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To Adult Use Cannabis Program (AUCP) stakeholders:

We are pleased to announce that the Office of Cannabis Policy (OCP) has, **as of September 1, 2022**, adopted the routine technical revisions to Chapters 1 (Adult Use Cannabis Program Rule, 18-691 CMR, ch. 1) and 5 (Rules for the Certification of Cannabis Testing Facilities, 18-691 CMR, ch. 5). As this is a routine technical rule, the finally adopted rule becomes effective five days after final adoption: **September 8, 2022**.

This notice is provided to our AUCP participants to provide additional information regarding operational changes resulting from these updated rules. The operational changes listed below are not comprehensive, and licensees are reminded that they are always required to comply with the requirements of both rules.

Applicants and licensees are reminded that there are several changes in the revised rule that impact operations, licensing, and compliance. [Separate guidance documents](#) have been and will be published for certain specific portions of the new rule; this document serves as notice of adoption and an overview.

The changes are intended to implement changes to the governing statute enacted by the second regular session of the 130th Legislature, specifically:

- **An Act To Allow for a Variance Rate in the Amount and Potency of Cannabinoids in Adult Use Edible [Cannabis] Products** – see existing [guidance](#) for information on the new allowance for up to 10% variance in edible cannabis products;
- **An Act To Improve Testing Requirements for Adult Use [Cannabis]**, which will require licensees to engage in mandatory testing of cannabis and cannabis products prior to transferring those items to an adult use cannabis store for sale to consumers (commonly referred to as “final form” testing). The law also included a provision permitting licensees to exempt from testing any cannabis or cannabis products that have been previously subjected to mandatory testing that have “...not undergone any further processing, manufacturing or alteration that would result in an increase in the concentration of any contaminants or factors [for which testing is mandatory].” The

licensee that transfers cannabis or cannabis products to a cannabis store licensee is ultimately responsible for ensuring that the cannabis or cannabis products have undergone all mandatory testing. Formal guidance is forthcoming.

- **An Act To Permit Curbside Pickup and Limited Delivery of Adult Use [Cannabis].** Formal guidance is forthcoming, but in brief, before a cannabis store licensee may begin conducting sales of cannabis and cannabis products by curbside pickup and/or delivery, the licensee must submit for approval by OCP an updated facility plan of record in accordance with Section 3.5.4 of the *Adult Use Cannabis Program Rule, 18-691 CMR, ch. 1*. Also, [see previous communications on safe zones](#); and
- **An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Removing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes, respectively.** OCP has begun this process and will continue to replace “marijuana” with “cannabis”. While OCP has not yet made major substantive changes to revise the rule to reflect changes related to the definition of “disqualifying drug offense”, OCP’s licensing team has already implemented changes to its review of adult use applicant criminal history records checks to address this statutory change - [please see previous communications on this item](#).

As a reminder, the operational changes included above are not comprehensive, and current and prospective licensees are required at all times to be in compliance with the requirements of 18-691 CMR, chs. 1 & 5.

Thank you for your participation in the rulemaking process and for your attention to these matters.

Sincerely,



Erik Gundersen

Director