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To: Current and Prospective Adult Use Marijuana Program Cultivation Licensees
From: Director Erik Gundersen, Office of Marijuana Policy
Date: Thursday, March 11, 2021
Subject: Guidance on Testing Requirements for Transfers Between Cultivation Facilities

Background

This guidance is provided to Adult Use Marijuana Program (AUMP) cultivation facility licensees to clarify the regulations regarding the authorized transfer of marijuana plants—including seedlings, immature plants and mature marijuana plants—between cultivation facility licensees.

Guidance

Pursuant to Section 3.6.3(A) of 18-691 C.M.R., ch. 1, Adult Use Marijuana Program Rule, an adult use cultivation facility licensee may acquire marijuana plants and seeds from another adult use cultivation facility licensee. All marijuana plants and seeds transferred between adult use cultivation facility licensees are subject to excise tax pursuant to 36 M.R.S., ch. 723.

Effective immediately, the Office of Marijuana Policy will not require marijuana plants and seeds transferred between AUMP cultivation facility licensees to be subjected to mandatory testing before these items are transferred from one cultivation facility licensee to another cultivation facility licensee.

All transfers of marijuana seeds and plants must be timely recorded in the Department's required inventory tracking system, Metrc, in accordance with 18-691 C.M.R., ch. 1 and any guidance or bulletins issued by Metrc.

Conclusion

Nothing in this guidance should be construed to authorize an AUMP cultivation facility licensee to forgo the mandatory testing of marijuana plants, flower or trim prior to the transfer of such items to a products manufacturing facility or marijuana store licensee or, in the case of nursery cultivation facilities, sale to consumers. Additionally, this guidance should not be construed to limit the assessment of excise taxes on marijuana seeds, plants, flower or trim any time a cultivation facility licensee transfers such items.