



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
OFFICE OF CANNABIS POLICY  
162 STATE HOUSE STATION  
19 UNION STREET  
FIRST FLOOR  
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA  
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK  
DIRECTOR

To: Current and Prospective AUCP Cultivation Licensees  
From: Director John Hudak, Office of Cannabis Policy  
Date: September 22, 2023  
Subject: Guidance for Co-Location of Adult Use and Medical Cultivation Facilities

---

### Background

This guidance is provided by the Office of Cannabis Policy (OCP) to adult use licensees to clarify the requirements for adult use cultivation facilities that are co-located with registered caregiver or registered dispensary cultivation operations.

The *Adult Use Cannabis Rule*, 18-691 C.M.R., Chapter 1, Section 3.6.6 provides rules for “Cultivation of Medical and Adult Use Cannabis on the Same Premises.” Historically, OCP has allowed co-located facilities to switch the designation of a room or cultivation area between adult use and medical without an Official Plan of Record Change, treating these rooms similar to “equipment” for the purposes of Sections 3.6.6(D), (E) and (F) so long as the licensee provided OCP with a clear procedure that provided for the requirements of those provisions and the designation of adult use or medical being clearly posted on the entry to the room or area. Through inspections by OCP, it has become evident that these procedures are not being uniformly followed by all licensees.

### Guidance

Effective immediately, OCP will no longer treat cultivation rooms or cultivation areas as “equipment.” However, OCP will give licensees until the end of the year to come into compliance with this guidance.

In addition to being visually and physically separate, which requires an actual, conspicuous physical barrier between areas of the licensed premises where adult use cannabis seedlings, immature plants, mature plants, and mother plants are cultivated and maintained from the areas of the licensed premises where medical cannabis seedlings, immature plants, mature plants, and mother plants are cultivated and maintained, these areas must be clearly designated on the adult use cultivation facility’s official plan of record as either for adult use or medical use.

This will require an adult use cultivation facility to submit an [Application for Change of Plan of Record](#) before changing the designated use of a room or area in a cultivation facility. Licensees that are currently switching the use of areas in their co-located cultivation facilities **will have until December 31, 2023, to submit an Application for Change of Plan of Record** with an updated Official Plan of Record that clearly designates each area as adult use or medical. These

changes to a licensee's Plan of Record may be subject to inspection by OCP's Compliance Team.

*Conclusion*

Adult use cultivation facilities that are co-located with registered caregiver or registered dispensary cultivation operations must ensure all rooms and/or areas on the facility's Official Plan of Record are designated as adult use or medical. Licensees that are currently switching the use of areas in their co-located cultivation facility have until December 31, 2023, to submit an [Application for Change of Plan of Record](#) that designates specific areas as adult use or medical. Moving forward, licensees may not switch that designation without OCP approval through an Application for Change of Plan of Record.