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Criteria for Registered Caregiver Inspections

The following list is provided by the Office of Cannabis Policy (OCP) as a resource to the registered caregiver community regarding common inspection points that OCP compliance staff review when conducting inspections of caregiver operations. This list reflects the compliance requirements enumerated in the laws (Title 22, ch. 558-C) and rules (18-691 CMR, ch. 2) governing registered caregivers as of February 2023. This list should not be construed as legal advice and program participants should consult their own counsel regarding the application of the requirements of the Maine Medical Use of Cannabis Program to their particular operations.

Individuals with questions regarding this list should reach out to their OCP Field Investigator or the Compliance Team at compliance.ocp@maine.gov.

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| CULTIVATION |
| Has the caregiver cultivated cannabis within the last 12 months? |
| Is the caregiver cultivation area: |
| Indoor |
| Outdoor |
| Indoor/outdoor |
| Greenhouse |
| Is the caregiver registered for canopy cultivation? |
| What is the square footage of mature canopy cultivation? |
| What is the number of mature plants in the canopy cultivation? |
| What is the actual immature plant count? |
| Does the caregiver cultivate cannabis using any pesticides? |
| How many pesticide applicators assist with cannabis cultivation? |
| What is the name of individual with the pesticide application license? |
| Is the pesticide applicator in compliance? |
| Potential Violations |
| Applicator not licensed by Board of Pesticides |
| Applicator license expired |
| Applicator does not have valid CGR/RIC |
| Other |
| Do other employees have direct contact with pesticide treated cannabis? |
| Is the caregiver co-located with Adult Use? |

| MANUFACTURING |
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| Does the caregiver engage in manufacturing? |
| Does the caregiver have local authorization? |
| Does the caregiver engage in extraction? |
| Does the caregiver engage in IHS extraction (flashpoint at or below 38 degrees C/100 F)? |
| What type(s) of IHS extraction does the caregiver engage? (Propane, butane, acetone, heptane, pentane, other) |
| Propane |
| Butane |
| Acetone |
| Heptane |
| Pentane |
| Other |
| Does the caregiver have engineer approved extraction plans (mandatory for IHS extraction)? |
| Does the caregiver engage in non-IHS extraction? |
| What type(s) of non-IHS extraction does the caregiver engage? |
| Water/ice |
| CO2 |
| Ethanol |
| Alcohol |
| Diethyl ether |
| Dry screening/sieving |
| Cryogenic/subzero without solvents |
| Other |
| Does the caregiver engage in edibles manufacturing? |
| Does the caregiver have a food processor license through the Dept. of Agriculture? |
| What type(s) of product manufacturing does the caregiver engage? |
| Baked goods |
| Candies |
| Vape cartridges |
| Tinctures |
| Topicals |
| Liquids |
| Other |
| Is the caregiver in compliance with a beverage/bottling license? Is a bottle deposit required by DEP? |
| Potential Violations |
| No license |
| Expired license |
| License for a different location/address |
| Other |
| Manufactured products not in shape of human, animal or fruit |
| Manufactured products not an addition to trademarked food/drink |

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| Manufactured products free of trademarked brands |
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| PACKAGING AND LABELING |
| Product labeled for potency, cannabinoid profile, contaminants (not mandatory)? |
| Is the caregiver in compliance with the packaging and labeling requirements of 22 MRS § 2429-A? |
| Potential Violations |
| Not tamper evident packaging |
| Not child resistant packaging |
| Not opaque packaging at final sale |
| Not labeled “contains harvested cannabis” |
| Violation of trademark |
| Designed to appeal to persons under 21 |
| False or deceptive label |
| Label depicts human, animal or fruit |
| Label obstructs identifying information |
| Other |

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| RETAIL SALES |
| Does the caregiver operate a retail store (general attributes: fixed location, regular hours, sign, open to the public)? |
| Does the caregiver have local authorization for the storefront? |
| Does the caregiver have only one retail store? |
| Is the caregiver in compliance with a patient transaction log? |
| Is the caregiver in compliance with sales to qualified out of state patients? |
| Does the caregiver engage in the sale of edibles? |
| Is the caregiver in compliance with a retail food license? |
| Potential Violations |
| No license |
| Expired license |
| License for a different location |
| Other retail food license violation |
| Is the caregiver in compliance with edibles (trademarks)? |
| Are the edibles sourced from registered caregivers with valid food processor licenses? |

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| SCALES |
| Are scales certified in accordance with 10 MRS § 2402(10)? |

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| SECURITY |
| Does the caregiver have the required security fencing? (mandatory 6 feet and obscures cannabis for outdoor grow) |
| Does the caregiver have appropriate locks on doors and windows? |
| Is access to the cultivation area restricted to the caregiver and their assistants? |

| TAX AND WHOLESALE COMPLIANCE |
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| Does the caregiver have a Maine Revenue Sales Tax Certificate? |
| Date/time OCP verified Sales Tax # with MRS |
| Does the caregiver have a Maine Revenue Service Reseller Certificate? |
| Has the caregiver purchased wholesale? |
| Has the caregiver sold wholesale? |

| ADVERTISING AND SOCIAL MEDIA |
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| Does the caregiver conduct any advertising or maintain a presence on social media? |
| Date/time that OCP reviewed caregiver social media / advertising presence? |
| Potential Violations |
| Specifically designed to appeal to persons under 21 |
| High likelihood of reaching persons under 21 |
| Within 1000 feet of a school (500 feet with municipal approval) |
| Medical and adult use cannabis in the same sign/ad |
| Unsolicited internet advertising, banners, mass marketing |
| Making health or physical benefit claims in advertising |
| Other |

| RECORDKEEPING |
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| Maintains records of all transfers of plants and harvested cannabis? |
| Maintains records for 4 years? |
| Does the caregiver use trip tickets? |
| Potential Trip Ticket Violations |
| No patient number |
| No caregiver name/caregiver number |
| No date/time |
| Failure to use OCP mandated form |
| Other |

| PLAN OF CORRECTION |
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| Is a plan of correction required for the caregiver to be in compliance with the requirements of the Maine Medical Use of Cannabis Program? |