

§2422. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [IB 2009, c. 1, §5 (NEW).]

1. Cardholder. "Cardholder" means a person who has been issued and possesses a valid registry identification card.

[PL 2017, c. 452, §3 (AMD).]

1-A. Collective. "Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[PL 2013, c. 516, §1 (NEW).]

1-C. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2017, c. 409, Pt. E, §2 (NEW).]

1-D. Assistant. "Assistant" means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or cannabis testing facility in accordance with this chapter, whether as an employee or independent contractor.

[PL 2017, c. 452, §3 (NEW); PL 2021, c. 669, §5 (REV).]

1-E. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [PL 2017, c. 452, §3 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2017, c. 452, §3 (NEW).]

[PL 2017, c. 452, §3 (NEW).]

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

[PL 2019, c. 217, §1 (NEW); PL 2021, c. 669, §5 (REV).]

1-G. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the department all application forms required and provided by the department; [PL 2021, c. 662, §1 (NEW).]

B. The applicant has submitted to the department documentation sufficient to satisfy all applicable residency requirements of this chapter, which may include, but is not limited to, a valid photographic identification card issued by the State; [PL 2021, c. 662, §1 (NEW).]

C. If required by the department pursuant to this chapter, the applicant has submitted to a criminal history record check; [PL 2021, c. 662, §1 (NEW).]

D. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the department documentation of the registration; and [PL 2021, c. 662, §1 (NEW); PL 2021, c. 669, §5 (REV).]

E. If applying for a registration certificate for a dispensary, the applicant has submitted to the department documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary. [PL 2021, c. 662, §1 (NEW).]

[PL 2021, c. 662, §1 (NEW); PL 2021, c. 669, §5 (REV).]

2. Debilitating medical condition.

[PL 2017, c. 452, §3 (RP).]

2-A. Department. "Department" means the Department of Administrative and Financial Services. [PL 2017, c. 409, Pt. E, §2 (NEW).]

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

[PL 2021, c. 662, §2 (AMD); PL 2021, c. 669, §5 (REV).]

3-A. Extended inventory supply interruption.

[PL 2017, c. 452, §3 (RP).]

3-B. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD); PL 2021, c. 669, §5 (REV).]

3-C. Harvested cannabis. "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD); PL 2021, c. 669, §5 (REV).]

4. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier; [PL 2021, c. 669, §3 (AMD).]

B. An offense that consisted of conduct that would have been permitted under this chapter; or [PL 2021, c. 669, §3 (AMD).]

C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B. [PL 2021, c. 669, §3 (NEW).]

[PL 2021, c. 669, §3 (AMD).]

4-A. Incidental amount of marijuana.

[PL 2017, c. 452, §3 (RP).]

4-B. Mature cannabis plant. "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §13 (AMD); PL 2021, c. 669, §5 (REV).]

4-C. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[PL 2017, c. 452, §3 (AMD).]

4-D. Inherently hazardous substance.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-E. Manufacture or manufacturing.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-F. Manufacturing facility.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-G. Marijuana concentrate.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-H. Marijuana extraction.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-I. Marijuana product.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-J. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-K. Cannabis plant. "Cannabis plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 251, §1 (AMD); PL 2021, c. 669, §5 (REV).]

4-L. Cannabis product. "Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-M. Nonflowering cannabis plant. "Nonflowering cannabis plant" means a cannabis plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD); PL 2021, c. 669, §5 (REV).]

4-N. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 669, §5 (REV); PL 2021, c. 676, Pt. A, §33 (RPR).]

4-O. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.
[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-P. Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).
[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-Q. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.
[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW); PL 2021, c. 669, §5 (REV).]

4-R. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction under section 2423-F.
[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW); PL 2021, c. 669, §5 (REV).]

4-S. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.
[PL 2021, c. 293, Pt. A, §26 (RPR); PL 2021, c. 669, §5 (REV).]

4-T. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.
[PL 2021, c. 662, §3 (NEW); PL 2021, c. 669, §5 (REV).]

4-U. Cannabis tincture. "Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.
[PL 2021, c. 662, §4 (NEW); PL 2021, c. 669, §5 (REV).]

5. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.
[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

5-A. Member of the family. "Member of the family" means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.
[PL 2017, c. 452, §3 (AMD).]

5-B. Members of the same household. "Members of the same household" means 2 or more people who are residents of the State and who reside in a shared dwelling unit.
[PL 2017, c. 452, §3 (AMD).]

5-C. Cannabis testing facility. "Cannabis testing facility" means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD).]

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department. [PL 2015, c. 475, §3 (NEW).]
[PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

6. Registered dispensary or dispensary. "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.
[PL 2019, c. 331, §3 (AMD); PL 2021, c. 669, §5 (REV).]

6-A. Onsite assessment.
[PL 2011, c. 407, Pt. B, §8 (RP).]

6-B. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization.
[PL 2017, c. 452, §3 (NEW).]

7. Physician. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.
[PL 2009, c. 631, §14 (AMD); PL 2009, c. 631, §51 (AFF).]

7-A. Physician assistant. "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.
[PL 2017, c. 452, §3 (NEW).]

7-B. Mature plant canopy. "Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.
[PL 2021, c. 662, §5 (AMD); PL 2021, c. 669, §5 (REV).]

8. Primary caregiver.
[PL 2009, c. 631, §15 (RP); PL 2009, c. 631, §51 (AFF).]

8-A. Caregiver. "Caregiver" means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.

[PL 2017, c. 452, §3 (AMD).]

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with section 2423-B.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

9-A. Registration certificate. "Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (NEW).]

9-B. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis is transferred or furnished by that person to another person.

[PL 2017, c. 452, §3 (NEW); PL 2021, c. 669, §5 (REV).]

10. Registered nonprofit dispensary.

[PL 2017, c. 452, §3 (RP).]

11. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

12. Registered patient. "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

13. Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a person who has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (AMD).]

13-A. Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

[PL 2011, c. 407, Pt. B, §13 (NEW).]

13-B. Resident of the State. "Resident of the State" means a person who is domiciled in the State.

[PL 2017, c. 452, §3 (NEW).]

13-C. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

[PL 2017, c. 452, §3 (NEW).]

14. Prepared marijuana.

[PL 2017, c. 452, §3 (RP).]

14-A. Sample. "Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.

[PL 2019, c. 331, §4 (RPR); PL 2021, c. 669, §5 (REV).]

14-B. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

A. Not flowering; [PL 2021, c. 251, §3 (NEW).]

B. Less than 24 inches in height; and [PL 2021, c. 251, §3 (NEW).]

C. Less than 24 inches in width. [PL 2021, c. 251, §3 (NEW).]
[PL 2021, c. 251, §3 (AMD); PL 2021, c. 669, §5 (REV).]

14-C. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters.

As used in this subsection, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider. [PL 2021, c. 662, §6 (NEW).]

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider. [PL 2021, c. 662, §6 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider. [PL 2021, c. 662, §6 (NEW).]

D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time. [PL 2021, c. 662, §6 (NEW).]

[PL 2021, c. 662, §6 (NEW).]

14-D. Timely filed. "Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the department no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.

[PL 2021, c. 662, §7 (NEW).]

15. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.

[PL 2017, c. 452, §3 (AMD); PL 2021, c. 669, §5 (REV).]

16. Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient in accordance with section 2423-B, or a digital image of that document issued by the medical provider that meets the requirements of section 2423-B, subsection 4, that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

[PL 2021, c. 662, §8 (AMD); PL 2021, c. 669, §5 (REV).]

17. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:

A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant; [PL 2023, c. 6, §1 (NEW).]

B. Isomerization devices used for adjusting the potency of a cannabis plant; [PL 2023, c. 6, §1 (NEW).]

C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis; [PL 2023, c. 6, §1 (NEW).]

D. Scales and balances used for weighing or measuring harvested cannabis; [PL 2023, c. 6, §1 (NEW).]

E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis; [PL 2023, c. 6, §1 (NEW).]

F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use; [PL 2023, c. 6, §1 (NEW).]

G. Containers and other objects used for storing harvested cannabis; [PL 2023, c. 6, §1 (NEW).]

H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking; [PL 2023, c. 6, §1 (NEW).]

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and [PL 2023, c. 6, §1 (NEW).]

J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device. [PL 2023, c. 6, §1 (NEW).]
[PL 2023, c. 6, §1 (NEW).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§8-19 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§1-15 (AMD). PL 2013, c. 361, §1 (AMD). PL 2013, c. 396, §1 (AMD). PL 2013, c. 503, §1 (AMD). PL 2013, c. 516, §§1-5 (AMD). PL 2015, c. 475, §§1-5 (AMD). PL 2017, c. 409, Pt. E, §2 (AMD). PL 2017, c. 447, §§1-3 (AMD). PL 2017, c. 452, §3 (AMD). PL 2019, c. 217, §1 (AMD). PL 2019, c. 256, §1 (AMD). PL 2019, c. 331, §§1-4 (AMD). PL 2019, c. 528, §§12-16 (AMD). PL 2021, c. 251, §§1-3 (AMD). PL 2021, c. 293, Pt. A, §§25, 26 (AMD). PL 2021, c. 662, §§1-8 (AMD). PL 2021, c. 669, §3 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 676, Pt. A, §33 (AMD). PL 2023, c. 6, §1 (AMD).

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§2423-A. Authorized conduct for the medical use of cannabis**(CONFLICT)**

1. Qualifying patient. Except as provided in section 2426, a qualifying patient may:

A. Possess up to 8 pounds of harvested cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. Cultivate, or designate a caregiver operating under subsection 3, paragraph C to cultivate under paragraph F-1, subparagraph (1), up to a total of 6 mature cannabis plants, 12 immature cannabis plants and unlimited seedlings for that qualifying patient. The total number of mature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 6. The total number of immature cannabis plants per qualifying patient, whether cultivated by the patient or by a caregiver operating under subsection 3, paragraph C, may not exceed 12. Two or more qualifying patients who are members of the same household and cultivating their own cannabis plants may share not more than 2 cultivation areas; [PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

C. Possess cannabis paraphernalia; [PL 2009, c. 631, §21 (NEW); PL 2009, c. 631, §51 (AFF); PL 2021, c. 669, §5 (REV).]

D. Furnish or offer to furnish to another qualifying patient for that patient's medical use of cannabis up to 2 1/2 ounces of harvested cannabis for no remuneration; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

E. [PL 2017, c. 452, §4 (RP).]

F. [PL 2017, c. 452, §4 (RP).]

F-1. Obtain or receive harvested cannabis for the patient's medical use without designating a caregiver or a dispensary, except that a qualifying patient or the parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age or who is enrolled in a preschool or primary or secondary school must designate, as applicable:

(1) A caregiver operating under subsection 3, paragraph C in order to have that caregiver cultivate cannabis plants for the patient;

(2) A long-term care facility in order to have that facility assist with the qualifying patient's medical use of harvested cannabis. A long-term care facility that is designated by a patient may not be designated to cultivate cannabis plants for the patient;

(3) A person in order to have that person obtain harvested cannabis on behalf of the qualifying patient or transport the harvested cannabis to the qualifying patient. The person must possess the person's government-issued photographic identification that contains the person's address, the qualifying patient's written certification and the qualifying patient's designation in order to engage in this conduct; and

(4) A caregiver in order to have that caregiver possess and administer harvested cannabis for the patient's medical use pursuant to section 2426, subsection 1-A if the patient is enrolled in a preschool or primary or secondary school.

A designation pursuant to this paragraph must be in a standardized written document, developed by the department, that is signed and dated by the qualifying patient or the parent, legal guardian or person having legal custody of the qualifying patient and expires on a date not to exceed the expiration date of the qualifying patient's written certification. The document must include the signed acknowledgment of the person or facility that the person or facility may be contacted to confirm the designation of the person or facility to engage in the conduct authorized by the designation. The document must also include, if applicable, the total number of mature cannabis

plants and immature cannabis plants the caregiver is cultivating for the patient; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

F-2. Choose a caregiver based solely on the patient's preference, except that a parent, legal guardian or person having legal custody of a qualifying patient who has not attained 18 years of age must serve as one caregiver for the patient; [PL 2017, c. 452, §4 (NEW).]

G. Be in the presence or vicinity of the medical use of cannabis and assist any qualifying patient with using or administering harvested cannabis; [PL 2019, c. 331, §5 (AMD); PL 2021, c. 669, §5 (REV).]

H. Accept cannabis plants or harvested cannabis from a qualifying patient, caregiver or registered dispensary if no remuneration is provided to the patient, caregiver or dispensary; [PL 2019, c. 331, §6 (RPR); PL 2021, c. 669, §5 (REV).]

I. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2017, c. 447, §5 (AMD); PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

J. Manufacture cannabis products and cannabis concentrate for medical use, except that a qualifying patient may not manufacture food, as defined in section 2152, subsection 4, unless the qualifying patient is licensed pursuant to section 2167 and except that a qualifying patient may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §7 (RPR); PL 2021, c. 669, §5 (REV).]

K. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the qualifying patient provided to the manufacturing facility; [PL 2019, c. 331, §8 (RPR); PL 2021, c. 669, §5 (REV).]

L. Transport cannabis plants or harvested cannabis for a qualifying patient's medical use of cannabis in accordance with this chapter; and [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

M. Use harvested cannabis in any form, except as provided in subsection 4-A and except that qualifying patients who have not attained 18 years of age may not engage in smoking harvested cannabis. For the purposes of this paragraph, "smoking" has the same meaning as in section 1541, subsection 6, except that "smoking" does not include the use of a nebulizer. [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §9 (AMD); PL 2021, c. 669, §5 (REV).]

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant

count if cultivating mature plants by canopy; [PL 2021, c. 662, §10 (AMD); PL 2021, c. 669, §5 (REV).]

C. [PL 2017, c. 452, §4 (RP).]

C-1. Assist a qualifying patient with the patient's medical use of cannabis; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

D. [PL 2017, c. 452, §4 (RP).]

E. Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

F. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis; [PL 2011, c. 407, Pt. B, §16 (AMD); PL 2021, c. 669, §5 (REV).]

G. Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3; [PL 2019, c. 331, §9 (RPR); PL 2021, c. 669, §5 (REV).]

H. [PL 2017, c. 452, §4 (RP).]

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver; [PL 2021, c. 367, §1 (AMD).]

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 371, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH J)

REVISOR'S NOTE: (Paragraph I as enacted by PL 2013, c. 393, §3 is REALLOCATED TO TITLE 22, SECTION 2423-A, SUBSECTION 2, PARAGRAPH K)

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver; [PL 2021, c. 367, §2 (NEW).]

J. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Use a pesticide in the cultivation of cannabis plants if the pesticide 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 caregiver may not in the cultivation of cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver 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; [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

K. **(REALLOCATED FROM T. 22, §2423-A, sub-§2, ¶I)** Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration; [PL 2021, c. 662, §11 (AMD); PL 2021, c. 669, §5 (REV).]

K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient; [PL 2021, c. 367, §3 (AMD); PL 2021, c. 669, §5 (REV).]

L. Provide samples to a cannabis testing facility for testing and research purposes; [PL 2019, c. 331, §10 (RPR); PL 2021, c. 669, §5 (REV).]

M. Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only; [PL 2019, c. 331, §11 (RPR); PL 2021, c. 669, §5 (REV).]

N. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the caregiver provided to the manufacturing facility; [PL 2019, c. 331, §12 (RPR); PL 2021, c. 669, §5 (REV).]

O. Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter; [PL 2017, c. 452, §4 (NEW); PL 2021, c. 669, §5 (REV).]

P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter; [PL 2023, c. 6, §2 (AMD).]

Q. Be organized as any type of legal business entity recognized under the laws of the State; and [PL 2023, c. 6, §3 (AMD).]

R. [PL 2021, c. 662, §14 (RP).]

S. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient, caregiver or registered dispensary for a qualifying patient's medical use of cannabis. [PL 2023, c. 6, §4 (NEW).]

[PL 2023, c. 6, §§2-4 (AMD).]

3. Cultivation of cannabis. The following provisions apply to the cultivation of cannabis plants by a qualifying patient under subsection 1 and a caregiver under subsection 2.

A. A patient who elects to cultivate cannabis plants must keep the plants in a cultivation area unless the plants are being transported pursuant to subsection 1, paragraph L. Access to a cultivation area is limited to the patient, except that emergency services personnel, an assistant of a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the patient. [PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

B. A caregiver cultivating cannabis plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O.

(1) The caregiver shall ensure that the mature cannabis plants, immature cannabis plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants and seedlings

may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.

(2) Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver. [PL 2021, c. 662, §15 (AMD); PL 2021, c. 669, §5 (REV).]

B-1. Except as provided in paragraph C, a caregiver is required to register with the department. [PL 2017, c. 452, §4 (NEW).]

C. The following caregivers are not required to register with the department:

- (1) A caregiver designated to cultivate for a qualifying patient if that qualifying patient is a member of the household of that caregiver;
- (2) Two caregivers who are qualifying patients, if those caregivers are members of the same household and assist one another with cultivation; and
- (3) A caregiver who cultivates for a qualifying patient if that qualifying patient is a member of the family of that caregiver. [PL 2017, c. 452, §4 (AMD).]

C-1. A caregiver operating under paragraph C may engage in the conduct authorized in subsection 2, except that a caregiver operating under paragraph C may not:

- (1) Cultivate cannabis plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature cannabis plants and 12 immature cannabis plants for each qualifying patient who has designated the caregiver to cultivate cannabis plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested cannabis;
- (4) Sell cannabis plants or harvested cannabis at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q. [PL 2019, c. 217, §3 (AMD); PL 2021, c. 669, §5 (REV).]

D. Two caregivers who are members of the same family or household may share not more than 2 cultivation areas. [PL 2021, c. 662, §16 (AMD).]

E. A person who is authorized to cultivate cannabis plants under subsection 1 or 2 and who is an assistant of a caregiver pursuant to subsection 2, paragraph I may not cultivate that person's own cannabis plants in a cultivation area of the caregiver who employs that person. [PL 2021, c. 662, §17 (AMD); PL 2021, c. 669, §5 (REV).]

[PL 2021, c. 662, §§15-17 (AMD); PL 2021, c. 669, §5 (REV).]

4. Long-term care facility. A qualifying patient may designate a long-term care facility to assist with the qualifying patient's medical use of cannabis if that use is consistent with the facility's policy

and is pursuant to subsection 1, paragraph F-1, subparagraph (2). If a long-term care facility is designated, the facility shall complete the registration process with the department and obtain a registration certificate for the facility. For a long-term care facility to be issued a registration certificate, staff persons of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis in accordance with this chapter must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. The long-term care facility and the staff of the facility may not cultivate cannabis plants for the patient.

[PL 2019, c. 501, §12 (AMD); PL 2021, c. 669, §5 (REV).]

4-A. Use and storage in inpatient long-term care facility permitted. A qualifying patient who is a resident of a long-term care facility while in the facility may use forms of harvested cannabis consistent with the facility's policy. A qualifying patient who uses a form of harvested cannabis pursuant to this subsection may store the harvested cannabis in the qualifying patient's room and is not required to obtain a registry identification card or to designate the long-term care facility under subsection 1, paragraph F-1, subparagraph (2). A long-term care facility is not required to be designated by a qualifying patient who uses harvested cannabis pursuant to this subsection. This subsection does not limit the ability of a long-term care facility to prohibit or restrict the use or storage of harvested cannabis by a qualifying patient.

[PL 2017, c. 452, §4 (AMD); PL 2021, c. 669, §5 (REV).]

5. Incidental amount of marijuana.

[PL 2017, c. 452, §4 (RP).]

6. Onsite assessments by the department.

[PL 2011, c. 407, Pt. B, §16 (RP).]

7. Excess marijuana; forfeiture.

[PL 2017, c. 452, §4 (RP).]

8. Repeat forfeiture.

[PL 2017, c. 452, §4 (RP).]

9. (REALLOCATED FROM T. 22, §2423-A, sub-§7) Collectives prohibited.

[PL 2017, c. 452, §4 (RP).]

10. Cannabis testing facility. The following provisions apply to a cannabis testing facility.

A. A cannabis testing facility that meets the requirements of this subsection and any rules adopted under paragraph D may receive and possess samples from qualifying patients, caregivers, dispensaries and manufacturing facilities to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph, "plant regulator" has the same meaning as in Title 7, section 604, subsection 26. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

B. An assistant of a cannabis testing facility may have access to cultivation areas pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I. An assistant of a cannabis testing facility must be 21 years of age or older. [PL 2021, c. 367, §7 (AMD); PL 2021, c. 669, §5 (REV).]

C. A cannabis testing facility shall:

- (1) Dispose of samples in a manner that prevents diversion of samples to persons not authorized to possess the samples tested by the facility;
- (2) House and store samples in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;

(3) Label samples being transported to and from the facility with the following statement: "For Testing Purposes Only";

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with any rules adopted by the department. [PL 2019, c. 331, §13 (RPR); PL 2021, c. 669, §5 (REV).]

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A, governing cannabis testing facilities, including but not limited to:

(1) Cannabis testing facility officer or director qualification requirements;

(2) Required security for cannabis testing facilities; and

(3) Requirements for the registration, certification or other approval of cannabis testing facilities.

The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §2 (RPR); PL 2021, c. 669, §5 (REV).]

D-1. Upon the adoption of rules pursuant to paragraph D and this paragraph, a cannabis testing facility must be certified by the certification program established pursuant to section 569 as meeting all operational and technical requirements in accordance with rules adopted by the department after consultation with the Maine Center for Disease Control and Prevention. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A cannabis testing facility operating in compliance with this chapter on the date of the adoption of rules pursuant to this paragraph and paragraph D may continue to operate pending completion of certification under this paragraph. The failure of the department to adopt rules under this paragraph does not prevent a cannabis testing facility from engaging in activities in compliance with this chapter. [PL 2021, c. 387, §3 (AMD); PL 2021, c. 669, §5 (REV).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 365, §2)** A cannabis testing facility must be accredited pursuant to the standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body and shall produce documentation of accreditation to the department or a municipal code enforcement officer, upon demand. [PL 2023, c. 365, §2 (RPR).]

E. **(CONFLICT: Text as repealed and replaced by PL 2023, c. 405, Pt. A, §57)** A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body. [PL 2023, c. 405, Pt. A, §57 (RPR).]

F. The department and the Maine Center for Disease Control and Prevention may inspect a cannabis testing facility during regular business hours and hours of apparent activity for compliance with this chapter. [PL 2019, c. 354, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 365, §2 (AMD); PL 2023, c. 405, Pt. A, §57 (AMD).]

11. Immunity.

[PL 2019, c. 331, §14 (RP).]

12. Interest. A caregiver or an officer or director of a registered dispensary, registered caregiver or manufacturing facility may not have a financial or other interest in a cannabis testing facility providing services associated with product labeling for that dispensary, caregiver or manufacturing facility.

[PL 2019, c. 331, §15 (RPR); PL 2021, c. 669, §5 (REV).]

13. Moratorium ordinance.

[PL 2017, c. 447, §13 (RP); PL 2017, c. 452, §4 (RP); MRSA T. 22 §2423-A, sub-§13 (RP).]

14. Municipal regulation.

[PL 2019, c. 331, §16 (RP).]

SECTION HISTORY

PL 2009, c. 631, §21 (NEW). PL 2009, c. 631, §51 (AFF). RR 2011, c. 1, §31 (COR). PL 2011, c. 383, §1 (AMD). PL 2011, c. 407, Pt. B, §16 (AMD). RR 2013, c. 1, §§39, 40 (COR). PL 2013, c. 371, §§1-3 (AMD). PL 2013, c. 374, §1 (AMD). PL 2013, c. 393, §§1-3 (AMD). PL 2013, c. 396, §§2-8 (AMD). PL 2013, c. 424, Pt. G, §1 (AMD). PL 2013, c. 424, Pt. G, §2 (AFF). PL 2013, c. 498, §1 (AMD). PL 2013, c. 501, §1 (AMD). PL 2013, c. 516, §§6, 7 (AMD). PL 2013, c. 520, §1 (AMD). PL 2013, c. 588, Pt. A, §§25, 26 (AMD). PL 2013, c. 588, Pt. D, §3 (AMD). PL 2015, c. 475, §§6-14 (AMD). PL 2017, c. 271, §1 (AMD). PL 2017, c. 447, §§4-14 (AMD). PL 2017, c. 452, §4 (AMD). PL 2019, c. 217, §§2, 3 (AMD). PL 2019, c. 256, §2 (AMD). PL 2019, c. 331, §§5-16 (AMD). PL 2019, c. 354, §§2-6 (AMD). PL 2019, c. 501, §12 (AMD). PL 2021, c. 367, §§1-7 (AMD). PL 2021, c. 387, §§2, 3 (AMD). PL 2021, c. 662, §§9-17 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§2-4 (AMD). PL 2023, c. 365, §2 (AMD). PL 2023, c. 405, Pt. A, §57 (AMD).

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