

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# Maine Medical Use of Marijuana Program

January 1, 2021 – December 31, 2021

*Annual Report to the Maine State Legislature*

Maine Department of Administrative and Financial Services  
Office of Marijuana Policy

## Contents

1. Background.....	1
2. Executive Summary.....	2
3. Printed Patient Certifications by County, 2021 .....	3
4. Visiting Qualifying Patients, 2021 .....	5
5. Caregiver Individuals by County, 2021.....	6
6. Medical Providers, Employees, Principal Officers and Board Members, 2021 .....	7
6.1 Status of Medical Providers .....	7
6.2 Registrant-related Employment .....	8
7. Revenue and Expenses .....	10
8. Legislative Changes and Recommendations .....	11
8.1 First Special Session of the 130th Maine Legislature .....	11
8.2 Findings and Recommendations .....	12

# 1. Background

The Office of Marijuana Policy (OMP) was established within the Department of Administrative and Financial Services (DAFS) on February 4, 2019. Since its founding, OMP has been solely responsible for licensing, compliance, and general oversight of both Maine’s medical use of marijuana and adult use marijuana programs. The Office exists, in part, to ensure and facilitate an efficient, responsible, and regulated cannabis environment within the State of Maine.

For the state’s longstanding medical cannabis program, OMP provides support to registered participants engaged in the cultivation, manufacture, and sale of medical marijuana and products containing it.

The State of Maine first legalized medical marijuana by referendum in 1999. In 2009, Maine voters again took up the topic of medical cannabis, this time establishing a legal distribution mechanism that had been nonexistent since 1999. The MMMP became operational in 2010, 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 13 dispensaries and approximately 3,000 registered caregivers.

For further information, please contact:

Maine Medical Use of Marijuana Program  
Office of Marijuana Policy  
Department of Administrative and Financial Services  
162 State House Station  
Augusta, ME 04333-0162  
(207) 287-3282

<https://www.maine.gov/dafs/omp>

Erik Gundersen  
Director  
[erik.gundersen@maine.gov](mailto:erik.gundersen@maine.gov)

Vernon Malloch  
Deputy Director of  
Operations  
[vernon.malloch@maine.gov](mailto:vernon.malloch@maine.gov)

Lisa Roberts  
Deputy Director of Strategic  
Initiatives  
[lisa.roberts@maine.gov](mailto:lisa.roberts@maine.gov)

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](#)

## 2. 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 – 2021**

- The number of printed patient certifications increased 9.5 percent, from 96,046 certifications printed in 2020 to 105,143 printed in 2021.
- The number of registered caregivers decreased by 0.5 percent, from 3,046 in 2020 to 3,032 in 2021.
- The number of registered dispensaries increased by 86 percent, from 7 in 2020 to 13 in 2021.
- The number of employees/assistants for caregivers increased 33 percent, from 4,317 in 2020 to 5,741 in 2021.

### 3. Printed Patient Certifications by County, 2021

Under the Maine Medical Use of Marijuana Act, certain medical providers may issue medical cannabis 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..." (see: 22 M.R.S. § 2422(16)). 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 2021, that 105,143 certifications were printed, a 9.5 percent increase from the 96,046 certifications printed in 2020, and a 60.8 percent increase from the 65,368 certifications printed in 2019.

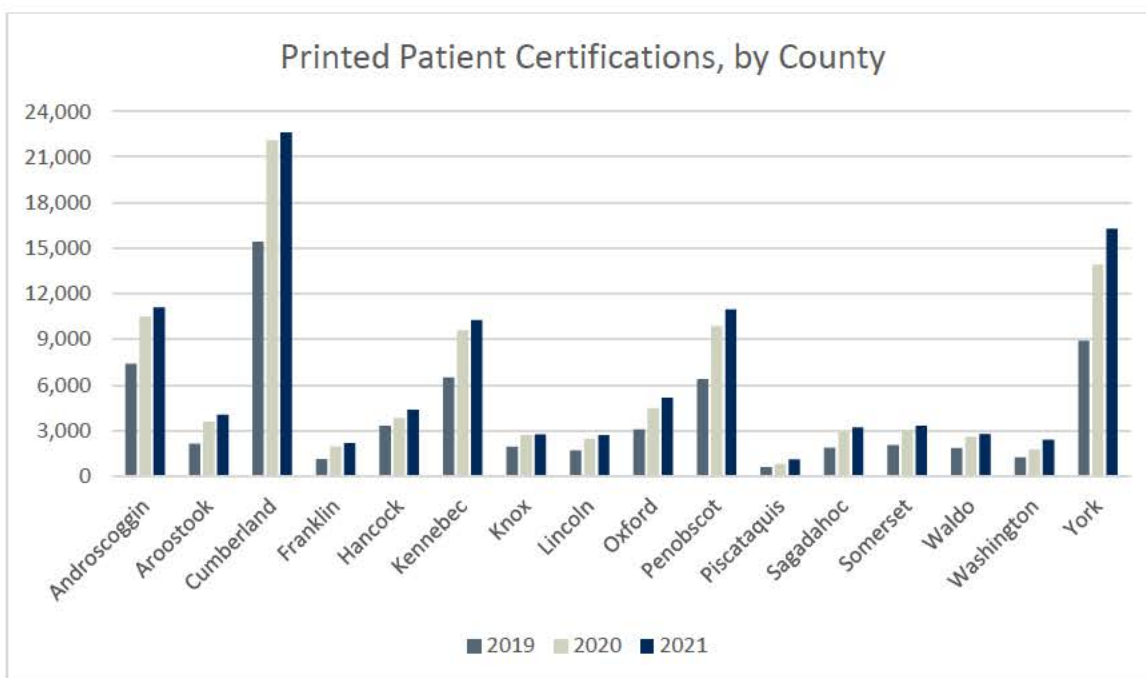


Figure 1. The numbers contained herein are not an accurate reflection of the number of patients as it includes all certifications printed, including misprints, the reissuance of lost certifications, and other anomalies.

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 preceding 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.

	<b>2019</b>	<i>% change</i>	<b>2020</b>	<i>% change</i>	<b>2021</b>
<b>Androscoggin</b>	7,378	42.2%	10,490	5.6%	11,082
<b>Aroostook</b>	2,121	68.4%	3,572	13.0%	4,036
<b>Cumberland</b>	15,433	43.2%	22,106	2.2%	22,597
<b>Franklin</b>	1,105	76.3%	1,948	11.4%	2,170
<b>Hancock</b>	3,317	15.2%	3,822	14.6%	4,380
<b>Kennebec</b>	6,506	47.6%	9,603	6.9%	10,270
<b>Knox</b>	1,928	39.7%	2,694	2.1%	2,750
<b>Lincoln</b>	1,691	45.7%	2,463	9.8%	2,705
<b>Oxford</b>	3,056	46.6%	4,479	15.2%	5,161
<b>Penobscot</b>	6,390	54.5%	9,873	11.0%	10,960
<b>Piscataquis</b>	575	41.0%	811	33.7%	1,084
<b>Sagadahoc</b>	1,868	55.6%	2,906	9.7%	3,188
<b>Somerset</b>	2,026	49.3%	3,024	10.0%	3,325
<b>Waldo</b>	1,842	40.4%	2,586	7.4%	2,778
<b>Washington</b>	1,224	43.4%	1,755	36.3%	2,392
<b>York</b>	8,908	56.2%	13,914	16.9%	16,265
<b>TOTAL</b>	65,368	46.9%	96,046	9.5%	105,143

In December 2018, the State of Maine repealed its list of debilitating medical conditions which must have been present for a patient to access medical cannabis. Since that time, medical providers have had broad latitude in determining whether their patients could benefit from using medical marijuana.

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

## 4. Visiting Qualifying Patients, 2021

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.

Following consultation with state medical cannabis regulators in Missouri, Utah, and Virginia in 2021, those states have been added to the list of states from which registered caregivers and registered dispensaries operating in the MMMP may accept credentials from visiting qualifying patients.

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

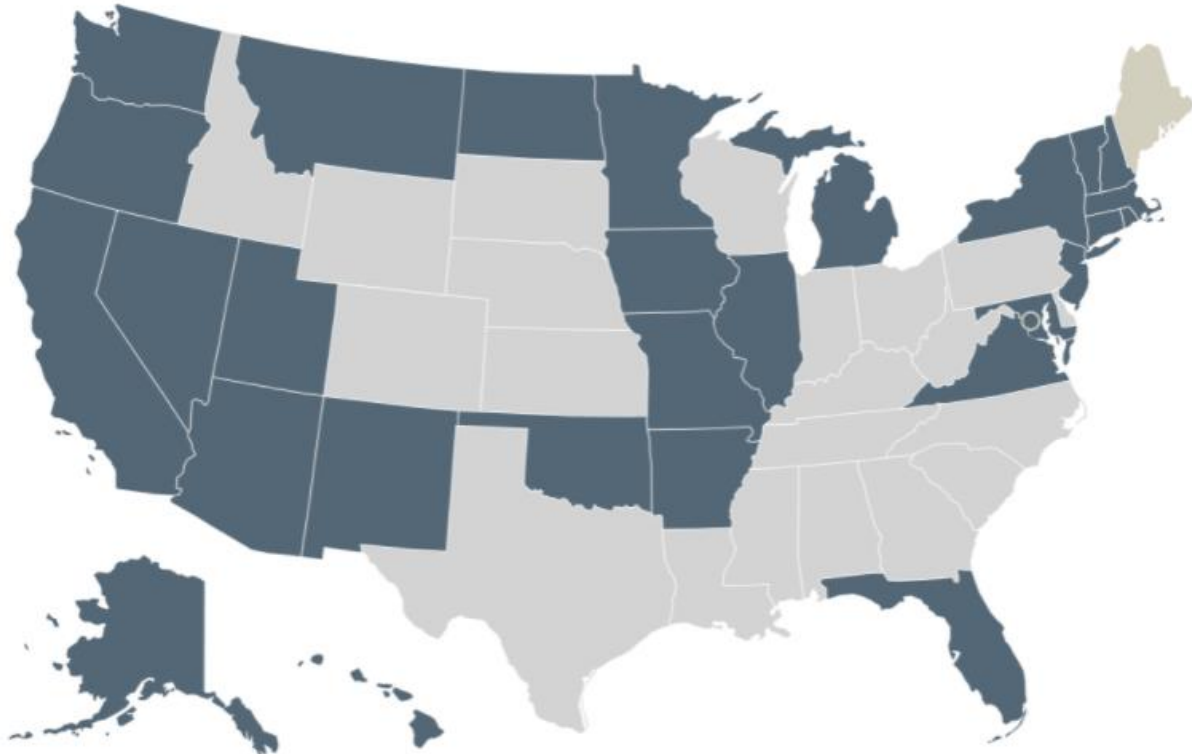


Figure 2. States permitting the use of their medical marijuana credential in Maine appear in blue.



## 5. Caregiver Individuals by County, 2021

The number of registered caregivers decreased slightly, by 0.5 percent, from 3,046 in 2020 to 3,032 in 2021. Eight counties (Aroostook, Cumberland, Franklin, Hancock, Knox, Lincoln, Waldo, and York) had a decrease in the number of caregivers. Seven counties (Androscoggin, Kennebec, Oxford, Penobscot, Piscataquis, Sagadahoc, and Somerset) witnessed an increase in the number of caregivers registered with OMP. Washington County remained the same as last year.

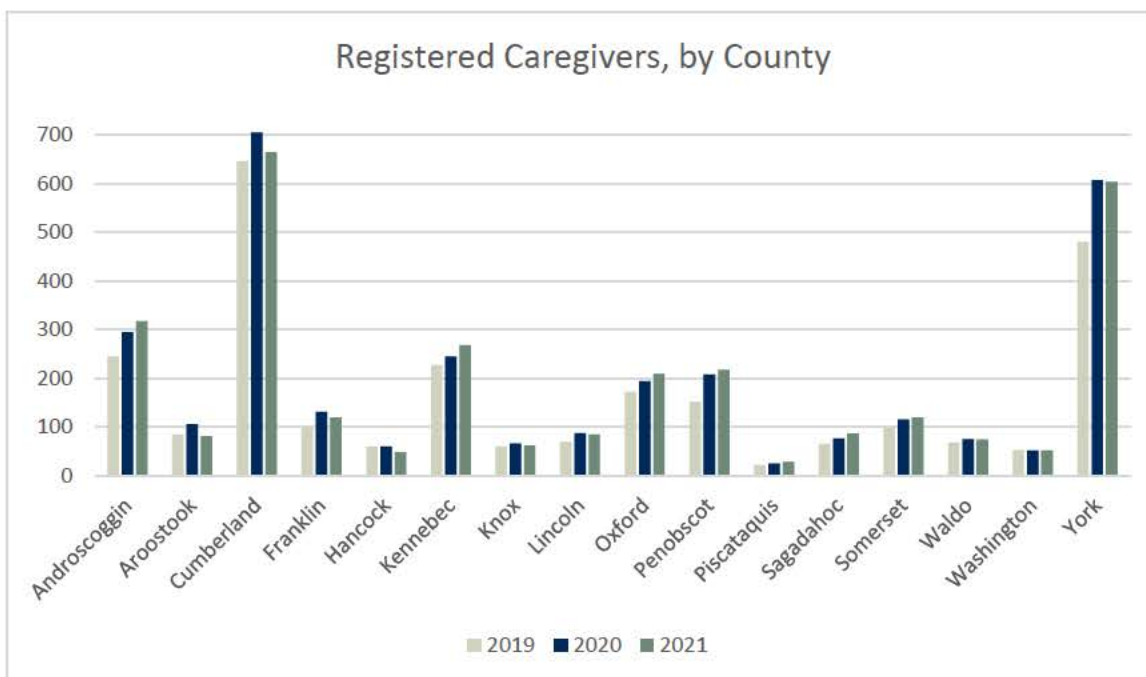


Figure 3. This graph represents the number of registered individual caregivers there are in each county.

## 6. Medical Providers, Employees, Principal Officers and Board Members, 2021

### 6.1 Status of Medical Providers

To obtain and issue patient certifications, an individual must be a licensed medical provider. The current statutory definition of medical provider includes physicians licensed with the Board of Licensure in Medicine or Board of Osteopathic Licensure, a certified nurse practitioner licensed with the State Board of Nursing, or a physician assistant licensed with the Board of Licensure in Medicine or Board of Osteopathic Licensure. 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 2021, there were a total of 753 medical providers registered in the system. Of those, 649 have an active registration. The following chart indicates the number of providers in each county. In cases where a provider is practicing in multiple counties, they are listed multiple times.

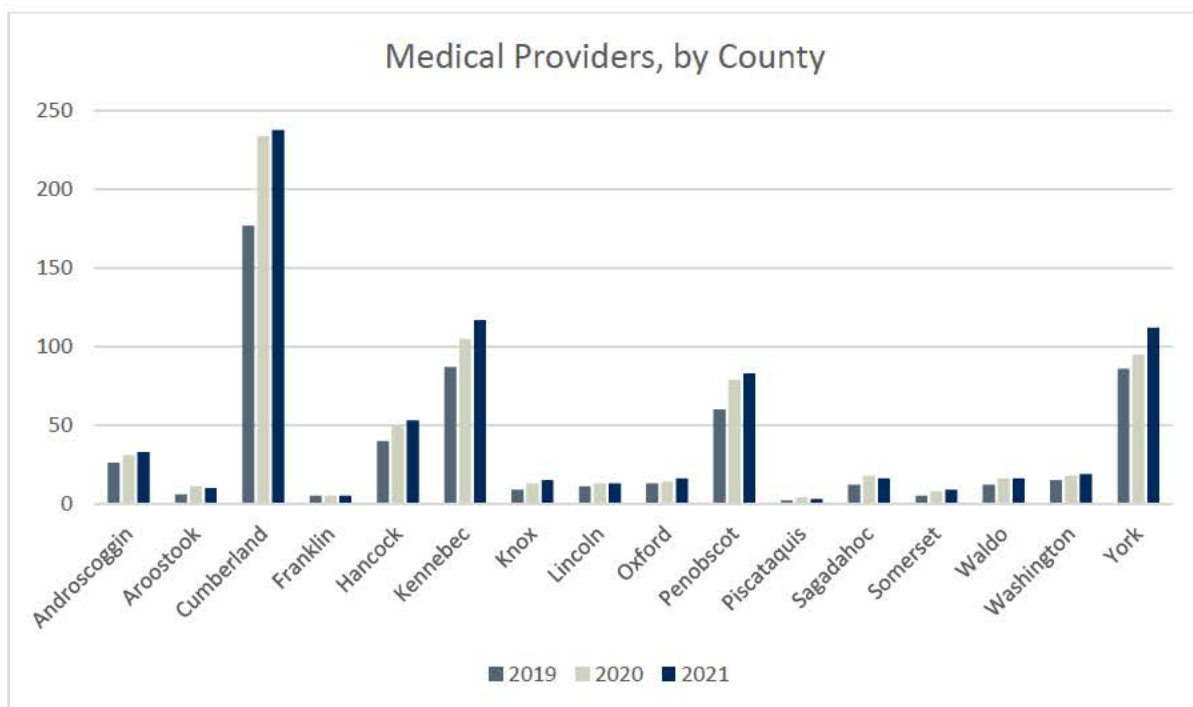


Figure 4. Ten counties saw an increase in the number medical providers while three saw a decrease.

Ten counties witnessed an uptick in medical providers over the course of the last year. York saw the largest increase with 17 new providers. Three counties—Aroostook, Piscataquis, and Sagadahoc—saw a decrease in medical providers.

## 6.2 Registrant-related Employment

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.

	2019	2020	2021
Number of Caregiver Employees	1,883	4,317	5,741
Number of Caregiver Cards Revoked	5	4	12
Number of Registered Dispensaries	8	7 <sup>1</sup>	13 <sup>2</sup>
Number of Dispensary Employees	225	258	539
Number of Dispensary Board Members	21	17	9
Number of Dispensary Principal Officers	4	8	9
Number of Manufacturing Facilities	0	0	0
Number of Marijuana Testing Facilities	0	0	0

The significant increase in the number of caregiver employees reflects the relatively new, 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.

Similarly, due to a law change initiated during the 128th Legislature, the number of registered dispensaries is no longer limited to the eight registrations issued by the Department of Health and Human Services through a competitive bidding process in 2010. As a result, in August 2021, OMP announced the availability of a brand-new application for individuals and businesses seeking to operate medical marijuana dispensaries in Maine. The introduction of dispensary applications in Maine represented the first time in more than 11 years that this category of business registrations had been publicly available in the MMMP.

Expanding access to the dispensary registration type allows registered caregivers, several of whom have grown their businesses to the limits allowed by current law, and newcomers alike to grow their businesses within Maine's medical cannabis program.

---

<sup>1</sup> Late in 2020, Wellness Connection of Maine's South Portland medical marijuana dispensary location converted to Maine's adult use program.

<sup>2</sup> The Office of Marijuana began accepting new applications for registered dispensaries in August 2021.

While still a mandatory reporting category, the change of registered dispensaries from non-profit to for-profit status has resulted in the cessation individuals board members and principal officers registering with OMP.

The Office has never registered a products manufacturing facility within the MMMP. Both registered dispensaries and registered caregivers are permitted to engage in manufacturing activity, negating the need or importance of this independent registration type.

Finally, testing of medical marijuana or medical marijuana products is not required in the MMMP. Some registrants may voluntarily test their medical marijuana and medical marijuana products. However, labs offering that service are not registered with the state and thus are not applying universal, consistent testing standards. While there are as many as six labs providing voluntary testing services in the medical program, only those labs licensed in the adult use program have been certified by the Maine CDC and operate with consistent and uniform testing standards. While OMP has attempted to implement uniform testing standards through its rulemaking, to date those efforts have been unsuccessful.

## 7. 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, 2020 through the conclusion of the fiscal year on June 30, 2021.

	<b>2019</b>	<b>2020</b>	<b>2021</b>
Revenues	\$ 2,597,338.25	\$ 3,969,914.00	\$ 6,592,228.00
Expenses	\$ (1,179,716.30)	\$ (1,460,005.68)	\$ (1,382,496.58)
Legislative Transfers	\$ 0.00	\$ (1,859,575.00)	\$ (1,992,414.00)

The Office expects to see a noticeable increase in programmatic expenses in future years, which will be attributable, primarily, to additional headcount within the MMMP as a result of P.L. 2021, ch. 387.

Specifically, this legislation included Other Special Revenue (OSR) allocations for DAFS to establish eight Field Investigator positions and two Field Investigator Supervisor positions to support OMP's compliance activities. Additionally, P.L. 2021, ch. 367 included an OSR allocation to fund two Field Investigator positions within OMP.

## 8. Legislative Changes and Recommendations

### 8.1 First Special Session of the 130th Maine Legislature

The Maine Legislature considered several pieces of legislation related to the MMMP in 2021. The following is a summary of changes enacted by the Legislature which affected Maine's medical cannabis program to varying degrees.

*An Act to Make Technical Changes to the Maine Medical Use of Marijuana Act*, [PL 2021, ch. 251](#) (LD 881 - Emergency, effective June 17, 2021)

- Provided for a universal definition of “seedling” in the MMMP and Adult Use Marijuana Program (AUMP), which is a marijuana plant or rooted cutting that is not flowering, less than 24 inches in height, and less than 24 inches in width.
- Provides for a flat registration fee for caregivers choosing to register based upon a plant canopy (as opposed to plant count).

*An Act to Support Maine's Medical Marijuana Program and Ensure Patient Access*, [PL 2021, ch. 367](#) (LD 939)

- Family members of a registered caregiver who are otherwise qualified to act as a caregiver assistant, and who are between the ages of 18 and 21, are now permitted to register as an assistant of the registered caregiver who is their family member.
- Registered caregiver and registered dispensaries are now be permitted to transfer, in wholesale transactions, an unlimited amount of the mature marijuana plants cultivated by that registrant, and any marijuana products or marijuana concentrate manufactured by those mature marijuana plants; and
- MMMP registrants are now required to retain all books and records maintained by the registrant for a period of four (4) years. This is a change from the previous requirement that books and records must be retained for at least seven (7) years. Some records maintained by the registrant, i.e. tax records, must be retained for seven (7) years in accordance with Title 36.

*An Act to Amend the Maine Medical Use of Marijuana Act*, [PL 2021, ch. 387](#) (LD 1242 - Emergency, effective July 1, 2021)

- Changed rulemaking for the Maine Medical Use of Marijuana Act from routine technical to major substantive;
- Required DAFS, prior to provisionally adopting any new medical cannabis-related program regulations, to, among other things, develop a process to consult with stakeholders; and
- Repealed the requirement that MMMP registrants conduct an annual third party of audit of their records.

*Resolve, To Direct the Office of Marijuana Policy To Convene Stakeholder Meetings Regarding the Maine Medical Use of Marijuana Program, [Resolves 2021, ch. 95](#) (LD 882)*

- Tasked DAFS with conducting stakeholder meetings intended to assist in studying, reviewing, and evaluating any changes or updates that may be necessary to the State of Maine’s medical use of marijuana program.
- Identified several stakeholder groups with which OMP should involve in meetings.

In response to LD 882 and LD 1242, the Office of Marijuana Policy chose to convene a group of qualified individuals to fill seats on a workgroup meant to advise on regulatory issues, best practices in patient access and education, and contribute to ongoing improvements in Maine’s medical cannabis program. On August 20, 2021, the Office of Marijuana Policy released a call for applications for interested parties to apply for the Medical Marijuana Workgroup. The Office received a total of 83 applications for a 17 total members seats.

Following the competitive application process, the Office of Marijuana Policy held five virtual meetings with the Medical Marijuana Work Group between the months of September 2021 and December 2021.

## **8.2 Findings and Recommendations**

OMP did not submit legislation for consideration during the Second Regular Session of the 130th Maine Legislature. Accordingly, the Office is not offering legislative recommendations within the pages of this report to the Joint Standing Committee on Veterans and Legal Affairs (VLA).

However, to satisfy the reporting requirements of both LD 882 and LD 1242, the Office developed and submitted a report summarizing its findings and recommendations to the VLA Committee. A copy of this report, as well as copies of the materials reviewed by the Medical Marijuana Workgroup over the course of their five meetings, is available on our website: <https://www.maine.gov/dafs/omp/workgroup>.