

MAINE STATE LEGISLATURE

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Maine Medical Use of Marijuana Program

January 1, 2020 – December 31, 2020

Annual Report to the Maine State Legislature

Maine Department of Administrative and Financial Services
Office of Marijuana Policy

November 2021

Background

The State of Maine first legalized medical marijuana by referendum in 1999. In 2009, Maine voters again took up the topic of medical marijuana, this time establishing a legal distribution mechanism that had been nonexistent since 1999. The Maine Medical Use of Marijuana Program (MMMP) became operational in 2010 and was directed to carry out the implementation of the Maine Medical Use of Marijuana Act, with the first of Maine’s medical marijuana dispensaries commencing operation in 2011.

Since its establishment in 2010, the state’s medical program has grown from a small, patient-centric industry consisting of eight dispensaries—one in each public health district of Maine—and nearly 600 caregivers to a fully commercialized operation consisting of seven dispensaries and approximately 3,000 registered caregivers.

The Office of Marijuana Policy (OMP) has been responsible for oversight of the MMMP since 2019 and exists, in part, to ensure and facilitate an efficient, responsible, and legal medical marijuana environment within the State of Maine. It provides oversight, guidelines, and compliance support to registered participants engaged in the cultivation, manufacture, and sale of medical marijuana and products containing it.

While usually the subject of robust policy-related discussions at the legislature, due to the Covid-19 pandemic and the corresponding adjournment of the Maine Legislature early in 2020, there were no legislative changes that affected MMMP in 2020.

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The rules and statute governing this program may be found at:

- Maine Medical Use of Marijuana Act: [Title 22, Chapter 558-C](#)
- Rules: [18-691 C.M.R. ch. 2](#)
- Rules: [18-691 C.M.R. ch. 4](#)

Executive Summary

In accordance with 22 M.R.S. § 2425-A(13)(B), the Department of Administrative and Financial Services (DAFS) shall submit an annual report that does not disclose any identifying information about cardholders or medical providers, but that does contain, at a minimum:

- The number of applications and renewals filed for registry identification cards and registration certificates;
- The number of qualifying patients and registered caregivers approved in each county;
- The number of registry identification cards suspended or revoked;
- The number of medical providers providing written certifications for qualifying patients;
- The number of registered dispensaries, manufacturing facilities and marijuana testing facilities approved in each county;
- The number of officers, directors, and assistants of registered caregivers, registered dispensaries, manufacturing facilities and marijuana testing facilities;
- The revenue and expenses of the Medical Use of Marijuana Fund established in section 2430.

The data in this report reflects calendar year periods, unless otherwise noted.

Key Takeaways – 2020

- The number of printed patient certifications increased 46.9 percent, from 65,368 certifications printed in 2019 to 96,046 printed in 2020.
- The number of registered caregivers increased 17.3 percent, from 2,596 in 2019 to 3,046 in 2020.
- The number of employees/assistants for caregivers increased 129.3 percent, from 1,883 in 2019 to 4,317 in 2020.

Legislative and Regulatory Changes

Due to the COVID-19 pandemic and the corresponding adjournment of the Maine Legislature early in 2020, there were no legislative changes that affected MMMP in 2020.

Printed Patient Certifications by County, 2020

Under the Maine Medical Use of Marijuana Act, medical providers registered with OMP can provide certifications to patients that are, “likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.”

To be a qualifying patient in Maine's medical program, among other things, an individual must possess a valid written certification. A written certification is only considered valid if it is "a document on tamper-resistant paper signed by a medical provider...". To keep costs low for prospective patients, OMP provides registered medical providers with the state's tamper-resistant patient certification paper at no cost.

An online service hosted by the state's web portal provider allows for the immediate issuance of patient certifications. The online system recorded, in 2020, that 96,046 certifications were printed, a 46.9 percent increase from the 65,368 certifications printed in 2019, and a 109.1 percent increase from the 45,940 printed in 2018.

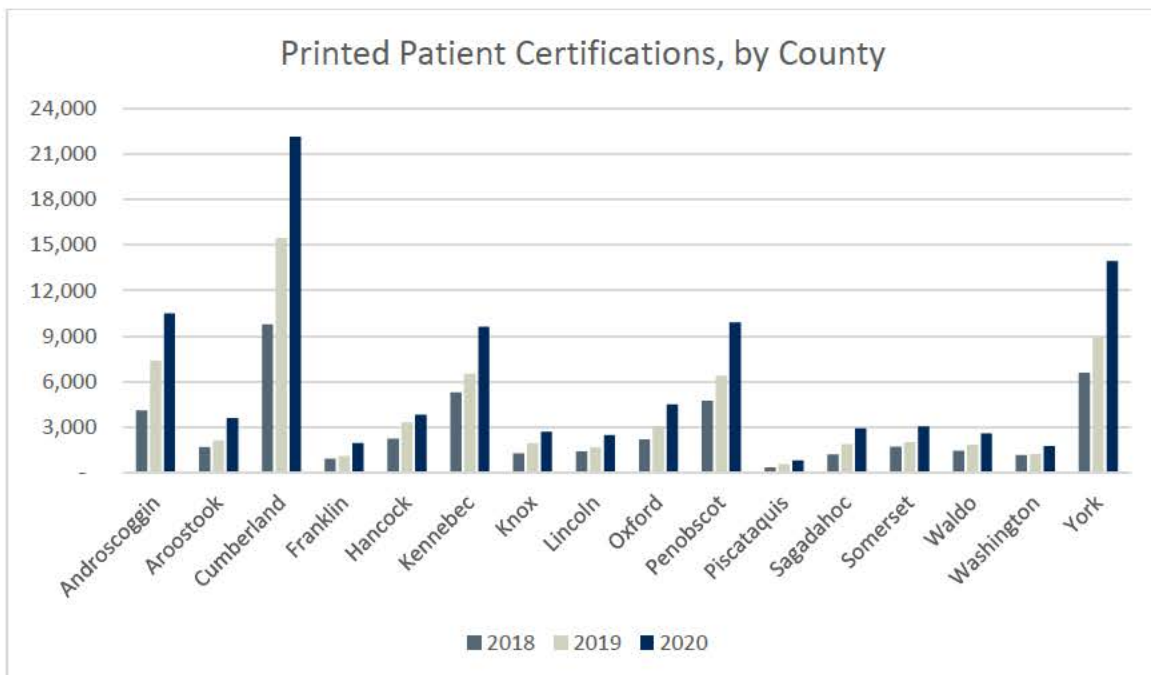


Figure 1. The numbers contained herein are not an accurate reflection of the number of patients as it includes all certifications printed, including misprints, the reissuance of lost certifications, and other anomalies.

Presented another way, the following table includes the specific number of patient certifications issued in their respective counties and the rate of change from the preceeding to the following calendar year. As a reminder, these numbers include all patient certifications issued and does not reflect the specific number of patients certified to access medical marijuana from registered caregivers, caregiver retail stores, and/or registered dispensaries.

	2018	<i>% change</i>	2019	<i>% change</i>	2020
Androscoggin	4,086	80.6%	7,378	42.2%	10,490
Aroostook	1,685	25.9%	2,121	68.4%	3,572
Cumberland	9,750	58.3%	15,433	43.2%	22,106
Franklin	899	22.9%	1,105	76.3%	1,948
Hancock	2,235	48.4%	3,317	15.2%	3,822
Kennebec	5,287	23.1%	6,506	47.6%	9,603
Knox	1,267	52.2%	1,928	39.7%	2,694
Lincoln	1,387	21.9%	1,691	45.7%	2,463
Oxford	2,190	39.5%	3,056	46.6%	4,479
Penobscot	4,741	34.8%	6,390	54.5%	9,873
Piscataquis	333	72.7%	575	41.0%	811
Sagadahoc	1,193	56.6%	1,868	55.6%	2,906
Somerset	1,705	18.8%	2,026	49.3%	3,024
Waldo	1,443	27.7%	1,842	40.4%	2,586
Washington	1,162	5.3%	1,224	43.4%	1,755
York	6,577	35.4%	8,908	56.2%	13,914
TOTAL	45,940	42.3%	65,368	46.9%	96,046

The increase in patient certifications is attributable to the repeal of the list of qualifying medical conditions contained in P.L. 2017, ch. 452. In calendar year 2017, the year prior to the repeal of qualifying medical conditions, there were 41,858 patient certifications issued. This was an 18 percent decrease from 2016, when there were 51,324 patient certifications issued.

To protect patient confidentiality, Maine does not maintain a central registry of qualifying patients.

Visiting Qualifying Patients, 2020

P.L. 2019, ch. 209 (LD 538, *An Act to Ensure Access to Medical Cannabis for Visiting Qualifying Patients*) went into effect on June 6, 2019 as an emergency measure. This change in law removed the State of Maine's medical certification requirements for out-of-state patients, permitting those visiting patients to instead use patient credentials issued by their state-of-residence, and required OMP to compile a list of states which authorize the use of their state-issued medical marijuana credentials to access the services of caregivers and dispensaries while in Maine.

As of 2020, the following jurisdictions have provided the information necessary to OMP to permit the use of their credentials in Maine: Alaska, Arizona, Arkansas, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

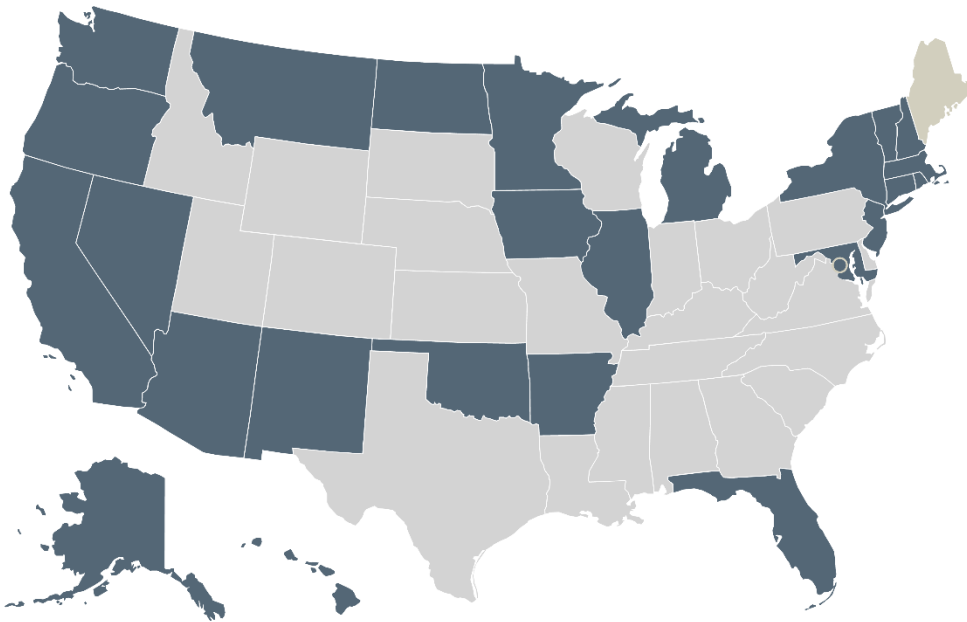


Figure 2. States permitting the use of their medical marijuana credential in Maine appear in blue.

Caregiver Individuals by County, 2020

The number of registered caregivers increased by 17.3 percent, from 2,596 in 2019 to 3,046 in 2020. There was an increase of registered caregivers in all counties except for Hancock and Washington.

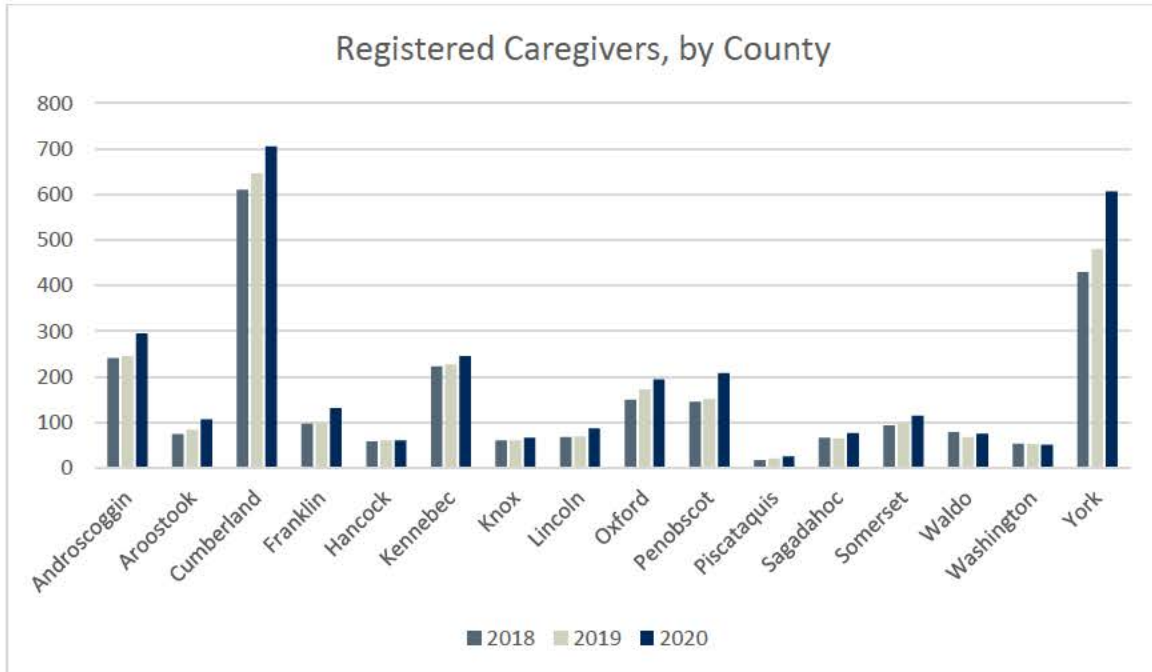


Figure 3. This graph represents the number of registered individual caregivers there are in each county.

Medical Providers, Employees, Principal Officers and Board Members, 2020

To obtain and issue patient certifications, an individual must be a licensed medical provider. The current statutory definition of medical provider includes physicians, certified nurse practitioners, and physician assistants. A written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the patient's medical history.

In 2020, there were a total of 686 medical providers registered in the system. Of those, 611 have an active registration. The forthcoming chart indicates the number of providers in each county. In cases where a provider is practicing in multiple counties, they are listed multiple times.

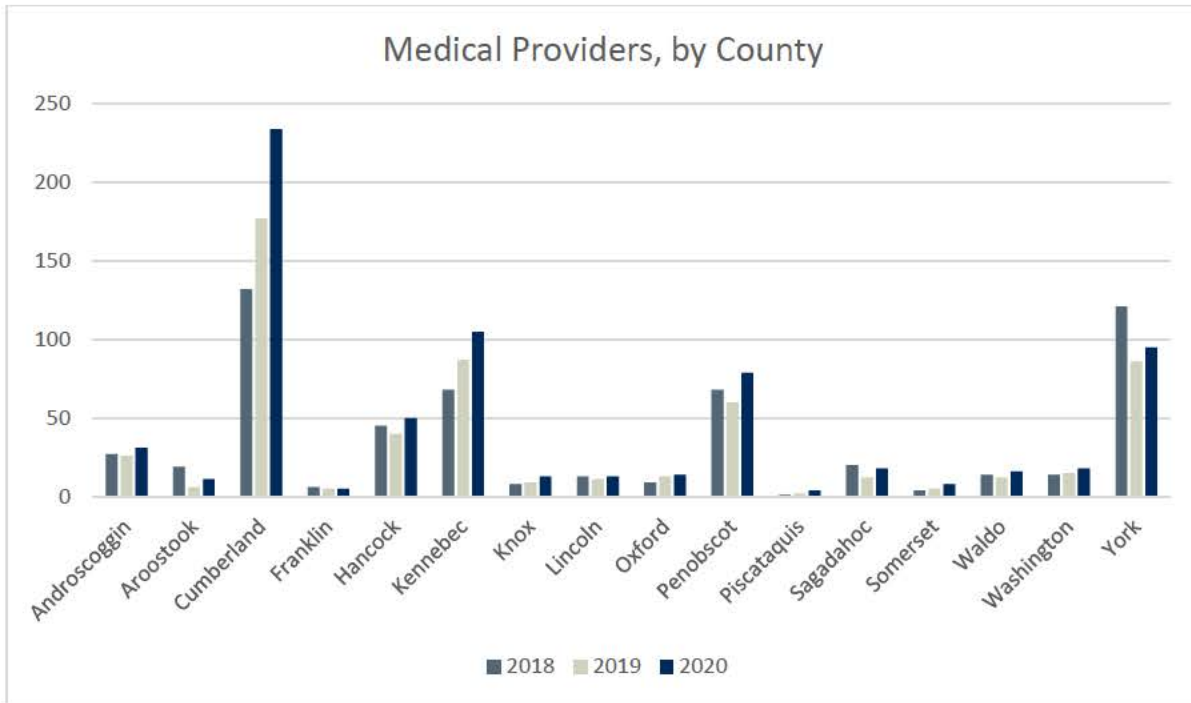


Figure 4. All counties but Franklin witnessed an uptick in medical providers over the course of the last year. Cumberland saw the largest uptick with 57 new providers.

All caregiver employees, dispensary employees, dispensary board members, and dispensary principal officers must possess a registry identification card issued by OMP. The following table provides caregiver- and dispensary-related registry information.

	2018	2019	2020
Number of Caregiver Employees	360	1,883	4,317
Number of Caregiver Cards Revoked	8	5	4
Number of Registered Dispensaries	8	8	7 ¹
Number of Dispensary Employees	219	225	258
Number of Dispensary Board Members	21	21	17
Number of Dispensary Principal Officers	5	4	8
Number of Manufacturing Facilities	-	0	0
Number of Marijuana Testing Facilities	-	0	0

Testing in the MMMP is voluntary except for when certain claims are made on the labeling of medical marijuana and marijuana products. While there are as many as six labs serving the

¹ Late in 2020, Wellness Connection of Maine's South Portland medical marijuana dispensary location converted to Maine's adult use program. Two other Wellness Connection of Maine registered dispensaries similarly converted in 2021. Their registrations remain active but only five dispensaries are operational as of the date of this report.

medical program, OMP’s licensure of marijuana testing facilities occurs through the adult use program. There are currently no registered officers or directors for registered caregivers, manufacturing facilities, or marijuana testing facilities.

The significant increase in the number of caregiver employees reflects the newly-commercialized nature of the caregiver model. As a result of the legislative changes enacted by the 128th and 129th Legislatures, registered caregivers may employ an unlimited number of individuals, including individuals who may also independently operate as registered caregivers. Each individual registrant working as an employee of a caregiver must have a unique employee identification card tied directly to the primary registrant. Accordingly, a caregiver employee/assistant may have one or more registration, depending on the number of caregivers who employ them.

Revenue and Expenses

The State of Maine operates on a fiscal year that runs from July 1 through June 30. Accordingly, revenue and expense information from state fiscal year 2020 covers the period from July 1, 2019 through the conclusion of the fiscal year on June 30, 2020.

	2018	2019	2020
Revenues	\$ 2,444,917.74	\$ 2,597,338.25	\$ 3,969,914.00
Expenses	\$ (922,033.73)	\$ (1,179,716.30)	\$ (1,460,005.68)
Legislative Transfers	\$ (667,626.00)	\$ 0.00	\$ (1,859,575.00)

The increase in programmatic expenses can be attributed, primarily, to additional headcount within MMMP as a result of P.L. 2017, ch. 452.

Specifically, this legislation included Other Special Revenue allocations to DAFS to establish 2 Field Investigator positions and 1 Office Specialist position to handle increased investigations. Additionally, allocation was made to allow DAFS to reimburse the Office of the Attorney General for one full-time Assistant Attorney General position intended to advise on the interpretation of new medical marijuana program provisions and to assist with the enforcement thereof.

Finally, P.L. 2017, ch. 452 included a General Fund appropriation to fund 1 Tax Examiner position within DAFS’ Maine Revenue Services and the related costs to review and process income tax returns.