



Presented by **PretiFlaherty**  
**LEGAL PAPERS**  
The Maine Cannabis Law Breakfast

2020

## WINTER UPDATE

### Prognostications on a New Year of State and Municipal Regulation

February 27, 2020

A link to the slides from today's presentations will be sent to all attendees following this event.

A green vertical bar on the left side of the slide, featuring a white starburst or radial pattern of lines extending from the bottom left corner towards the top right.

**INTRODUCTION**

**WELCOME**

**PreTiFlaherty**



# AGENDA

## **PART 1**

### **Municipal Landscape**

*Kristin Collins*

## **PART 2**

### **Hemp and CBD Developments**

*Sara Moppin*

## **PART 3**

### **State Regulatory Update**

*Dan Walker*

# Municipal Landscape



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**Other:**

Newburgh: voters voted against 5 separate referendum questions.

**Key:**

Y—Allowed  
N—Prohibited  
P—Pending

**Credit:**

Created based on publications from Maine Municipal Association

Municipality	Retail Facility	Growing Facility	Manufacturing Facility	Testing Facility
Auburn	Y	Y	Y	Y
Bangor	Y	Y	Y	Y
Bath	Y	Y	Y	Y
Bowdoinham	Y	Y	Y	Y
Brunswick	Y	Y	Y	Y
Camden	N	Y	N	N
Damariscotta	Y	Y	Y	Y
Detroit	Y	Y	Y	Y
Etna	N	Y	Y	Y
Eustis	Y	Y	Y	Y
Farmington	Y	Y	Y	Y
Grand Isle	Y	Y	Y	Y
Hallowell	Y	Y	Y	Y
Jackson	Y	Y	Y	Y
Manchester	Y	Y	Y	Y
Mercer	Y	Y	Y	Y
Monroe	N	Y	Y	N
Newry	Y	N	N	N
Paris	Y	Y	Y	Y
Poland	Y	Y	Y	Y
Portland	P	P	P	P
South Portland	Y	Y	Y	Y
Topsham	N	Y	Y	Y
Waterville	Y	Y	Y	Y
Wilton	Y	Y	Y	Y

# The State of the Cities

## Portland

- Zoning regulations in place
- Moratorium still in place on Caregiver Retail Stores, Grow Facilities (30+ plants), Manufacturing & Testing
- Licensing proposed in August, to be voted on spring 2020
  - Limit on 20 retail stores (retail or medical), awarded in licensing rounds by city manager
  - 250' buffer between stores
  - \$10,000 annual license fee for retail stores
  - All marijuana uses licensed
  - Transfer of up to 25 percent of ownership
  - Complicated license priority system based on weighted points matrix and lottery

# The State of the Cities

## South Portland

- Early adopter
- Zoning and licensing in place for all medical and adult uses
- Licenses required for all uses but non-retail caregivers

# The State of the Cities

## Windham

- Considering ordinance to opt in to adult use and medical
- Currently 9 medical retail stores
- Licensing to employ a point system
- Cap of 4 medical retail (reduction through attrition) and 2 adult use.

## Lewiston

- Licensing and zoning in place for retail, dispensaries, cultivation, manufacturing, nursing, and testing facilities
- Ordinance on cultivation (none in multifamily, odor restriction, etc.)
- All medical marijuana establishments must obtain town license by April 6, 2020
- Annual license fee for retail - \$5,000

# The State of the Cities

## Bangor

- Zoning in place for caregiver retail stores, adult use retail (same zones) and cultivation
- Licensing ordinance in place for retail

## Auburn

- Medical and adult use all zoned
- Licensing ordinance in place; non-retail caregivers not included
- Annual license fee for retail - \$5,000

# The State of the Cities

## Scarborough

- Cultivation, manufacturing, and testing for medical and recreational uses allowed in certain zones as of February 21, 2020
- No retail uses allowed
- Annual licenses range from \$750 to \$10,000 based on use and size of the facility
- Caregiver retail stores and medical marijuana dispensaries, testing facilities, manufacturing facilities, and cultivation facilities that were operating with Town approval prior to 12/13/18 are grandfathered in and treated as legally non-conforming uses provided they apply for and obtain a license.

## Saco

- License required for all growing, processing, manufacture or sale except for personal use
- No growing in home except for personal use. No retail uses allowed.

# The State of the Cities

## Biddeford

- Medical uses all allowed as conditional use
- No licensing
- Not opted in for retail
- City Council exploring whether to opt-in to some aspects of adult use, including whether Biddeford should “grandfather” existing medical marijuana growers

## Sanford

- All retail expressly banned
- Adult use banned
- License required for medical marijuana properties and operations (cultivating or manufacturing)
- Zoning standards in place for cultivation facilities

# The State of the Cities

## Brunswick

- Adult use and medical marijuana allowed only in industrial zones
- Licensing for all uses including non-retail caregivers

## Augusta

- No opt-in for adult use retail
- Medical retail capped at 15 stores; Dispensaries capped at 5
- Licensing applies to all medical and adult use, incl. caregivers
- Caregivers as home occupations must be delivery only

# The State of the Cities

## Westbrook

- Adult use specifically prohibited
- Only caregiver cultivation facilities (sales allowed) and dispensaries allowed
- Thorough regulations on operation/security

## Waterville

- All adult and medical uses allowed and zoned; licenses also required
- Amended in Feb 2020 to clarify that, among other things, annual license fees apply to medical marijuana cultivation facilities

# Q&A

# Hemp and CBD



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# State Regulatory Update



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# OMP Open Data Portal

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Resources
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<b>Open Data</b>
Universal Symbol

## Open Data

One of the guiding principles of the Office of Marijuana Policy is to strive to be transparent and clearly communicate with the public and stakeholders. To support that principle, we have launched an Open Data portal that will provide access to information that is frequently requested by interested individuals.

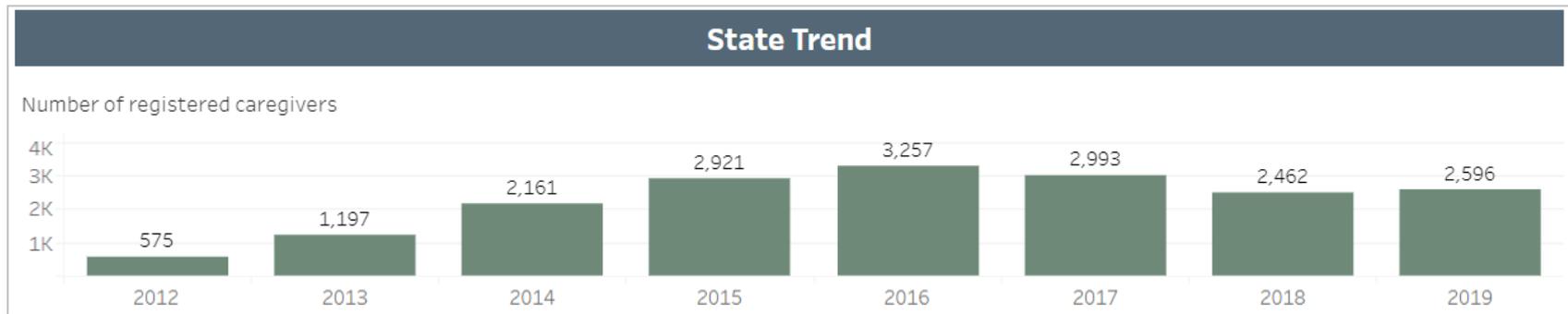
### Office of Marijuana Policy At-A-Glance

At present, the information is limited to Maine's Medical Use of Marijuana Program. As the Maine Office of Marijuana Policy launches our Adult Use Marijuana Program, we hope to use this portal to provide updates on key metrics of that new program.

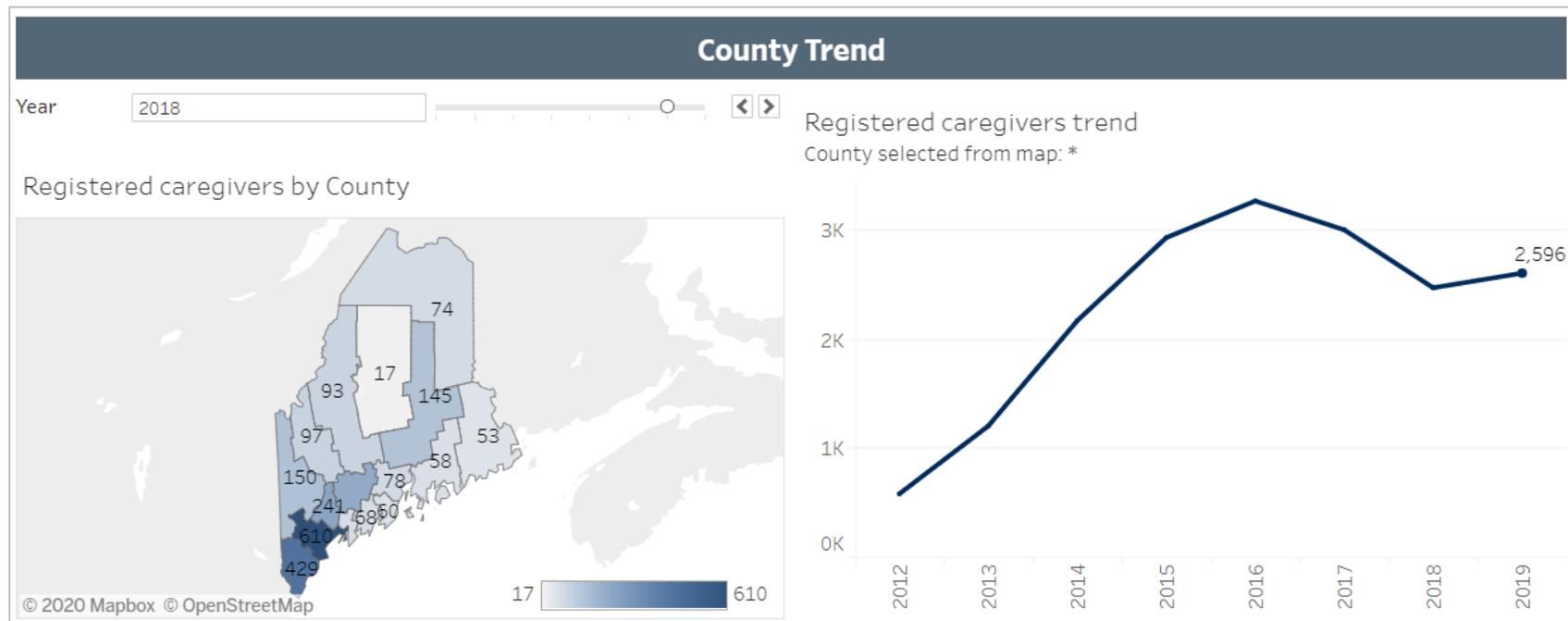
# OMP Policy At-a-Glance

At-a-Glance		
# of Registered Caregivers as of January 31, 2020	# of Registered Caregiver Employees/Assistants as of January 31, 2020	# of Medical Providers as of November 30, 2019
2,621	1,904	603
Caregiver Applications received January 2020	Caregiver Employee/Assisant Applications received January 2020	# of Printed Patient Certificates during January 2020
199	232	5,315

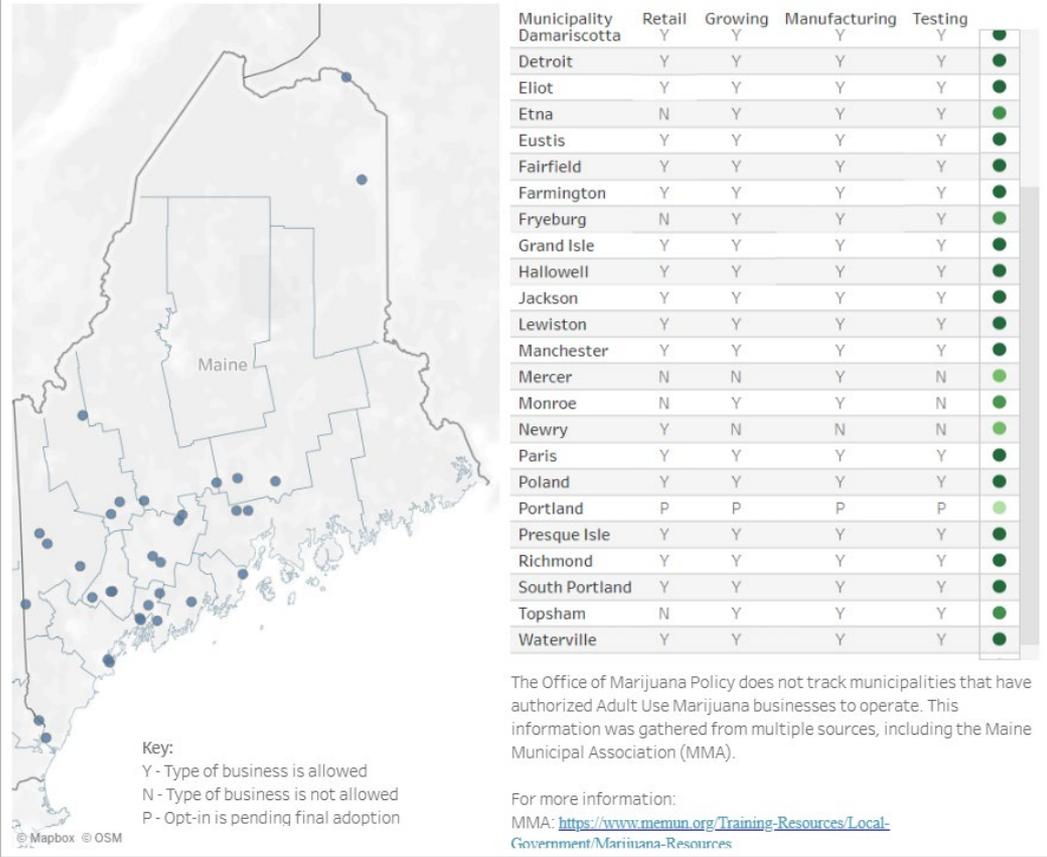
# OMP – Registered Caregivers (State Trend)



# OMP – Registered Caregivers (County Trend)



# OMP – Adult Use Opt-in Communities



## Adult Use Marijuana Opt-in by Municipality

# Adult Use Program

## Number of Marijuana Businesses Applied with OMP

- Received 81 applications to open marijuana stores,
- 64 to open cultivation facilities and
- 24 to open manufacturing businesses.
- 1 to open testing facility

## Deemed Complete

- 43 stores
- 25 cultivation facilities and
- 10 manufacturing facilities
- 0 testing facilities

# Marijuana Legislation at a Glance

## **LD 335 (HP 260)**

An Act To Require The State To Distribute 12 Percent Of Adult Use Marijuana Retail Sales And Excise Tax Revenue To Generating Municipalities

## **Status**

Carried over on the Special Appropriations Table to any special or regular sessions, or both, of the 129th Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 569 (HP 413)

Resolve, Directing The Department Of Agriculture, Conservation And Forestry To Submit To The United States Secretary Of Agriculture A Plan For Continued Implementation Of The Maine Industrial Hemp Program

## Status

Pursuant to Joint Rule 310.3 Placed in Legislative Files (DEAD)  
(1/23)

# Marijuana Legislation at a Glance

## LD 999 (SP 289)

An Act To Allow Medical And Adult Use Marijuana Stores To Share A Common Space

## Status

CARRIED OVER to any Special or Regular Sessions, or both, of the 129<sup>th</sup> Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## **LD 1322 (HP 957)**

An Act To Provide Equitable Tax Treatment To State-licensed Marijuana Businesses

### **Status**

Carried over on the Special Appropriations Table to any special or regular sessions, or both, of the 129th Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 1432 (HP 1042)

An Act To Improve The Adult Use Marijuana Laws

### Status

CARRIED OVER to any Special or Regular Sessions, or both, of the 129<sup>th</sup> Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 1444 (HP 1056)

An Act To Make The Distance To Schools For Marijuana Establishments Consistent With The Liquor Laws

## Status

CARRIED OVER to any Special or Regular Sessions, or both, of the 129<sup>th</sup> Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 1545 (SP 482)

An Act Regarding The Testing Of Adult Use Marijuana And Marijuana Products

## Status

CARRIED OVER to any Special or Regular Sessions, or both, of the 129<sup>th</sup> Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 1621 (SP 518)

An Act To Allow Delivery Of Adult Use Marijuana And Adult Use Marijuana Products By An Approved Marijuana Store

## Status

CARRIED OVER to any Special or Regular Sessions, or both, of the 129<sup>th</sup> Legislature pursuant to Joint Order HP 1322. (6/20)

# Marijuana Legislation at a Glance

## LD 2002 (HP 1418)

An Act To Improve Compliance With Department Of Administrative And Financial Services, Office Of Marijuana Policy Registration And Licensure Requirements

## Status

The Bill was REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS in concurrence (1/8)

# Marijuana Legislation at a Glance

## LD 2052 (SP 725)

An Act To Enact Restrictions On Electronic Smoking Devices  
And New Tobacco Products

### Status

The Bill was REFERRED to the Committee on HEALTH AND HUMAN SERVICES. In concurrence. ORDERED SENT FORTHWITH. (1/21)

# Marijuana Legislation at a Glance

## LD 2091 (SP 741)

An Act To Amend The Marijuana Legalization Act And Make Other Implementing Changes

## Status

The Bill was REFERRED to the Committee on VETERANS AND LEGAL AFFAIRS. In concurrence. ORDERED SENT FORTHWITH.  
(1/30)

# Marijuana Legislation at a Glance

## LD 2099 (SP 747)

An Act To Amend Provisions Of The Maine Medical Use Of Marijuana Act

## Status

The Bill was REFERRED to the Committee on HEALTH AND HUMAN SERVICES. In concurrence. ORDERED SENT FORTHWITH. (2/6)

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## Guidance Documents

The below materials are intended to provide interested parties with access to information of importance to industry stakeholders.

Other State Licensing Considerations		Revision Date
<a href="#">HTML</a>	Licenses Required for Food Manufacturing and Sale	12/13/2019
<a href="#">HTML</a>	Potential Environmental Permitting Triggers	12/13/2019
<a href="#">PDF_124KB</a>	Manufacturers and Bottlers of Nonalcoholic Beverages (OMP & Department of Agriculture, Conservation & Forestry)	1/15/2020
<a href="#">PDF_103KB</a>	Guidance on the Use of Certain Identification Numbers (OMP and Maine Revenue Services)	2/21/2020
<a href="#">PDF_127KB</a>	Considerations for AUMP and MMMP Advertising and Marketing (OMP)	2/21/2020

Marijuana Testing Facility Guidance Documents		Revision Date
<a href="#">PDF_109 KB</a>	Sample Chain of Custody Form	
<a href="#">PDF_30 KB</a>	ISO/IEC 17025:2017 Accreditation Information Sheet	12/9/2019
<a href="#">PDF_49 KB</a>	Proficiency Testing/Practice Testing/Certified Reference Material Sample Providers Information Sheet	12/9/2019
<a href="#">PDF_871 KB</a>	Best Practice Guide for the Sample Collection of Adult Use Marijuana for Mandatory Testing	12/13/2019
<a href="#">HTML</a>	Required Analyte Types for Mandatory Testing	12/30/2019

Resources

- Annual Reports
- Guidance Documents
- Open Data
- Universal Symbol

# Q&A

# THANK YOU FOR COMING



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