitted patient who has been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of cannabis authorized under this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

3. School, employer or landlord may not discriminate. A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. This subsection does not prohibit a restriction on the administration or cultivation of cannabis on premises when that administration or cultivation would be inconsistent with the general use of the premises. A landlord or business owner may prohibit the smoking of cannabis for medical purposes on the premises of the landlord or business if the landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises.

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

4. Person may not be denied parental rights and responsibilities or contact with a minor child. A person may not be denied parental rights and responsibilities with respect to or contact with a minor child as a result of acting in accordance with this chapter, unless the person's conduct is contrary to the best interests of the minor child as set out in Title 19-A, section 1653, subsection 3.

[PL 2017, c. 452, §24 (NEW).]

5. Receiving an anatomical gift. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of cannabis as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of cannabis to the use of forms of harvested cannabis that are not smoked or vaporized, including but not limited to edible cannabis and tinctures and salves of cannabis. A transplant evaluator may require medical cannabis used by a qualifying patient to be tested for fungal contamination by a cannabis testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

6. Prohibition on seizure and retention. Except when necessary for an ongoing criminal investigation, a law enforcement officer may not seize cannabis that is in the possession of a qualifying patient, caregiver, cannabis testing facility, manufacturing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of cannabis in violation of this subsection shall return the cannabis within 7 days after receiving a written request for return by the owner of the cannabis. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return cannabis possessed in violation of this subsection within 7 days of receiving a written request for return of the cannabis under this subsection, the owner of the cannabis may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.

[PL 2023, c. 365, §11 (AMD).]

6-A. Restrictions on law enforcement access. Notwithstanding any provision of law to the contrary, a law enforcement officer may not enter any location in which a qualifying patient, caregiver, registered dispensary, manufacturing facility or cannabis testing facility conducts activities authorized under this chapter or pursuant to a registry identification card or registration certificate issued under this chapter, except where:

A. The patient, caregiver, dispensary, manufacturing facility or cannabis testing facility voluntarily allows the law enforcement officer to enter the location; [PL 2021, c. 662, §33 (NEW); PL 2021, c. 669, §5 (REV).]

B. The law enforcement officer's entry is authorized pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace; or [PL 2021, c. 662, §33 (NEW).]

C. The law enforcement officer's entry is authorized in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances. [PL 2021, c. 662, §33 (NEW).]

[PL 2021, c. 662, §33 (NEW); PL 2021, c. 669, §5 (REV).]

7. Requirements for protection. To receive protection under this section for conduct authorized under this chapter, a person must:

A. If the person is a qualifying patient or visiting qualifying patient, present upon request of a law enforcement officer the patient's written certification; or [PL 2023, c. 365, §12 (AMD).]

B. If the person is a caregiver, present upon request of a law enforcement officer the caregiver's registry identification card or registration certificate. [PL 2023, c. 365, §12 (AMD).]

[PL 2023, c. 365, §12 (AMD).]

8. Evidence of lawful conduct. Possession of a registry identification card by a cardholder, the act of applying for a registry identification card, possession of a written certification issued under

section 2423-B or possession of a designation document executed under section 2423-A, subsection 1, paragraph F-1 is evidence of lawful conduct and may not be used to support the search of that person or that person's property. The possession of or application for a registry identification card or possession of a written certification does not prevent the issuance of a warrant if probable cause exists on other grounds.

[PL 2023, c. 365, §13 (AMD).]

9. Immunity. The immunity provisions in this subsection apply to caregivers, cannabis testing facilities, manufacturing facilities and dispensaries and the officers or directors or assistants of caregivers, cannabis testing facilities, manufacturing facilities and dispensaries.

A. A caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this section to assist with the medical use of cannabis in accordance with this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

B. An officer or director or assistant of a caregiver, cannabis testing facility, manufacturing facility or dispensary is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a caregiver, cannabis testing facility, manufacturing facility or dispensary to provide cannabis plants and cannabis products to qualifying patients, caregivers, dispensaries, manufacturing facilities or cannabis testing facilities or to otherwise assist with the medical use of cannabis in accordance with this chapter. [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

10. Defense for possession of excess cannabis. Except as provided in section 2426, a qualifying patient may assert as a defense to any prosecution involving cannabis possession use of cannabis for a medical purpose and may present evidence in court that the patient's medical use or cultivation of an amount of cannabis exceeding the amount allowed under section 2423-A was reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of treating or alleviating the patient's medical diagnosis or symptoms associated with the patient's medical diagnosis that, in a medical provider's professional opinion, may be alleviated by the therapeutic or palliative medical use of cannabis.

[PL 2023, c. 365, §14 (NEW).]

11. Calculation of cannabis weight. The amount of cannabis possessed under this chapter must be calculated by the weight of dried harvested cannabis. A calculation of the weight of cannabis that is not dried must reduce the weight by at least 75% to account for moisture content. A calculation of the weight of cannabis in a cannabis product may not include ingredients in the product other than cannabis, except that the weight of cannabis concentrate must be included regardless of whether the cannabis concentrate is within a cannabis product or not within a cannabis product.

[PL 2023, c. 365, §15 (NEW).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 662, §§33, 34 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §§11-15 (AMD).

§2430-D. Collectives prohibited

Collectives are prohibited under this chapter. A person may not form or participate in a collective. For purposes of this section, "collective" means an association, cooperative, affiliation or group of

caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective. The following relationships are not collectives and are not prohibited: [PL 2023, c. 679, Pt. A, §20 (AMD).]

1. Caregivers assisting for the benefit of a mutual qualifying patient. Two caregivers to the extent the relationship is to:

A. Consult with each other to assist the same qualifying patient; [PL 2017, c. 452, §24 (NEW).]

B. Refer a qualifying patient to a caregiver to obtain specialized cannabis plants or harvested cannabis; [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

C. Obtain specialized cannabis plants or harvested cannabis from another caregiver to assist the same qualifying patient; or [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

D. Transfer harvested cannabis pursuant to section 2423-A, subsection 2, paragraph K; [PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2017, c. 452, §24 (NEW); PL 2021, c. 669, §5 (REV).]

2. Employer and assistant, family members or members of the same household. Two caregivers to the extent the relationship is as employer and assistant, members of the same family or members of the same household;

[PL 2023, c. 679, Pt. A, §21 (AMD).]

3. Caregivers sharing common areas. Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized pursuant to the provisions of this chapter, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share cannabis plants or harvested cannabis resulting from the cultivation of those plants; or

[PL 2023, c. 679, Pt. A, §22 (AMD).]

4. Caregivers providing short-term assistance. A caregiver assisting up to 2 other caregivers at any one time with activities authorized under this chapter, as long as the caregiver has given prior notice to the office. Notice required by this subsection must include the name of each caregiver needing assistance and the duration of the assistance to be provided. Assistance may not exceed 90 days within a calendar year unless approved in advance by the office.

[PL 2023, c. 679, Pt. A, §23 (NEW).]

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 679, Pt. A, §§20-23 (AMD).

§2430-E. Possession penalties; fraud penalty

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 387, §12 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §16 (RP).

§2430-F. Registration suspension or revocation

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 387, §13 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §17 (RP).

§2430-G. Record keeping; inspections; reporting requirements

(REPEALED)

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2019, c. 331, §32 (AMD). PL 2021, c. 367, §16 (AMD). PL 2021, c. 387, §§14-16 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §35 (AMD). PL 2023, c. 96, §2 (AMD). PL 2023, c. 365, §18 (RP). PL 2023, c. 405, Pt. A, §58 (AMD). PL 2023, c. 646, Pt. A, §26 (RP). PL 2023, c. 679, Pt. A, §24 (RP).

§2430-H. Fines collected**(REPEALED)**

SECTION HISTORY

PL 2017, c. 452, §24 (NEW). PL 2021, c. 669, §5 (REV). PL 2023, c. 365, §19 (RP).

§2430-I. Suspension, revocation, administrative penalty; forfeiture; surrender**1. Definitions.**

[PL 2023, c. 679, Pt. A, §25 (RP).]

1-A. Registration violation types. The following registration violation types are established.

A. "Major registration violation affecting public safety" means an intentional or knowing violation that imminently jeopardizes public health and safety or conduct that indicates a willful or reckless disregard for public health and safety. "Major registration violation affecting public safety" is limited to:

- (1) Intentionally or knowingly selling harvested cannabis or cannabis products for medical use containing any scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;
- (2) Intentionally or knowingly using prohibited agricultural chemicals that pose a threat to public health and concealing their use from the office, other registrants or consumers;
- (3) Intentionally or knowingly treating or otherwise adulterating harvested cannabis with a scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for compounds naturally occurring in the cannabis plant;
- (4) Intentionally or knowingly purchasing or transferring from the illicit market cannabis or cannabis products that are offered for sale or transfer to qualifying patients or combined with harvested cannabis or cannabis products for medical use;
- (5) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so; or
- (6) Other intentional or knowing egregious conduct that imminently threatens public health and safety or conduct that shows a willful or reckless disregard for public health and safety that poses an imminent risk to public health and safety. [PL 2023, c. 679, Pt. A, §26 (NEW).]

B. "Major registration violation" means a serious violation that does not imminently jeopardize public safety. "Major registration violation" is limited to:

- (1) Misleading the office for the purposes of involving a person with a disqualifying drug offense in the operation of a registrant;
- (2) Intentionally or knowingly diverting harvested cannabis or cannabis products for medical use to the illicit market or to a cannabis establishment under the Cannabis Legalization Act;

- (3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or otherwise adulterating harvested cannabis with any chemical that alters the color, appearance, weight or smell of the cannabis or that increases its potency, toxicity or addictiveness in a manner not authorized under this chapter;
- (4) Selling or transferring cannabis plants, harvested cannabis or cannabis products for medical use to a person under 21 years of age who is not a minor qualifying patient;
- (5) Intentionally or knowingly making deliveries of harvested cannabis to a safe zone designated by a municipality pursuant to Title 30-A, section 3253 unless otherwise authorized under this chapter;
- (6) Allowing a minor to be an assistant of the registrant unless otherwise authorized under this chapter;
- (7) Cultivating cannabis plants in an amount that is equal to or greater than 150% of the total number of cannabis plants or plant canopy the registrant is authorized to cultivate under this chapter;
- (8) Intentionally or knowingly misrepresenting any cannabis product to a qualifying patient, registrant or the public, including:
 - (a) Its contents;
 - (b) Its testing results; or
 - (c) Its potency;
- (9) Refusing, 2 or more times, to permit the office to inspect locations where the registrant conducts authorized activities;
- (10) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so; or
- (11) Any violation in paragraph C that is a knowing violation or that the registrant has committed 3 or more times. [PL 2023, c. 679, Pt. A, §26 (NEW).]

C. "Minor registration violation" means a negligent violation. "Minor registration violation" is limited to:

- (1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or delivering cannabis or cannabis products for or to a minor who is not a qualifying patient;
- (2) Cultivating more cannabis plants than the registrant is authorized to cultivate under this chapter, but less than 150% of the total number of cannabis plants or plant canopy authorized;
- (3) Supplying adulterated or misbranded harvested cannabis or cannabis products;
- (4) Failing to obtain or maintain any required licenses, permits or certificates from another state agency or a municipality, as applicable, for the conduct of activities authorized by this chapter; or
- (5) A 2nd violation of any other requirement of this chapter or the rules adopted pursuant to this chapter that is not expressly listed in this subsection. [PL 2023, c. 679, Pt. A, §26 (NEW).]

[PL 2023, c. 679, Pt. A, §26 (NEW).]

2. Penalties. For a registration violation, the department, in accordance with this section, on its own initiative or on complaint and after investigation, may, by written order:

A. Impose an administrative penalty in accordance with this section. Penalties collected pursuant to this paragraph must be credited to the Medical Use of Cannabis Fund established under section 2430; [PL 2023, c. 679, Pt. A, §27 (AMD).]

B. Seize and destroy cannabis or cannabis products under subsections 5 and 6; and [PL 2023, c. 679, Pt. A, §27 (AMD).]

C. Suspend or revoke a registry identification card or registration certificate issued under this chapter. [PL 2023, c. 679, Pt. A, §27 (AMD).]

For a first violation of this chapter or rules adopted pursuant to this chapter, other than a registration violation under subsection 1-A or a violation under subsection 4, the office may only provide technical assistance to the registrant and may not impose a penalty or suspend or revoke a registration. [PL 2023, c. 679, Pt. A, §27 (AMD).]

3. Administrative penalties, generally. The department may impose administrative penalties for a violation of this chapter or rules adopted under this chapter as follows:

A. For a registered caregiver who does not operate a retail store and a registrant agent:

(1) Not more than \$200 for each minor registration violation;

(2) Not more than \$600 for each major registration violation; or

(3) Not more than \$1,500 for each major registration violation affecting public safety; and [PL 2023, c. 679, Pt. A, §28 (AMD).]

B. For a registrant, except a registered caregiver who does not operate a retail store:

(1) Not more than \$1,000 for each minor registration violation;

(2) Not more than \$3,000 for each major registration violation; or

(3) Not more than \$7,500 for each major registration violation affecting public safety. [PL 2023, c. 679, Pt. A, §28 (AMD).]

[PL 2023, c. 679, Pt. A, §28 (AMD).]

4. Administrative penalty for sale or transfer to nonpatient. The department shall notify a registrant within one business day after the department discovers that a registrant or registrant agent sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter. Both the registrant and registrant agent that sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use may be held responsible as follows.

A. The first time a registrant or registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the registrant or registrant agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a minor registration violation. [PL 2023, c. 679, Pt. A, §29 (AMD).]

B. The 2nd time a registrant or registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the registrant or registrant agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a major registration violation. [PL 2023, c. 679, Pt. A, §29 (AMD).]

C. The 3rd time a registrant or registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter and for any subsequent violations of this subsection thereafter, the registrant or registrant agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for

medical use may be subject to suspension or revocation of the registrant's or registrant agent's registry identification card or registration certificate or an administrative penalty for a major registration violation. [PL 2023, c. 679, Pt. A, §29 (AMD).]

A registrant is subject to the penalties in this section whether the registrant violated this subsection or the registrant agent violated this subsection. Violations of this section by a registrant are cumulative whether the same or a different registrant agent violated this subsection. [PL 2023, c. 679, Pt. A, §29 (AMD).]

5. Forfeit and destruction under final order. This subsection governs the forfeiture and destruction of cannabis plants, cannabis or cannabis products when a final order is issued.

A. If the department issues a final order imposing an administrative penalty under this section, the department may require, in the final order, that all or a portion of the cannabis plants, cannabis or cannabis products in the possession of the registrant subject to the final order be destroyed. [PL 2023, c. 679, Pt. A, §30 (AMD).]

B. The registrant subject to the final order shall forfeit the cannabis plants, cannabis or cannabis products to the department or destroy the cannabis plants, cannabis and cannabis products at the time and place and in the manner required by the department in writing. [PL 2023, c. 679, Pt. A, §30 (AMD).]

[PL 2023, c. 679, Pt. A, §30 (AMD).]

6. Destruction prohibition. If the department is notified by a criminal justice agency that there is a pending investigation of a registrant subject to a final order under this section, the department may not destroy, or allow the registrant to destroy, any cannabis plants, cannabis or cannabis products of that registrant until the destruction is approved by the criminal justice agency.

[PL 2023, c. 679, Pt. A, §31 (AMD).]

7. Form of payment. The department shall accept payment of an administrative penalty imposed under this section in the form of cash or a certified check or cashier's check payable to the department. [PL 2023, c. 365, §20 (NEW).]

8. Suspension. The office may suspend a registration in accordance with this subsection.

A. The office may suspend a registration, for a period of up to one year, upon a finding of:

- (1) A major registration violation affecting public safety;
- (2) A pattern of major registration violations in a 60-month period; or
- (3) A violation of subsection 1-A, paragraph B, subparagraph (7). [PL 2023, c. 679, Pt. A, §32 (NEW).]

B. A registrant whose registration has been suspended pursuant to this subsection may not, for the duration of the suspension period, engage in any activities otherwise authorized under this chapter, except that the registrant may do what is reasonably necessary to wind down processes and may harvest any cannabis plants currently growing but may not start any new plants or make any transfers or sales. [PL 2023, c. 679, Pt. A, §32 (NEW).]

C. The office may permit the transfer of a suspended registry identification card or registration certificate to another person in order for the person to undertake some or all of the registrant's operations during the period of suspension. A registry identification card or registration certificate may not be transferred to any person that is not qualified to be a registrant under this chapter. A suspended registry identification card or registration certificate may not be transferred pursuant to this paragraph if such a transfer would result in the receiving registrant exceeding the amount of plant canopy or mature cannabis plants the receiving registrant is authorized to cultivate or in any other violation of this chapter. [PL 2023, c. 679, Pt. A, §32 (NEW).]

[PL 2023, c. 679, Pt. A, §32 (RPR).]

8-A. Revocation. The office may revoke a registration in accordance with this subsection.

A. The office may revoke a registration for a period of up to one year, upon a finding of:

- (1) A major registration violation affecting public safety; or
- (2) A pattern of major registration violations in a 60-month period. [PL 2023, c. 679, Pt. A, §33 (NEW).]

B. A registrant whose registration has been revoked pursuant to this subsection shall cease all activities otherwise authorized under this chapter until the revocation period ends and the registration is reauthorized. [PL 2023, c. 679, Pt. A, §33 (NEW).]

[PL 2023, c. 679, Pt. A, §33 (NEW).]

9. Maine Administrative Procedure Act; final agency action; appeals. Except as otherwise provided in this chapter or the rules adopted pursuant to this chapter, the imposition of an administrative penalty on a registrant by the office, including, but not limited to, the provision of notice and the conduct of hearings, is governed by the Maine Administrative Procedure Act. A final order of the office imposing an administrative penalty is a final agency action, as defined in Title 5, section 8002, subsection 4, and the registrant may appeal that final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

[PL 2023, c. 679, Pt. A, §34 (RPR).]

10. Notification. Except as otherwise provided in subsection 4, if, after an inspection or investigation by the office or a criminal justice agency, the office identifies a violation of this chapter or the rules adopted pursuant to this chapter, the office shall, within 5 business days of identifying the violation, provide written notification of the violation to the registrant. The registrant, within 5 days of receiving notification, shall provide the office with a plan of correction, if applicable, for the identified violation, including a time frame for the correction. If, after a follow-up inspection, the office decides to impose a monetary penalty on the registrant, the office shall notify the registrant of the monetary penalty in a timely manner after the follow-up inspection. Notice under this subsection does not constitute final agency action.

[PL 2023, c. 679, Pt. A, §35 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §20 (NEW). PL 2023, c. 679, Pt. A, §§25-35 (AMD).

§2430-J. Reporting; record keeping; labels

The department shall develop, implement and maintain a statewide electronic portal through which registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities may submit to the department the records required pursuant to this chapter. The department may not require records submitted through the portal to contain information identifying qualifying patients. [PL 2023, c. 365, §21 (NEW).]

1. Required records. A registered caregiver, a registered dispensary, a cannabis testing facility and a manufacturing facility shall:

- A. Keep a record of all transfers of cannabis plants and harvested cannabis; [PL 2023, c. 365, §21 (NEW).]
- B. Keep the books and records for a period of 4 years; and [PL 2023, c. 365, §21 (NEW).]
- C. Make the books and records maintained under this subsection available for inspection by the department upon the department's request. [PL 2023, c. 365, §21 (NEW).]

[PL 2023, c. 365, §21 (NEW).]

2. Required label. A registered caregiver, registered dispensary, cannabis testing facility and manufacturing facility shall accompany all cannabis plants and harvested cannabis being transported pursuant to this chapter with a label that identifies:

- A. The person transferring the cannabis plants or harvested cannabis, including the person's registry identification number; [PL 2023, c. 365, §21 (NEW).]
- B. The person receiving the cannabis plants or harvested cannabis, including the person's registry identification number or, if the person is not required to register under this chapter, a unique identifier assigned to the person; [PL 2023, c. 365, §21 (NEW).]
- C. A description of the cannabis plants or harvested cannabis being transferred, including the amount and form; [PL 2023, c. 365, §21 (NEW).]
- D. The time and date of the transfer; and [PL 2023, c. 365, §21 (NEW).]
- E. The destination of the cannabis plants or harvested cannabis. [PL 2023, c. 365, §21 (NEW).]

The department may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 365, §21 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §21 (NEW).

§2430-K. Inspections; limitation

The department may conduct inspections of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities in accordance with this section and rules adopted pursuant to this chapter. The department may not conduct an inspection of a qualifying patient or caregiver operating under section 2423-A, subsection 3, paragraph C. [PL 2023, c. 365, §22 (NEW).]

1. Criteria. The department shall maintain a publicly accessible electronic version of the criteria for inspection of registered caregivers, registered dispensaries, cannabis testing facilities and manufacturing facilities.

[PL 2023, c. 365, §22 (NEW).]

2. Access to premises. Notwithstanding any provision of law to the contrary, to ensure compliance with this chapter or in response to a complaint, the department may inspect the premises where a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility conducts activity authorized under this chapter, without notice during regular business hours or during hours of apparent activity, except that the department may not enter the dwelling unit of a registered caregiver if the registered caregiver is not present and may inspect the area of a dwelling unit only where activity authorized under this chapter occurs.

[PL 2023, c. 365, §22 (NEW).]

3. Complaints. If the department conducts an inspection in response to a complaint, the department shall provide the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility subject to the inspection a written statement of the substance of the complaint at the time of the inspection.

[PL 2023, c. 365, §22 (NEW).]

4. Contamination prevention. The department shall develop and post on the department's publicly accessible website guidance on how a person conducting inspections under this section can prevent contaminating the premises being inspected.

[PL 2023, c. 365, §22 (NEW).]

5. Notification of unauthorized conduct. If during an inspection the department finds evidence of a violation of this chapter or rules adopted pursuant to this chapter, the department shall, within one

business day of the completion of the inspection, provide written notification of the identified violation to the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility. Notice under this subsection does not constitute final agency action.
[PL 2023, c. 365, §22 (NEW).]

6. Penalty. In addition to any other penalty authorized under this chapter, the registry identification card or registration certificate of a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility that refuses or willfully avoids 2 or more inspections under this section may be suspended or revoked pursuant to section 2430-I or the department may refuse to renew the registry identification card or registration certificate.
[PL 2023, c. 365, §22 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §22 (NEW).

§2430-L. Compliance check

Notwithstanding section 2430-K and in accordance with section 2430-C, subsection 6-A, the department, or an agent of the department, may enter the premises of a caregiver retail store or a dispensary to conduct a compliance check of the operation of the store or dispensary by attempting to purchase a nominal amount of cannabis for medical use. The department, or its agent, is not required to identify affiliation with the department. Evidence of a violation of this chapter or rules adopted pursuant to this chapter must be handled pursuant to section 2430-I. [PL 2023, c. 365, §23 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §23 (NEW).

§2430-M. Voluntary surrender and destruction

A registered caregiver, dispensary, cannabis testing facility or manufacturing facility may elect to voluntarily surrender cannabis plants, cannabis or cannabis products to the department for destruction under the following conditions. [PL 2023, c. 365, §24 (NEW).]

1. Request. A registered caregiver's, dispensary's, cannabis testing facility's or manufacturing facility's request to surrender cannabis plants, cannabis or cannabis products to the department for destruction must be made on a form made available by the department and must be signed by a person who certifies that the person is an authorized representative of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility.
[PL 2023, c. 365, §24 (NEW).]

2. Investigation or prosecution. The department may decline to accept cannabis plants, cannabis or cannabis products for destruction under this section if the department is aware of a pending investigation of the registered caregiver, dispensary, cannabis testing facility or manufacturing facility submitting the request until such time as the department confirms with the appropriate criminal justice agency that the cannabis plants, cannabis or cannabis products are not part of an ongoing investigation or prosecution.
[PL 2023, c. 365, §24 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §24 (NEW).

§2430-N. Report to the Legislature

By February 15th each year, the department shall submit a report that does not disclose identifying information about qualifying patients, cardholders or medical providers to the joint standing committee of the Legislature having jurisdiction over medical cannabis matters that contains for the previous year unless otherwise indicated, at a minimum: [PL 2023, c. 365, §25 (NEW).]

1. Applications and renewals. The number of applications and renewals filed for registry identification cards and registration certificates;
[PL 2023, c. 365, §25 (NEW).]

2. Patients and caregivers. The number of qualifying patients and registered caregivers approved in each county;
[PL 2023, c. 365, §25 (NEW).]

3. Suspensions or revocations. The number of registry identification cards suspended or revoked;
[PL 2023, c. 365, §25 (NEW).]

4. Medical providers. The number of medical providers providing written certifications for qualifying patients;
[PL 2023, c. 365, §25 (NEW).]

5. Dispensaries, manufacturing facilities and testing facilities. The number of registered dispensaries, manufacturing facilities and cannabis testing facilities approved in each county;
[PL 2023, c. 365, §25 (NEW).]

6. Officers, directors and assistants. The number of officers, directors and assistants of registered caregivers and registered dispensaries, manufacturing facilities and cannabis testing facilities;
[PL 2023, c. 365, §25 (NEW).]

7. Medical Use of Cannabis Fund. The revenue and expenses of the Medical Use of Cannabis Fund established in section 2430; and
[PL 2023, c. 365, §25 (NEW).]

8. Sales tax revenue. The sales tax revenue from the sale of cannabis for medical use deposited into the General Fund for the current and prior fiscal years.
[PL 2023, c. 365, §25 (NEW).]

SECTION HISTORY

PL 2023, c. 365, §25 (NEW).

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