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ERIK GUNDERSEN
DIRECTOR

January 12, 2022

Dear MMMP Stakeholder:

I write today with an important update regarding the administrative regulations which govern the Maine Medical Use of Marijuana Program (MMMP) and to share some important information and dates with you.

Following several productive discussions with the Medical Marijuana Workgroup convened by the Office of Marijuana Policy (OMP) in late 2021, OMP has begun the rulemaking process required by the Maine Administrative Procedures Act and has published a proposed rule for the MMMP. During the final meeting of the workgroup, OMP outlined its approach to rulemaking in 2022 as follows.

The proposed rule **does not**:

- Mandate electronic inventory tracking in the medical program;
- Require operating plans or standard operating procedures from registrants;
- Require escorting visitors and vendors while on the premises;
- Require reporting suspected illegal activity; and
- Refer to warrantless searches by law enforcement.

Additionally, for the vast majority of MMMP participants, the proposed rule will not require additional security measures.

The proposed rule **will**:

- Clarify that telemedicine is appropriate for issuing patient certifications;
- Limit new lighting and security camera requirements to only dispensaries and caregiver retail stores, while allowing for the use of motion-activated cameras and limiting the placement of lighting and cameras at cultivation operations to their access points;
- Limit registered caregivers to a single cultivation area; and
- Clarify the types of business entities a registered caregiver may operate.

A copy of the proposed rule is available for review via:

<https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking/proposed-rules>.

One of OMP's five guiding principles is to: "develop and institute regulations that are necessary, not over burdensome." We recognize that the MMMP rules proposed by our office at the beginning of 2021—while rooted in the underlying statutory language—were too much, too soon for too many.

With that said, we welcome your input on the current proposed rule. OMP has schedule a public hearing for **Wednesday, February 2, 2022 at 10:00AM EST.**

Due to concerns related to the Omicron variant of Covid-19, the public hearing will be hosted virtually via Zoom. Interested parties must pre-register in advance of the public hearing beginning and may do so via: <https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking>. Similar to public hearings hosted by the Maine Legislature, registration must occur at **least 30 minutes prior** to the start time to guarantee your participation.

Those interested in watching the public hearing but not participating directly in the proceedings may do so without registering via OMP's YouTube Channel: <https://www.youtube.com/c/maineomp>.

In addition to the public hearing, the Office has begun accepting written public comments on the proposed rule and will continue to do so through **Sunday, February 13, 2022 at 11:59PM EST**.

Comments may be submitted through OMP's web form at: <https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking/feedback>. When rulemaking is ongoing, a web form is the preferred method of submission for comment. However, comment may also be submitted to Gabi Pierce, Office of Marijuana Policy, at 162 State House Station, Augusta, ME 04333-0162; 207-287-2671 (fax); or by email at gabi.pierce@maine.gov (Subject line: Rulemaking Comment).

With the Maine Legislature reclassifying MMMP program regulations from routine technical to major substantive last summer, the rulemaking process will look a little different in 2022.

First, OMP will conduct a rulemaking public hearing and written public comment period. Once that process is complete, we will consider the feedback received and make appropriate revisions to the rule. The key difference in major substantive rulemaking is that OMP must provisionally adopt the resulting rule and then submit it to the 130th Maine Legislature for review and consideration.

The Joint Standing Committee on Veterans and Legal Affairs will then review the revised rule and conduct a public hearing. To put it succinctly, there will be ample opportunity for stakeholder review and feedback given that any MMMP regulatory changes will be discussed for the next several months.

Thank you for your attention and consideration of these important matters. We look forward to continuing to engage with you over the coming weeks and months.

Sincerely,



Erik Gundersen
Director