

Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 558-C: MAINE MEDICAL USE OF MARIJUANA ACT

§2428. REGISTERED DISPENSARIES

1. Provisions pertaining to primary caregiver apply to nonprofit dispensary.

[2009, c. 631, §51 (AFF); 2009, c. 631, §42 (RP) .]

1-A. Provisions pertaining to registered dispensary. For the purpose of assisting a qualifying patient, a registered dispensary may in accordance with rules adopted by the department:

A. Dispense up to 2 1/2 ounces of harvested marijuana to the qualifying patient in one transaction, except that a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period; [2017, c. 452, §16 (AMD) .]

B. Cultivate marijuana plants and possess all harvested marijuana from those marijuana plants; [2017, c. 452, §16 (AMD) .]

C. Receive reasonable monetary compensation for costs associated with assisting or for cultivating marijuana plants for the qualifying patient; [2017, c. 452, §16 (AMD) .]

D. (CONFLICT: Text as amended by PL 2017, c. 447, §19) Assist any patient who designated the dispensary to cultivate marijuana with the medical use or administration of marijuana; [2017, c. 447, §19 (AMD) .]

D. (CONFLICT: Text as amended by PL 2017, c. 452, §16) Assist the qualifying patient with the medical use or administration of marijuana; [2017, c. 452, §16 (AMD) .]

E. (CONFLICT: Text as amended by PL 2017, c. 447, §20) Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G; [2017, c. 447, §20 (AMD) .]

E. (CONFLICT: Text as amended by PL 2017, c. 452, §16) Obtain harvested marijuana from a caregiver under section 2423-A, subsection 2, paragraph K; [2017, c. 452, §16 (AMD) .]

F. (CONFLICT: Text as enacted by PL 2017, c. 447, §21) Manufacture marijuana products and marijuana concentrate for medical use, except that a registered dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; and [2017, c. 447, §21 (NEW) .]

F. (CONFLICT: Text as enacted by PL 2017, c. 452, §16) Except as provided in section 2426:

- (1) Transfer marijuana plants and harvested marijuana to a qualifying patient and to a caregiver on behalf of a qualifying patient in a retail sale for reasonable compensation;
- (2) Transfer marijuana plants and harvested marijuana to a qualifying patient, caregiver or dispensary for no remuneration;
- (3) Acquire marijuana plants and harvested marijuana from another dispensary for no remuneration;
- (4) Transfer to and accept from a registered caregiver or another dispensary marijuana plants and harvested marijuana in a wholesale transaction in accordance with this paragraph. A dispensary may transfer in wholesale transactions for reasonable compensation or for no remuneration up to 30% of the mature marijuana plants grown by the dispensary over the course of a calendar year, including any marijuana products or marijuana concentrate manufactured from that 30% of the mature marijuana plants grown by the dispensary. A dispensary may transfer to or accept from

registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature marijuana plants and seedlings. A dispensary that acquires mature marijuana plants, marijuana products or marijuana concentrate in a wholesale transaction under this subparagraph may not resell the mature marijuana plants, marijuana products or marijuana concentrate except to a qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

(5) Transfer harvested marijuana to a manufacturing facility and accept marijuana products and marijuana concentrate from the manufacturing facility that are produced from the harvested marijuana the dispensary provided to the manufacturing facility; and

(6) Provide samples to a marijuana testing facility for testing and research purposes; [2017, c. 452, §16 (NEW).]

G. (CONFLICT: Text as enacted by PL 2017, c. 447, §21) Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility. [2017, c. 447, §21 (NEW).]

G. (CONFLICT: Text as enacted by PL 2017, c. 452, §16) Conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only; [2017, c. 452, §16 (NEW).]

H. Manufacture marijuana products for medical use, except that a dispensary may not prepare food, as defined in section 2152, subsection 4, unless licensed pursuant to section 2167; [2017, c. 452, §16 (NEW).]

I. Manufacture marijuana concentrate for medical use, except that a dispensary may not produce marijuana concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [2017, c. 452, §16 (NEW).]

J. Provide harvested marijuana to a manufacturing facility and obtain marijuana products and marijuana concentrate from the manufacturing facility that is produced from the harvested marijuana the registered dispensary provided to the manufacturing facility; [2017, c. 452, §16 (NEW).]

K. Hire any number of assistants to assist in performing the duties of the dispensary; and [2017, c. 452, §16 (NEW).]

L. Transport marijuana plants and harvested marijuana as necessary to carry out the activities authorized under this section. [2017, c. 452, §16 (NEW).]

[2017, c. 452, §16 (AMD) .]

2. Registration requirements.

[2017, c. 452, §16 (RP) .]

3. Rules.

[2017, c. 452, §16 (RP) .]

4. Expiration.

[2017, c. 452, §16 (RP) .]

5. Inspection.

[2017, c. 452, §16 (RP) .]

6. Registered dispensary requirements. This subsection governs the operations of registered dispensaries.

A. [2017, c. 452, §16 (RP).]

B. A dispensary may not be located within 500 feet of the property line of a preexisting public or private school. [2009, c. 631, §42 (AMD); 2009, c. 631, §51 (AFF).]

C. [2017, c. 452, §16 (RP).]

D. [2017, c. 452, §16 (RP).]

E. A dispensary shall implement appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the dispensary and the one permitted additional location at which the dispensary cultivates marijuana plants for medical use by qualifying patients. [2017, c. 452, §16 (AMD).]

F. The operating documents of a dispensary must include procedures for the oversight of the dispensary and procedures to ensure accurate record keeping in accordance with section 2430-G. [2017, c. 452, §16 (AMD).]

G. [2017, c. 452, §16 (RP).]

H. All officers or directors of a dispensary must be residents of this State. [2017, c. 452, §16 (AMD).]

I. All cultivation of marijuana plants must take place in a cultivation area unless the marijuana plants are being transported pursuant to subsection 1-A, paragraph L. Access to the cultivation area is limited to a cardholder who is an officer or director or assistant of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by an officer or director or assistant for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel, an assistant of a marijuana testing facility or a person who needs to gain access to the cultivation area in order to perform repairs or maintenance or to do construction may access the cultivation area to provide professional services while under the direct supervision of a cardholder who is an officer or director or assistant of the dispensary. [2017, c. 452, §16 (AMD).]

J. [2017, c. 452, §16 (RP).]

K. A dispensary shall display the dispensary's registration certificate issued under section 2425-A in a publicly visible location in the dispensary. [2017, c. 452, §16 (AMD).]

L. [2017, c. 452, §16 (RP).]

M. [2017, c. 452, §16 (RP).]

N. [2017, c. 452, §16 (RP).]

[2013, c. 374, §2 (AMD); 2013, c. 501, §2 (AMD); 2017, c. 452, §16 (AMD).]

7. Maximum amount of marijuana to be dispensed. A dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana in one transaction to a qualifying patient or to a caregiver on behalf of a qualifying patient, except that a dispensary or an officer or director or assistant of a dispensary may not dispense more than 2 1/2 ounces of harvested marijuana to a visiting qualifying patient during a 15-day period.

[2017, c. 452, §16 (AMD).]

8. Immunity.

[2009, c. 631, §51 (AFF); 2009, c. 631, §42 (RP).]

8-A. Immunity.

[2017, c. 452, §16 (RP).]

9. Prohibitions. The prohibitions in this subsection apply to a registered dispensary.

A. [2017, c. 452, §16 (RP).]

B. A dispensary may not dispense, deliver or otherwise transfer marijuana except as provided in this chapter. [2017, c. 452, §16 (AMD).]

C. [2017, c. 452, §16 (RP).]

D. A person who has been convicted of a disqualifying drug offense may not be an officer or director or assistant of a dispensary.

(1) A person who is an officer or director or assistant of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

(2) A person who is an officer or director or assistant of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph commits a Class D crime. [2017, c. 452, §16 (AMD).]

E. [2017, c. 452, §16 (RP).]

F. A dispensary may not contract for the cultivation of seeds of a marijuana plant, seedlings or immature marijuana plants, except that a dispensary may engage in wholesale transactions in accordance with subsection 1-A, paragraph F, subparagraph (4). [2017, c. 452, §16 (AMD).]

G. A registered dispensary may not use a pesticide on marijuana plants except a pesticide that is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana plants use a pesticide unless at least one registered dispensary assistant involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary assistants who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. A registered dispensary assistant who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230. [2017, c. 452, §16 (AMD).]

[2017, c. 452, §16 (AMD) .]

10. Local regulation.

[2017, c. 447, §22 (RP); 2017, c. 452, §16 (RP) .]

11. Limitation on number of dispensaries.

[2017, c. 452, §16 (RP) .]

11-A. Limitation on number of dispensaries registered. This subsection governs the limits on the number of dispensary registration certificates that may be issued by the department.

A. In addition to the 8 dispensary registration certificates issued as of April 1, 2018, the department shall issue 6 dispensary registration certificates to applicants that the department determines meet all criteria established in rule. Of the new registration certificates issued after April 1, 2018, the department may not issue more than one additional registration certificate to any dispensary operating in the State on April 1, 2018 or to its successor in interest and the department may not issue more than one dispensary registration certificate to any person that did not hold a dispensary registration certificate as of April 1, 2018. After January 1, 2021, the department may not limit the number of registration certificates it issues to a person to operate as a dispensary. [2017, c. 452, §16 (NEW).]

B. The department shall issue a registration certificate to a dispensary that operated as a nonprofit entity prior to April 1, 2018 if 2/3 of the officers or directors of the entity that is the successor in interest of that nonprofit entity were officers or directors of the nonprofit entity at the time the nonprofit entity ceased existing as a nonprofit entity. The registration certificate of a dispensary operating as a nonprofit entity prior to April 1, 2018 expires upon the cessation of existence of the nonprofit entity unless an entity that is the successor in interest to that nonprofit entity and that meets the requirements of this paragraph is capable of operating under the registration certificate at substantially the same time the nonprofit entity ceases existence. The registration certificate issued to the entity that is the successor in interest to the nonprofit entity under this paragraph expires on the date the registration certificate issued to the nonprofit entity would have expired. [2017, c. 452, §16 (NEW).]

[2017, c. 452, §16 (NEW) .]

12. Labels.

[2017, c. 452, §16 (RP) .]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). 2009, c. 631, §42 (AMD). 2009, c. 631, §51 (AFF). 2011, c. 407, Pt. B, §32 (AMD). RR 2013, c. 1, §41 (COR). 2013, c. 371, §4 (AMD). 2013, c. 374, §2 (AMD). 2013, c. 393, §4 (AMD). 2013, c. 394, §§7, 8 (AMD). 2013, c. 498, §2 (AMD). 2013, c. 501, §2 (AMD). 2013, c. 503, §§2-6 (AMD). 2013, c. 516, §15 (AMD). 2015, c. 475, §§ 22-24 (AMD). 2017, c. 409, Pt. E, §9 (AMD). 2017, c. 447, §§19-22 (AMD). 2017, c. 452, §16 (AMD).

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