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VERNON W. MALLOCH
INTERIM DIRECTOR

November 30, 2022

Dear MUCP and AUCP Stakeholder,

The Office of Cannabis Policy (OCP) is providing notification that it will cease enforcement of Maine's residency requirements for medical cannabis dispensaries and caregivers. This change comes after a ruling by the United States District Court for the District of Maine, and a subsequent affirmation by the United States Court of Appeals for the First Circuit. Chief Justice Barron's opinion on behalf of the majority can be read [here](#).

The residency requirements for dispensaries stem from a long-standing requirement of the Maine Medical Use of Cannabis Act that all officers or directors of a dispensary must be residents of the State of Maine. In response to a lawsuit challenging this requirement, the court held it unconstitutional and has ordered OCP and the Department of Administrative and Financial Services (DAFS) to stop enforcing the provision. OCP has and will continue to abide by the Court's decision.

While the lawsuit challenge was specific to dispensaries, comparable residency requirements are applied to registered caregivers operating in Maine's Medical Use of Cannabis Program. OCP and counsel in the Office of the Attorney General reviewed the court's decision and, after careful consideration, found that the ruling also applied to the constitutionality of the residency requirements for registered caregivers, thus OCP will cease enforcement of the residency for registered caregivers as well.

Maine has a well-established and successful medical cannabis program that has supported the needs of its patients for many years—removal of the residency requirements will not diminish the program's ability to continue providing medical cannabis to qualifying patients.

Sincerely,

Vernon Malloch
Interim Director