



ADMINISTRATIVE & FINANCIAL SERVICES

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Dear Stakeholder:

I write today, following up on my letters of September 29, 2021 and January 12, 2022, to let you know that the Office of Cannabis Policy (OCP) has completed final adoption of revisions to 18-691 C.M.R. ch. 1, the rule which constitutes the bulk of administrative regulations governing the Adult Use Marijuana Program (AUMP).

This action will follow OCP's late 2021 public comment period on proposed revisions, the Maine Legislature's review and acceptance of these major substantive rules in early 2022, and Governor Janet T. Mills signing the rulemaking resolve into law on April 7, 2022. As an emergency legislative measure, the resolve became effective immediately upon the signature of the governor; however, OCP has 60 days before we must complete final adoption of the rule.

The Office completed final adoption today, June 1, 2022 and that revised rule will become effective July 1, 2022. Until that time, the rules and requirements of 18-691 C.M.R. ch. 1, effective December 5, 2019, remain in effect.

When initially considering revisions to the AUMP rule, our focus was on reducing administrative and regulatory burdens, implementing updates necessitated by changes to current law, and incorporating formal guidance published by OCP since the launch of the program. We also remained open to the feedback provided by interested stakeholders during the comment period and believe this is reflected in the final product presented to the legislature for their consideration.

In reviewing forthcoming changes to the AUMP rule, please note that:

- OCP revised video surveillance requirements to reduce the financial burden of these systems on the industry;
- The licensing application process has been reconfigured to require detailed information at the active licensure phase, rather than at the conditional licensure phase;
- Standard operating procedures (SOPs) will no longer need to be provided to OCP, except for those related to the safe and proper operation of inherently hazardous substance extraction equipment;
- Regulations related to licensee "brands" and "logos" has been clarified;
- Reusable packaging will be expressly permitted going forward; and
- References to law enforcement have been removed.

As you know, the Office periodically issues guidance to clarify provisions of rule which are subject to inquiries from the industry. In revising the program rule, OCP attempted to integrate those guidance documents—to the extent practical—to ensure there is greater clarity regarding

interpretation of those provisions and reduce the need to refer to those documents moving forward. For example, you will notice changes to standards for the licenses required by other state agencies, such as a pesticide applicator license, food establishment and/or bottled beverage manufacturing licenses, and sales tax identification numbers.

Administratively, you will notice that new or revised statutory definitions for the terms "marijuana trim", "mother plant", "marijuana plant", "immature marijuana plant", and "seedling" were integrated into the definitions found in the rule. Additionally, OCP integrated language related to the relatively new permission for licensees to utilize a "controlled entry area" to verify the age of prospective customers.

The revisions highlighted in this letter are far from a comprehensive summary of all changes incorporated into the AUMP rule. This correspondence should also not be construed as legal advice or viewed as a substitute for adult use licensees consulting with qualified business consultant(s) and/or attorney(s) about the application of the requirements of the AUMP rule to their unique business situation. As a reminder, the rules and requirements of 18-691 C.M.R. ch. 1, effective December 5, 2019, remain in effect until July 1, 2022.

The Office understands that industry stakeholders are interested in seeing the changes contained in the finally adopted rule implemented in a timely manner. Since it became clear that these rules would be approved by the legislature, OCP has been working tirelessly to make the changes necessary to our systems to operationalize these new regulations. We remain committed to having these changes implemented by the effective date of the new rule, so that AUMP licensees and applicants can benefit from these new standards as expeditiously as possible.

Conversely, if you are concerned about the ability of your business to integrate these programmatic changes into your operations on this accelerated timeline, please know that—consistent with our organizational guiding principles—OCP remains committed to providing technical education to our licensees and registrants.

We appreciate your participation in the rulemaking process, and your role in assisting OCP in developing and instituting regulations which are necessary but not over burdensome. We look forward to continuing to engage with you throughout the coming weeks and months and wish you a safe, productive 2022.

Sincerely,



Erik Gundersen
Director