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To: Current and Prospective AUCP Licensees  
From: Director John Hudak, Office of Cannabis Policy  
Date: September 21, 2023  
Subject: Guidance for the Implementation of Increased Potency Per Package of Edible Cannabis Products

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### Background

Title 28-B MRS Section 703(1)(F) currently states that "...edible cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter...[m]ay not contain more than 10 milligrams of THC per serving of the product and may not contain more than 100 milligrams of THC per package of the product...".

This guidance is provided by the Office of Cannabis Policy (OCP) to clarify the implementation of the section of *An Act to Amend the Adult Use Cannabis Laws*, [PL 2023, ch. 396](#), that increases the per package limit for edible adult use cannabis products from 100 milligrams of THC per package to 200 milligrams of THC per package and goes into effect October 25, 2023.

The corresponding rules in 18-691 CMR will change as well, most specifically related to this guidance document:

- Rule 3.8.2(E) that prohibits a cannabis manufacturing establishment from "package[ing] together for sale an edible cannabis product that has more than 100 milligrams of total THC."
- Rule 3.8.6(B)(3) that states "[n]o individual edible cannabis product unit for sale shall contain more than 100 milligrams of total THC, which must be readily divisible into individual servings containing no more than 10 milligrams of THC per serving."
- Rule 3.9.3(N) that prohibits a cannabis store or nursery cultivation facility from "sell[ing] an edible cannabis product that according to its label, exceeds 10 milligrams of THC per serving and 100 milligrams of THC in the total product."
- Rules 9.4.1(A)(2), (B)(2), and (E) concerning retail sale packaging requirements for edible cannabis products that requires bundled single-serving and multiple-serving edible cannabis products, including drinks, to not exceed 100 milligrams of total THC per container.

**On October 25, 2023**, these "100 milligrams" limitations will increase to "200 milligrams".

## Guidance

Adult use licensees may **not** begin manufacturing, testing, transferring, or selling edible cannabis products in excess of 100 milligrams of THC per package prior to October 25, 2023.

AUCP Products Manufacturing Facility licensees may not begin manufacturing edible cannabis products in excess of 100 milligrams per package until OCP has approved an [application for change of plan of record](#) that updates the licensee's Official Plan of Record. Any information in the Official Plan of Record that will change for the facility to manufacture packages of edible cannabis products in excess of 100 milligrams should be updated. Specifically, Section 6, subsection "Processes, Methods and Materials", question #5 of the "[Official Plan of Record – Facility Plan – Products Manufacturing Facility](#)" that asks licensees to:

*Describe each individual product to be made, including, but not limited to, all ingredients, color, shape, and size. Any changes of ingredients and/or processes could constitute a change in this Plan of Record. Prior to implementation, the licensee must submit an application to change the Plan of Record on forms made available by the Department.*

OCP will accept applications to change a plan of record prior to October 25, 2023, but any changes that are approved will not take effect until October 25, 2023. Please note, if you have not completed the Official Plan of Record revised in February 2023, you will be required to submit an updated Official Plan of Record using this newest version with your application for change.

As a reminder, in accordance with [PL 2023, ch. 396](#), **the per serving limit on edible cannabis products of 10 milligrams of THC per serving is not changing**, only the per package limit.

## Conclusion

The manufacturing, testing, transferring, or selling of edible cannabis products in excess of 100 milligrams of THC per package is **prohibited prior to October 25, 2023**.

Manufacturing facilities may submit applications for changes to plans record prior to October 25, 2023, in preparation for the change, but may not make changes until applications are approved. Licensees with questions regarding applications to change plans of record should reach out to the Licensing Team at [Licensing.OCP@maine.gov](mailto:Licensing.OCP@maine.gov). Licensees with questions concerning packaging and labeling should reach out to the Compliance Team at [Compliance.OCP@maine.gov](mailto:Compliance.OCP@maine.gov).