132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document	**No. 1840**
S.P. 723	In Senate, April 30, 2025

An Act to Amend the Maine Medical Use of Cannabis Act

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative BOYER of Poland and
Senators: BENNETT of Oxford, FARRIN of Somerset, TALBOT ROSS of Cumberland, TIMBERLAKE of Androscoggin, TIPPING of Penobscot, Representatives: FREDERICKS of Sanford, OSHER of Orono, SUPICA of Bangor.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2421-A, sub-§12, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

12. Caregiver retail store. "Caregiver retail store" means a retail store authorized in accordance with this chapter ~~and used by~~ that has regular business hours at a location accessible to the general public where a registered caregiver ~~to sell~~ sells cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients without an appointment and other items to the general public ~~at a fixed location~~. "Caregiver retail store" does not include an office at a location not accessible to the general public where a registered caregiver provides consultation services, cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients by appointment.

Sec. 2. 22 MRSA §2421-A, sub-§27, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

27. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility ~~or a person authorized to engage in cannabis extraction in accordance with this chapter~~.

Sec. 3. 22 MRSA §2421-A, sub-§42, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

42. Registrant. "Registrant" means a registered caregiver, dispensary, cannabis testing facility~~,~~ or manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter~~.

Sec. 4. 22 MRSA §2421-A, sub-§43, as enacted by PL 2023, c. 679, Pt. A, §3, is amended to read:

43. Registrant agent. "Registrant agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, dispensary, cannabis testing facility~~,~~ or manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter~~.

Sec. 5. 22 MRSA §2422-A, as repealed and replaced by PL 2023, c. 365, §1, is amended by amending the section headnote to read:

§2422-A. Administration and enforcement; rulemaking; forms and guidance documents

Sec. 6. 22 MRSA §2422-A, sub-§3 is enacted to read:

3. Forms and guidance documents. Except where explicitly authorized or directed under this chapter, the department may not:

A. Require a registered caregiver, dispensary, cannabis testing facility or manufacturing facility to use a form issued by the department in complying with the requirements of this chapter or the rules adopted pursuant to this chapter; or

B. Issue a guidance document or memorandum to registered caregivers, dispensaries, cannabis testing facilities or manufacturing facilities regarding compliance with the requirements of this chapter or the rules adopted pursuant to this chapter.

Sec. 7. 22 MRSA §2423-A, sub-§1, ¶J, as repealed and replaced by PL 2019, c. 331, §7 and amended by PL 2021, c. 669, §5, is further amended to read:

J. Manufacture cannabis products and cannabis concentrate for medical use, including through the use of inherently hazardous substances in accordance with section 2423-F, subsection 3-A and the applicable rules adopted pursuant to section 2423-F, subsection 10, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 ~~and except that a qualifying patient may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3~~;

Sec. 8. 22 MRSA §2423-A, sub-§2, ¶E, as amended by PL 2017, c. 452, §4 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 9. 22 MRSA §2423-A, sub-§2, ¶G, as repealed and replaced by PL 2019, c. 331, §9 and amended by PL 2021, c. 669, §5, is further amended to read:

G. Manufacture cannabis products and cannabis concentrate for medical use, including through the use of inherently hazardous substances in accordance with section 2423-F, subsection 3-A and the applicable rules adopted pursuant to section 2423-F, subsection 10, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 ~~and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3~~;

Sec. 10. 22 MRSA §2423-A, sub-§2, ¶O, as enacted by PL 2017, c. 452, §4 and amended by PL 2021, c. 669, §5, is further amended to read:

O. Transport, sell, offer to sell or furnish cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter on the property or premises owned, leased or rented by the caregiver; at trade shows, festivals or other cannabis industry-related events; or through delivery to or private arrangement with a qualifying patient, caregiver or registered dispensary;

Sec. 11. 22 MRSA §2423-F, as amended by PL 2023, c. 679, Pt. A, §8, is further amended by amending the section headnote to read:

§2423-F. Cannabis manufacturing facilities; cannabis extraction

Sec. 12. 22 MRSA §2423-F, first ¶, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

This section governs the manufacture of cannabis products and cannabis concentrate and cannabis extraction by cannabis manufacturing facilities and other persons.

Sec. 13. 22 MRSA §2423-F, sub-§3, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 14. 22 MRSA §2423-F, sub-§3-A is enacted to read:

3-A. Extraction using inherently hazardous substances. A qualifying patient, registered caregiver, registered dispensary or manufacturing facility may engage in cannabis extraction using inherently hazardous substances if the qualifying patient, registered caregiver, registered dispensary or manufacturing facility complies with the rules

adopted by the department pursuant to subsection 10 governing cannabis extraction using inherently hazardous substances. A person that is not a qualifying patient, registered caregiver, registered dispensary or manufacturing facility may not engage in cannabis extraction using inherently hazardous substances.

Sec. 15. 22 MRSA §2423-F, sub-§4, ¶A, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

A. May manufacture cannabis products and cannabis concentrate for medical use using any method ~~that does not~~, including methods that involve use of an inherently hazardous substance~~, except that a registered manufacturing facility may manufacture cannabis concentrate using inherently hazardous substances if authorized under subsection 3~~ in accordance with subsection 3-A and the applicable rules adopted pursuant to subsection 10;

Sec. 16. 22 MRSA §2423-F, sub-§5, as amended by PL 2021, c. 367, §9 and c. 669, §5, is repealed.

Sec. 17. 22 MRSA §2423-F, sub-§6, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

6. Retail sale prohibited. A registered manufacturing facility ~~or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3~~ may not engage in retail sales of cannabis products or cannabis concentrate unless ~~the person is~~ authorized to engage in retail sales under this chapter.

Sec. 18. 22 MRSA §2423-F, sub-§7, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

7. Food establishment license required to manufacture food products. A registered manufacturing facility ~~or a person authorized to produce cannabis concentrate using inherently hazardous substances~~ may not manufacture edible cannabis products or cannabis tinctures unless licensed pursuant to section 2167.

Sec. 19. 22 MRSA §2423-F, sub-§8, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

8. Registration requirements. This subsection governs the registration ~~requirements~~ of a manufacturing facility ~~or a person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3~~ and of the officer or director or assistant of the facility ~~or person~~.

A. In accordance with rules adopted under subsection 10, the department shall register and issue a registration certificate with a registry identification number to a manufacturing facility ~~or a person authorized to engage in cannabis extraction~~ within 30 days ~~to the facility or person~~ if the facility ~~or person~~ provides:

(1) The applicable annual fee required pursuant to section 2425-A, subsection 10;

(2) The legal name of the facility ~~or person~~ and, if incorporated, evidence of incorporation and evidence that the corporation is in good standing with the Secretary of State;

(3) The physical address of the facility ~~or person or the physical address where an applicant who is an individual will engage in the activities authorized under this~~

~~section~~. If the physical address of the facility ~~or person~~ changes ~~its physical location, or if a person registered under this subsection changes the location at which the person engages in activities authorized under this section~~, the facility ~~or person~~ shall notify the department of the new ~~location~~ address; and

(4) The name, address and date of birth of each officer or director of the facility ~~or person~~.

B. In accordance with rules adopted under subsection 10, the department shall issue registry identification cards to the officer or director or assistant of a registered manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances~~ within 5 business days of approving an application or renewal under this subsection. A registry identification card is required to be issued to an officer or director or assistant of a registered manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances~~. A registry identification card expires one year after the date of issuance. A registry identification card issued under this paragraph must contain:

(1) The name of the cardholder;

(2) The date of issuance and expiration date of the registry identification card; and

(3) A random identification number that is unique to the cardholder.

The department may not issue a registry identification card to an officer or director or assistant of a registered manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances~~ who has been convicted of a disqualifying drug offense. The department shall conduct a criminal history record check of each ~~person,~~ officer or director or assistant subject to this subsection on an annual basis.

If the department determines not to issue a registry identification card ~~for a person,~~ to an officer or director or assistant of a manufacturing facility, the department shall notify the ~~registered~~ manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances~~ in writing of the reason for denying the registry identification card.

Sec. 20. 22 MRSA §2423-F, sub-§10, as amended by PL 2021, c. 367, §10; c. 387, §5; and c. 669, §5, is further amended to read:

10. Rulemaking. The department shall adopt ~~routine technical~~ rules ~~as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A,~~ governing the registration and operation of manufacturing facilities~~,~~ ~~including~~ and cannabis extraction using inherently hazardous substances. The rules must include, but are not limited to:

A. Requirements for the registration of a manufacturing facility and an officer or director or assistant of a registered manufacturing facility;

B. Requirements for engaging in cannabis extraction using inherently hazardous substances by manufacturing facilities and by qualifying patients, registered caregivers and registered dispensaries;

C. Manufacturing facility officer or director qualification requirements;

D. Required security for manufacturing facilities;

E. Requirements of a disposal plan for harvested cannabis used in the manufacturing process; and

F. Minimum record-keeping requirements.

The failure of the department to adopt rules under this subsection does not prevent a person authorized pursuant to subsection ~~3, paragraph A~~ 3-A from engaging in conduct authorized under this section.

Rules adopted or amended by the department pursuant to this subsection on or after July 1, 2021 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 21. 22 MRSA §2423-F, sub-§11, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

11. Multiple authorizations; cannabis possession allowances. A manufacturing facility that is also a qualifying patient, registered caregiver or registered dispensary may possess the amount of cannabis allowed for that facility under this section in addition to the amount of cannabis allowed for a qualifying patient, registered caregiver or registered dispensary under this chapter, as long as the cannabis possessed as a manufacturing facility under this section is distinguishable from the cannabis possessed as a qualifying patient, registered caregiver or registered dispensary under this chapter.

Sec. 22. 22 MRSA §2423-F, sub-§12, as amended by PL 2023, c. 679, Pt. A, §8, is further amended to read:

12. Record keeping. A registered manufacturing facility ~~or person authorized to engage in cannabis extraction using inherently hazardous substances under subsection 3~~ shall maintain records of all transactions in accordance with section 2430-J.

Sec. 23. 22 MRSA §2425-A, sub-§10, ¶F, as enacted by PL 2017, c. 452, §12 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 24. 22 MRSA §2425-A, sub-§14, ¶D, as enacted by PL 2023, c. 637, §2, is amended by enacting at the end a new first blocked paragraph to read:

The department may not post on its publicly accessible website or otherwise make publicly available, except upon request, applications, supporting information and other nonconfidential information regarding a registered caregiver, including any address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis under this chapter.

Sec. 25. 22 MRSA §2428, sub-§1-A, ¶I, as enacted by PL 2017, c. 452, §16 and amended by PL 2021, c. 669, §5, is further amended to read:

I. Manufacture cannabis concentrate for medical use, ~~except that a dispensary may not produce cannabis concentrate using~~ including through the use of inherently hazardous substances ~~unless authorized pursuant to section 2423-F, subsection 3~~ in accordance with section 2423-F, subsection 3-A and the applicable rules adopted pursuant to section 2423-F, subsection 10;

Sec. 26. 22 MRSA §2429-D, as amended by PL 2019, c. 217, §5 and PL 2021, c. 669, §5, is further amended to read:

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, cannabis testing facilities and manufacturing facilities.

A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

3. Municipal authorization needed. Authorize caregiver retail stores, registered dispensaries, cannabis testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing caregiver retail stores, registered dispensaries, cannabis testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

Notwithstanding any provision of this chapter or the rules adopted pursuant to this chapter to the contrary, the department may not require a caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility to use a form provided by the department to demonstrate municipal approval or other local authorization, if such approval or authorization is required by the municipality in which the caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility is seeking to operate.

Notwithstanding any provision of this chapter or the rules adopted pursuant to this chapter to the contrary, a caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility that, prior to January 1, 2026, was issued by the department a registration or other authorization to operate and was subsequently denied such registration or other authorization based solely on the failure of the caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility to obtain a completed form provided by the department to demonstrate municipal approval or other local authorization, or based solely on the failure of the municipality to adopt or amend an ordinance or approve a warrant article as required by subsection 3, is deemed in compliance with applicable municipal approval or local authorization requirements under this chapter. A caregiver retail store, registered dispensary, cannabis testing facility or manufacturing

facility deemed in compliance with applicable municipal approval or local authorization requirements pursuant to this paragraph may request and the department shall issue a registration or other authorization to renew operations, as long as: the caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility is to be located in the same municipality in which it was located when last issued a registration or other authorization to operate by the department; and the caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility satisfies all other applicable registration or authorization requirements pursuant to this chapter and the rules adopted pursuant to this chapter, excluding any such requirements relating to municipal approval or local authorization and any such requirements that the caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility maintain continuous operation since it was last issued a registration or other authorization to operate by the department.

Sec. 27. 22 MRSA §2430-N, sub-§8, as enacted by PL 2023, c. 365, §25, is amended to read:

8. ~~Sales~~ Gross sales; sales tax revenue. The gross sales of cannabis for medical use for the current and prior fiscal years and the sales tax revenue from the sale of cannabis for medical use deposited into the General Fund for the current and prior fiscal years.

Sec. 28. Department of Administrative and Financial Services, Office of Cannabis Policy; medical cannabis research grant program rulemaking. On or before January 9, 2026, the Department of Administrative and Financial Services, Office of Cannabis Policy shall provisionally adopt and submit for legislative review rules necessary to implement the medical cannabis research grant program in accordance with the Maine Revised Statutes, Title 22, section 2430, subsection 5. Rules adopted by the office pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 29. Department of Administrative and Financial Services, Office of Cannabis Policy; forms and guidance documents. The Department of Administrative and Financial Services, Office of Cannabis Policy shall as expeditiously as possible review all public forms and guidance documents issued or made available by the office to determine whether such forms and documents comply with the requirements of the Maine Revised Statutes, Title 22, section 2422-A, subsection 3. The office shall ensure that any such forms and documents determined to not comply with those requirements are rescinded, removed from the office's publicly accessible website and no longer made available through the office. The forms to be rescinded, removed and no longer made available must include, but are not limited to, any form or other document designed to be used by a caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility to demonstrate municipal approval or other local authorization, consistent with the prohibition on such form under Title 22, section 2429-D.

Sec. 30. Department of Administrative and Financial Services, Office of Cannabis Policy; registered caregiver information. In accordance with the Maine Revised Statutes, Title 22, section 2425-A, subsection 14, paragraph D, the Department of Administrative and Financial Services, Office of Cannabis Policy shall as expeditiously as possible remove from the office's publicly accessible website all applications, supporting information and other nonconfidential information regarding a registered caregiver,

including any address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis pursuant to the Maine Medical Use of Cannabis Act, and shall otherwise ensure that such information is no longer made publicly available, except upon request.

SUMMARY

This bill makes the following changes to the Maine Medical Use of Cannabis Act.

1. It amends the definition of "caregiver retail store" to clarify that it is a retail store with regular business hours at a location accessible to the general public where a registered caregiver sells cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients without an appointment and other items to the general public. It provides that a caregiver retail store does not include an office at a location not accessible to the general public where a registered caregiver provides consultation services, cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients by appointment.

2. It prohibits the Department of Administrative and Financial Services, except where explicitly authorized or directed by law, from requiring a registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility to use a form issued by the department in complying with the requirements of the Act or of adopted rules and from issuing a guidance document or memorandum to such persons regarding compliance by those persons with the requirements of the Act or of adopted rules. The bill directs the department's Office of Cannabis Policy to, as expeditiously as possible, rescind and remove from public availability any noncompliant forms and guidance documents or memoranda.

3. It repeals the provision of law that authorizes a caregiver to receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis.

4. It provides that a caregiver is authorized to transport, sell, offer to sell or furnish cannabis plants or harvested cannabis on the property or premises owned, leased or rented by the caregiver; at trade shows, festivals or other cannabis industry-related events; or through delivery to or private arrangement with a qualifying patient, caregiver or registered dispensary.

5. It removes the process under the Act by which a person that is not a qualifying patient, registered caregiver, registered dispensary or manufacturing facility may receive authorization from the department to engage in cannabis extraction using an inherently hazardous substance and prohibits such cannabis extraction other than by qualifying patients, registered caregivers, registered dispensaries or manufacturing facilities. A qualifying patient, registered caregiver, registered dispensary or manufacturing facility that engages in cannabis extraction using an inherently hazardous substance must comply with any rules regarding that activity adopted by the department by rule but is not required to obtain additional approvals or authorizations from the department to do so.

6. It prohibits the department from posting on its publicly accessible website or otherwise making publicly available, except upon request, applications, supporting information and other nonconfidential information regarding a registered caregiver, including any address where the registered caregiver cultivates, manufactures, tests,

packages, stores or sells cannabis plants or harvested cannabis under this chapter. The bill directs the office to, as expeditiously as possible, remove from the office's website and otherwise from public availability, except upon request, any such nonconfidential information regarding registered caregivers.

7. It prohibits the department from requiring a caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility to use a form provided by the department to demonstrate municipal approval or other local authorization, if such approval or authorization is required by the municipality in which the store, dispensary or facility is seeking to operate.

8. It provides that a caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility that was previously issued by the department a registration or other authorization to operate and was subsequently denied such registration or other authorization based solely on the failure of the store, dispensary or facility to obtain a completed form provided by the department to demonstrate municipal approval or other local authorization, or based solely on the failure of the municipality to adopt or amend an ordinance or approve a warrant article as required by law, is deemed in compliance with applicable municipal approval or local authorization requirements under the Act. A caregiver retail store, registered dispensary, cannabis testing facility or manufacturing facility deemed in compliance with applicable municipal approval or local authorization requirements pursuant to this provision may request and the department shall issue a registration or other authorization to renew operations, provided that: the store, dispensary or facility is to be located in the same municipality in which it was located when last issued a registration or other authorization to operate by the department; and the store, dispensary or facility satisfies all other applicable registration or authorization requirements pursuant to the Act and adopted rules, excluding any such requirements relating to municipal approval or local authorization and any such requirements that the store, dispensary or facility maintain continuous operation since it was last issued a registration or other authorization to operate by the department.

9. It provides that the Department of Administrative and Financial Services, in its annual report to the Legislature regarding the medical cannabis program, must include information regarding the gross sales of cannabis for medical use for the current and prior fiscal years.

10. It directs the Department of Administrative and Financial Services, Office of Cannabis Policy, on or before January 9, 2026, to provisionally adopt and submit for legislative review major substantive rules necessary to implement the medical cannabis research grant program in accordance with the Maine Revised Statutes, Title 22, section 2430, subsection 5.