



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

ERIK GUNDERSEN
DIRECTOR

To: Current and Prospective AUCP Cultivation Licensees
From: Director Erik Gundersen, Office of Cannabis Policy
Date: October 7, 2022, updating guidance previously issued February 25, 2021
Subject: Guidance on the Commingling of Cannabis Trim and Commingling of Cannabis Kief into Mixed Packages for the Purposes of Mandatory Testing and Distribution

Background

This guidance¹ is provided by the Office of Cannabis Policy (OCP) regarding the combining or commingling of various strains of cannabis trim or kief into mixed strain packages. This guidance document has been developed in response to inquiries from licensees and a noticeable trend in the state's inventory tracking system related to this type of activity. While we have and will continue to address questions raised individually by licensees, we are using this opportunity to provide guidance to maintain the high standards we hold for the adult use program and to ensure consistent understanding and ongoing application of program regulations.

Guidance

The Adult Use Cannabis Program Rule, 18-691 C.M.R., ch. 1, defines a "harvest batch" as "a specific quantity of adult use cannabis harvested from adult use cannabis plants of the *same strain, grown under the same conditions*, and harvested during a *specified period of time* from a *specified cultivation area* within a cultivation facility" [emphasis added]. Cannabis flower, cannabis trim, and kief are included in this definition of "harvest batch".

OCP has determined that it is permissible for cultivation facility licensees to create combined packages of cannabis trim, which include cannabis trim from multiple harvest batches, as well as combined packages of kief, which include kief from multiple harvest batches, for the purpose of transferring those packages to a manufacturing facility for further processing; or in the case of kief, also for the purpose of packaging for retail sale to consumers after mandatory testing. In order to engage in this activity, a cultivation facility must first create initial harvest batch packages of cannabis flower, trim, or kief in the state's inventory tracking system, Metrc. Once that step has been completed, they may then combine different packages of trim or kief into one combined "mixed strain" package of trim or kief for the purposes of transferring to a

¹ A version of this guidance memorandum was originally published under the title of "Guidance on the Commingling of Marijuana Trim into Mixed Packages for the Purposes of Mandatory Testing and Distribution," on February 25, 2021. It has subsequently been revised and reissued to address the treatment of kief.

manufacturing facility for extraction; or in the case of kief, also for the purpose of packaging for retail sale to consumers after mandatory testing.

Similarly, a cultivation facility that is creating raw pre-rolled cannabis cigarettes from commingled trim or kief must create initial harvest packages of cannabis flower, trim or kief in Metrc, and then may combine packages of trim that will be rolled into pre-rolled cannabis cigarettes.

Nothing in this guidance shall be construed to exempt a cultivation facility licensee from remitting excise taxes on all cannabis flower (including kief) and cannabis trim transferred from the cultivation facility to another licensee.