

To: Current MMCP Registrants

From: Director Erik Gundersen, Office of Cannabis Policy

Date: May 11, 2022

Subject: Enacted Cannabis-related Legislation – Second Regular Session of the 130th Legislature

### Background

This guidance is provided by the Office of Cannabis Policy (OCP) to make Maine Medical Use of Cannabis Program (MMCP) registrants aware of recent changes to the laws governing this program as a result of the most recent legislative session.

This guidance is not intended to be a comprehensive summary of all legislative changes affecting the state's medical program. Rather, it is being provided as a courtesy, should not be construed as legal advice, and should not be viewed as a substitute for program registrants consulting with qualified business consultant(s) and/or attorney(s) about the application of the requirements of the Maine Medical Use of Cannabis Act to their unique situation.

### Guidance

Among the bills that became law this session were several that addressed the MMCP. The following is a summary of some, not all, of the changes enacted by the Legislature which will affect MMCP registrants to varying degrees.

Please note: Despite certain emergency legislation being currently in effect, this language may not be reflected in the Maine Revised Statutes (<https://www.mainelegislature.org/legis/statutes/22/title22ch558-Csec0.html>) until the Revisor of Statutes completes their revisions to Title 22. Unless otherwise indicated, these laws go into effect Monday, August 8, 2022.

***An Act To Update and Clarify the Maine Medical Use of Marijuana Act, [P.L. 2021, ch. 662](#) (Emergency, law without signature April 26, 2022) (LD 1928).***

- Updates the pediatric certification process to remove the requirement that a pediatric patient have one of several qualifying conditions to be certified by a provider without a second opinion.
- Requires certifying providers who are certifying pediatric patients to provide the pediatric patients' parents or guardians with a method for contacting the provider outside of normal business hours.
- Defines the terms "telehealth" and "synchronous" and permits synchronous telehealth appointments for the certification of qualifying patients.
- Permits the acceptance of a digital image of a patient certification by registered caregivers and dispensaries to complete a transaction with a qualifying patient.
- Allows all registered caregivers, regardless of whether the caregiver operates a retail store, to accept remuneration for immature plants and seedlings.
- Allows assistants of caregivers and/or dispensaries to obtain a single registry identification card, not associated with any particular caregiver or dispensary, as proof of authorized conduct to operate as an assistant to caregivers and dispensaries.

- Amends the definitions “cultivation area” and “plant canopy” and allows registered caregivers to maintain up to two separate cultivation areas, one for the cultivation of up to 30 mature cannabis plants or 500 square feet of mature plant canopy, and another for the cultivation of up to 60 immature cannabis plants or 1000 square feet of immature plant canopy.
- Defines the terms “timely filed” and “complete application” and specifies a presumption of continued compliance for registered caregivers and registered dispensaries that timely file complete applications for renewal of a registry identification card or registration certificate, as applicable.

OCP intends to fully implement the provisions of this law by May 16. [OCP provided additional guidance regarding an updated application process for the single assistant card.](#)

***An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes, P.L. 2021, ch. 669*** (LD 1957).

- Excludes cannabis-related crimes that would have been authorized under the Marijuana Legalization Act or Maine Medical Use of Marijuana Act from the definition of “disqualifying drug offense” and reduces look-back period for exclusion due to other disqualifying drug offenses from 10 years to 5 years after completion of sentence.
- Requires OCP to change the term “marijuana” to the term “cannabis” in all rules, policies and publications developed by OCP.
- Directs the revision of the Maine Revised Statutes (except for the Maine Criminal Code) to replace references to “marijuana” with the term “cannabis”.

[OCP has begun the process of transitioning to the use of term “cannabis” in all its external publications and communications and will continue that work over the next several months.](#)

### Conclusion

This is not a comprehensive summary of recent legislative changes but instead is intended to give our program participants an understanding of changes that will impact the application and renewal processes or otherwise impact recordkeeping and reporting requirements. OCP intends to provide additional guidance and updates when these new laws become effective, so please ensure at all times that we have your most up-to-date contact information.

Program participants with questions regarding this guidance can contact Gabi Pierce at [Gabi.Pierce@maine.gov](mailto:Gabi.Pierce@maine.gov) for additional clarification.