

**REPORT OF THE  
SUBCOMMITTEE TO CONSIDER NON-SUBSTANTIVE CHANGES TO THE  
MAINE MEDICAL USE OF CANNABIS ACT  
TO THE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

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**INTRODUCTION**

On September 19, 2023, the Veterans and Legal Affairs (“VLA”) Committee met to consider forming a subcommittee to consider changes to the Maine Medical Use of Cannabis Act, 22 MRSA chapter 558-C (“chapter 558-C”). The VLA Committee discussed whether the subcommittee should focus on: recodifying chapter 558-C, that is updating and reorganizing the chapter to make it more understandable and easier to use; revising chapter 558-C, to address errors, inconsistencies, ambiguities, and the like, whether technical or substantive in nature; or some combination of a recodification and revision. The committee voted unanimously of those present to form a subcommittee of five members focused on recodifying chapter 558-C and making non-substantive revisions to the chapter to address errors, inconsistencies and ambiguities. Committee members appointed to the subcommittee were Senator Craig Hickman and Representative Laura Supica, as co-chairs, Senator Jeff Timberlake, Representative David Boyer and Representative Benjamin Collings.

**MEETINGS**

As authorized by the Presiding Offices, the subcommittee held six meetings during the interim on September 19, 2023, October 12, 2023, November 2, 2023, November 14, 2023, November 28, 2023 and January 2, 2024. Set out below, by date of meeting, are highlights of the discussions and decisions from at each meeting, except that the discussions and decisions on the definition section of chapter 558-C, section 2422-A, are summarized together at the end of this part.

September 19, 2023

The first meeting of the subcommittee immediately followed the VLA Committee’s vote to form the subcommittee and focused on the subcommittee’s process going forward, including future meeting dates, when and how to accept input from interested parties and the general public, and the desired end product of the process, a recodification of chapter 558-C. With respect to recodification, the following three options were identified: repealing chapter 558-C from Part 5 of Title 22, Food and Drugs and adding it back as a new chapter in Part 5; repealing chapter 558-C, expanding the scope of Title 28-B, Adult Use Cannabis, to include both adult use and medical use cannabis, and adding the recodification of medical use as a new chapter within Title 28-B; or repealing chapter 558-C and the recodification as a new title in statute for the medical use of cannabis program. The subcommittee did not decide which approach was preferred and makes no recommendation to the VLA Committee on this topic.

October 12, 2023

The second meeting of the subcommittee, held on October 12, 2023, began with subcommittee members identifying any specific errors, inconsistencies, ambiguities or other problems they saw in chapter 558-C and any suggested changes to address the identified problems. The main outcome of this discussion was an agreement among the members agreed that the main purpose of restructuring and making non-substantive changes to chapter 558-C was to make the law more

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understandable and accessible to the regulated community, the regulators, legislators, other interested parties, and the general public.

Next the subcommittee was presented with two different outlines reorganizing chapter 558-C. One outline was organized first by substantive categories, such as registration, operations (aka authorized conduct), and reporting, and then, within each substantive category, by type of registrant (qualifying patient, caregiver, dispensary, manufacturing facility, person authorized to engage in extraction using inherently hazardous substances, and testing facilities). The second outline was first organized by type of registrant, and then by substantive category. The subcommittee voted to use the first outline structure, with acknowledgment that this structure may be amended as details are added to the outline.

During this meeting, the subcommittee realized that many matters being considered warranted a more robust discussion than was possible in the time allowed as well as the involvement of more legislators and interested parties than currently engaged in the subcommittee process. The subcommittee agreed that a “parking lot” list of such matters should be included in the report back to the full committee. The full list of matters added to the “parking lot” is found in Attachment A to this report.

November 2, 2023

This subcommittee meeting began with an update from the nonpartisan staff assigned to the subcommittee on the progress to date and the work still to be done in the remaining four meetings. This led to a discussion on what the subcommittee reasonably expected to accomplish in the time remaining. Although steady progress was made at each meeting, and was expected to be made at the remaining meetings, the subcommittee recognized that the thoughtful restructuring of chapter 558-C could not be accomplished during this interim. The subcommittee also recognized that the overall goal of increasing readability and understandability of chapter 558-C was not possible without consideration of substantive errors, omissions, conflicts, and ambiguities within this chapter of law. The subcommittee agreed to recommend in its report to the VLA Committee that substantive and technical changes be made to chapter 558-C and that the subcommittee continue this work during the interim between the second regular session of the 131<sup>st</sup> Legislature and the first regular session of the 132<sup>nd</sup> Legislature.

An additional topic of conversation at this meeting was the various portions of chapter 558-C that detail the rulemaking authority of the Department of Administrative and Financial Services, Office of Cannabis Policy, the state agency that regulates both the adult use and medical use cannabis programs in the State. In addition to general language on the department’s rulemaking authority found in section 2422-A, subsection 2, there are several other places in chapter 558-C that direct the department to adopt rules related to a specific part of chapter 558-C. Whether all or some of these different sections are redundant or create conflicts or ambiguities was identified as needing further discussion as was added to the “parking lot”.

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November 14, 2023

The first topic of discussion at this meeting was municipal regulation of caregivers, caregiver retail stores and dispensaries.<sup>1</sup> Representatives from the Office of Cannabis Policy, Maine Municipal Association, local governments and caregivers briefed the subcommittee and answered questions on what type of municipal regulation was allowed under current law, how different municipalities regulated medical use of cannabis, and what issues and concerns could be resolved through changes to the statute.

One of the issues identified and discussed during this portion of the meeting was how the confidentiality provisions in chapter 558-C limited a municipality's ability to effectively regulate caregiver retail stores and caregivers operating out of their homes. Also discussed was the important protections these confidentiality provisions provide to individuals engaged in the medical use of cannabis program. Achieving a balance between the privacy and security concerns unique to the cannabis industry and a municipality's interest in ensuring zoning and other local regulations are applied appropriately, was identified as needing further discussion and was placed in the "parking lot".

The subcommittee next discussed collectives, colocation of caregivers, tradeshow, and farmers' markets, the latter two are included in the subcommittee's recommendations for immediate consideration for legislation by the VLA Committee, and the former two were added to the "parking lot".

November 28, 2023

At this meeting, the subcommittee members present came to an agreement on the findings and recommendations to include in the subcommittee's report back to the VLA Committee. Those findings and recommendations appear later in this report. The subcommittee also agreed to receive and review a draft list of "parking lot" items before the subcommittee's final meeting on January 2, 2024.

January 2, 2024

At the final subcommittee meeting, the members present reviewed the subcommittee's report to the VLA Committee and the "parking lot" list and requested minor changes to each document.

Discussions on Definitions, section 2422-A

During each of the subcommittee's meetings, the definition section of chapter 558-C, section 2422, was reviewed and discussions on a significant portion of this section took place among the subcommittee members and among representatives from the Office of Cannabis Policy and a representative of the caregiver community. The cumulative result of these conversations is the recommendation from the subcommittee to the VLA Committee that certain words and phrases in the definition section be amended and the entire section reorganized in alphabetical order. The

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<sup>1</sup> Municipal regulation of manufacturing facilities and testing facilities was not discussed in depth because neither type of business currently operates under the medical use of cannabis program.

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subcommittee also identified other words and phrases that needed a more robust discussion. These words and phrases are included in the “parking lot” for further discussion. The subcommittee’s proposed amendment to words and phrases in section 2422 is found in Attachment B. The words and phrases added to the parking lot are included in pages    to    of Attachment A.

**FINDINGS AND RECOMMENDATIONS**

The subcommittee makes the following findings to the VLA Committee:

1. Stigmatization of the medical use of cannabis program is still experienced by qualifying patients, caregivers, and owners and operators of dispensaries. This stigmatization creates unnecessary barriers to the safe and profitable operation by the regulated community and the availability of medical cannabis for qualifying patients.
2. The recodification of chapter 558-C with only technical changes to the statute will not accomplish the agreed upon goal of the VLA committee and the subcommittee which is to make the medical use of cannabis law more understandable and accessible to the regulated community, the regulators, legislators, other interested parties, and the general public.

The subcommittee makes the following recommendations to the VLA Committee:

1. Amend section 2242 of chapter 558-C to organize the definitions in alphabetical order;
2. Make technical changes to the definitions in §2422-A as detailed in Attachment B to this report;
3. Amend chapter 558-C to clarify the conduct authorized to occur in a caregiver retail store by a registered caregiver and any assistant;
4. Resolve the conflict in §2430-G created last session with the enactment of both P.L. 2023, c. 365, §18 (LD 835) and P.L. 2023, c. 405, Pt. A, §58 (Errors Bill). Chapter 405 amended §2430-G to resolve a prior conflict. Chapter 365 (LD 835), was the VLA Committee’s bill that repealed §2430-G and moved most of that section into new §2430-J;
5. Clarify in statute that registered caregivers are authorized to provide samples of cannabis products at a tradeshow;
6. Clarify in statute that registered caregivers are authorized to participate in farmers’ markets;
7. Request authorization from the Presiding Officers for the current subcommittee to continue its work during the interim between the 2<sup>nd</sup> regular session of the 131<sup>st</sup> Legislature and the 1<sup>st</sup> Regular Session of the 132<sup>nd</sup> Legislature; and
8. Amend the subcommittee’s scope of work for the next interim to include recommendations on reorganizing chapter 558-C as well as recommendations on substantive and technical changes necessary to fix errors, inconsistencies and ambiguities.