



Relation to Medical Marijuana, Hemp and CBD

→ Medical Marijuana

The Adult Use Marijuana Act only governs the state and local regulation of adult use marijuana. The use and possession of marijuana by qualifying patients, as well as distribution by registered caregivers and dispensaries, is governed by Maine's medical marijuana laws outlined in [22 M.R.S. §§ 2421- 2430-H](#).

With that said, there are certain provisions in the Adult Use Marijuana Act that authorize an overlap of the medical and adult use industries. For example, registered caregivers may apply for any adult use marijuana establishment license (except testing facility licenses). Registered caregivers and dispensaries are also authorized to cultivate medical and adult use marijuana in the same facility but only if they have licenses under both the medical and adult use statutes and they keep the cultivation process for each separate. 28-B M.R.S. § 501(5). The same is true for products manufacturing facilities. 28-B M.R.S. § 502(4). Of course, a registered caregiver or dispensary may not operate pursuant to an adult use establishment license unless the municipality in which they would like to operate has opted-in to that particular type of establishment, and they meet all applicable local requirements, if any.

There is also a provision that sunsets on September 8, 2022, two years after the date that the department issued the first active cultivation facility license, allowing registered caregivers and dispensaries to sell plants and seeds to adult use cultivation facilities that also possess caregivers/dispensaries licenses. 28-B M.R.S. § 501(6). The purpose of this sunset provision is to ensure there is a sufficient amount of marijuana for the adult use market once licenses become available. OMP will only allow new licensees this opportunity for the first two years, and cultivation facilities will not retain this authorization upon renewal of their licenses.

→ Hemp and CBD

Although hemp and marijuana come from the same genus of plant (cannabis) they are regulated separately under Maine law.

Hemp is defined by state statute as a strain of the plant, "Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers," that contains less than 0.3% of the psychoactive cannabinoid known as tetrahydrocannabinol (THC). [7 M.R.S. § 2231](#). Hemp can be cultivated legally in Maine as long as the grower obtains a license from the Maine Department of Agriculture, Conservation and Forestry (DACF).

Hemp is a popular source of another cannabinoid, cannabidiol (CBD), which is said to possess certain medical benefits without the same psychoactive effects as THC. Hemp and all derivatives of hemp – like CBD – are governed by the state's hemp licensing program. Additionally, new legislation, effective September 19, 2019, expressly excludes hemp and its derivatives from all definitions of marijuana, marijuana concentrate, and marijuana products in the state's adult use and medical marijuana statutes. This means that licensed hemp growers using their product to make CBD are not subject to Maine's marijuana laws. Neither are licensed



hemp cultivation, retail, and products manufacturing establishments subject to municipal opt-in requirements or municipal regulations under Maine's marijuana laws.

It is important to note that the state laws on hemp and CBD only authorize the production and sale of hemp-derived CBD products in **intra**state commerce. Hemp and hemp-derived products are also subject to a complicated federal regulatory structure, which lays the groundwork for a national hemp market, but does not wholly deregulate the production of hemp and hemp-derived products. In general, the sale of hemp-derived CBD food products and dietary supplements through interstate commerce is illegal under federal law.

For more on the legal status of hemp and hemp-derived products at the federal level, see the following [FAQ from the Food and Drug Administration](#).