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To: Current and Prospective Adult Use Cannabis Program Licensees
From: Director Erik Gundersen, Office of Cannabis Policy
Date: Thursday, September 8, 2022
Subject: Guidance for Curbside Pickup and Limited Delivery of Adult Use Cannabis

Background

This guidance is provided to adult use cannabis store licensees regarding recent changes to the law governing authorized activities for cannabis stores. Earlier this year, *An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana*, PL 2021, ch. 667 went into effect, permitting adult use cannabis stores to provide curbside pickup and/or delivery. Now that the Office of Cannabis Policy (OCP) has completed rulemaking to implement this law, we are providing the following guidance to cannabis store licensees regarding the implementation of these new authorized activities.

Guidance

Before a cannabis store licensee may begin conducting sales of cannabis and cannabis products by curbside pickup and/or delivery, the licensee must submit for approval by OCP an updated facility plan of record in accordance Section 3.5.4 of the *Adult Use Cannabis Program Rule*, 18-691 CMR, ch. 1. **Cannabis store licensees may not begin conducting sales by curbside pickup or delivery until the updated facility plan has been approved in writing by OCP.**

Licensees submitting updated facility plans to address **curbside pickup** should be sure to include information regarding the following elements:

- An indication that the licensee intends to conduct sales by curbside pickup at the cannabis store;
- A facility diagram indicating the curbside pickup location immediately adjacent to the primary public ingress and egress of the store;
- If the curbside pickup location is outside the licensed premises of the cannabis store, an indication from the public or private owner of the location that it is designated for parking or standing by that owner; and
- Updates to the licensee's security plan in accordance with Section 3.3.4 of 18-691 CMR, ch. 1, including without limitation:

- Information regarding the cameras to permanently fixed to the exterior of the licensed premises required to capture the entirety of transactions conducted by curbside pickup.

Licensees submitting updated facility plans to address **delivery** should be sure to include information regarding the following elements:

- An indication that the licensee intends to conduct sales by delivery from the cannabis store; and
- Updates to the licensee’s security plan in accordance with Section 3.3.4 of 18-691 CMR, ch. 1, including without limitation:
 - Information regarding the cameras, either mobile or fixed, that have sufficient resolution to record the entirety of the transaction.

Licensees engaged in sales by delivery must also ensure that their delivery staff have received training in accordance with Section 3.9.6 of 18-691 CMR, ch. 1 to properly verify the age and identity of adult use consumers receiving deliveries of adult use cannabis and cannabis products. Additionally, licensees conducting sales by delivery are reminded to:

- Review the Metrc bulletin regarding the use of sales delivery manifests to conduct sales by delivery; and
- Contact municipalities within the store licensee’s delivery area to identify any safe zones within the delivery area where licensee is prohibited from conducting deliveries.

In addition to safe zones designated by municipalities pursuant to 30 MRS § 3253, cannabis store licensees intending to conduct sales to adult use consumers by delivery are reminded that such deliveries may be made only to primary residences. A primary residence *does not* include:

- Dormitories of educational institutions or licensed summer camps;
- Inns, hotels, motels, lodging houses, campgrounds; and
- Private and public property including but not limited to schools, parks, parking lots, sidewalks, streets, nonresidential buildings or nonresidential portions of buildings maintained by private or public entities.

Finally, licensees that hold retail tobacco sales licenses from the Maine Department of Health and Human Services (DHHS) are reminded that they may not conduct delivery sales of items defined as “tobacco products” pursuant to 22 MRS §§ 1551(3) and 1555-F. Licensees with questions regarding this prohibition can contact DHHS’ Health Inspection Program at 207-287-5691, lisa.silva@maine.gov or devon.l.cummings@maine.gov.

Conclusion

Adult use cannabis store licensees preparing to offer curbside pickup and/or delivery of adult use cannabis and adult use cannabis products are reminded that they may not conduct such authorized activities until the licensee has received from OCP approval of their updated facility plan in accordance with Section 3.5.4 of 18-691 CMR, ch. 1.

Licensees intending to conduct sales by delivery are further reminded that the laws governing adult use cannabis delivery and tobacco retail sales limit the places where deliveries may occur, as well as the kinds of cannabis and cannabis products that can be delivered.

Licensees with questions regarding facility plans can contact OCP's licensing team at licensing.ocp@maine.gov. Licensees with questions regarding security requirements and implementation of these new authorized activities can contact OCP's compliance team at compliance.ocp@maine.gov.

Thank you for your attention to the information around these newly-authorized activities.