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To: Current and Prospective Adult Use Marijuana Program Cultivation and Marijuana Store Licensees

From: Director Erik Gundersen, Office of Marijuana Policy

Date: Friday, October 8, 2021

Subject: Guidance for Packaging and Labeling of Seeds in Adult Use Marijuana Program

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### Background

Pursuant to 28-B M.R.S. §§ 501 and 504, adult use marijuana nursery cultivation facility and marijuana store licensees may sell marijuana seeds to consumers. The Office of Marijuana Policy promulgated rules regarding the packaging and labeling of marijuana and marijuana products but has received inquiries regarding the appropriate packaging and labeling of marijuana seeds for retail sales to consumers.

A nursery cultivation facility or marijuana store selling marijuana seeds to consumers shall ensure that the marijuana seeds are packaged and labeled in accordance with this guidance. All marijuana seeds received by a marijuana store from another licensee must be prepackaged into individual retail packages of marijuana seeds. A nursery cultivation facility must ensure that all marijuana seeds in the retail sales area of the nursery cultivation facility are prepackaged into individual retail packages of marijuana seeds.

Under no circumstances may marijuana seeds be offered for sale “deli style” to be packaged at the point of retail sale.

### Guidance Regarding Inventory Tracking of Marijuana Seeds

A cultivation licensee that is cultivating marijuana seeds for sale to consumers shall track marijuana seeds harvested from marijuana plants in the Department’s inventory tracking system, Metrc. A cultivation facility licensee shall create strain-specific packages in Metrc and record all sales and transfers of marijuana seed packages accordingly.

### Guidance Regarding Packaging

Licensees packaging marijuana seeds for retail sale to consumers should ensure that any packaging used keeps all marijuana seeds dry, prevents germination of the seeds in the packaging, and does not impart any deleterious substances into the marijuana seeds. Packaging for marijuana seeds is exempt from the requirements that such packaging be child resistant, tamper evident, and opaque.

### Guidance Regarding Labeling

There is no mandatory testing required for marijuana seeds. As a result, the labels affixed to individual retail packages of marijuana seeds should not contain any information regarding test results, including without limitation cannabinoid content, potency or the absence or presence of

contaminants. Additionally, individual retail packages of marijuana seeds are not required to include OMP's universal "contains THC" symbol.

Each individual retail package of marijuana seeds shall include the following information, on labels affixed directly to the marketing layer of the package:

1. The inventory tracking system package number for the package of marijuana seeds sold by the nursery cultivation facility or marijuana store licensee;
2. The license number of the cultivation facility where the seeds were propagated;
3. The license number of the nursery cultivation facility (if different from the cultivation facility that produced the seeds) or marijuana store that is offering the individual retail package for sale to consumers;
4. The net weight or the number of individual seeds in the package (licensees may include either or both values on the label); and
5. The following statement: "For cultivation only by consumers 21 years of age or older."

A licensee may include additional information regarding the contents of the individual retail packages of marijuana seeds, provided that such information does not conflict with this guidance or the labeling prohibitions contained in the Adult Use Marijuana Program Rule, 18-691 C.M.R. ch. 1. Additionally, licensees may wish to consider providing consumers with information on the limitations on home cultivation of marijuana for personal adult use contained in 28-B M.R.S. § 1502.

### Conclusion

Licensees with additional questions regarding packaging and labeling of marijuana seeds for retail sale should contact OMP's Compliance Division at [Compliance.OMP@maine.gov](mailto:Compliance.OMP@maine.gov).