



Types of Medical Marijuana Establishments

The Adult Use Marijuana Act authorizes four types of adult use marijuana establishment licenses. All licensees must comply with both state and local licensing processes to operate in the State.

→ Marijuana Store

A marijuana store is a facility authorized to sell marijuana and marijuana products directly to consumers. 28-B M.R.S. § 102(34). Marijuana stores are also authorized to sell marijuana paraphernalia, and other non-consumable products (like clothing), as well as consumable products that do not contain marijuana, (like soda or candy). Marijuana stores may not sell tobacco or alcohol products that do not also contain marijuana. Adult use marijuana sales with the use of vending machines, drive-through windows, internet-based platforms, and deliveries, are prohibited. The co-location of adult use and medical marijuana retail stores is also prohibited. 28-B M.R.S. § 504(5).

→ Cultivation Facility

A cultivation facility is a facility licensed to grow, prepare, and package marijuana. 28-B M.R.S. § 102(13). Cultivation licensees are authorized to sell the marijuana they grow and package to other establishments licensed under the Adult Use Marijuana Act, but they may not sell marijuana to registered caregivers or dispensaries distributing marijuana pursuant to Maine's medical marijuana laws. They also cannot sell marijuana to consumers unless they have a separate marijuana store license. 28-B M.R.S. § 501(2). A cultivation licensee may fall within one of 4 tiers of cultivation facility licenses, depending on the plant canopy square footage. 28-B M.R.S. § 301.

There is also a subset of the cultivation license called a “**nursery cultivation facility**” license. Nurseries may not cultivate more than 1,000 square feet of plant canopy. However, in addition to growing marijuana and selling to other licensed adult use marijuana establishments, nurseries can also sell immature plants, seedlings and seeds directly to consumers without obtaining a separate store license. A nursery cultivation licensee that wishes to sell to consumers must section off a portion of the licensed facility dedicated to that purpose, and that portion must comply with all applicable rules related to the operation of marijuana stores.

→ Products Manufacturing Facility

A products manufacturing facility is authorized to blend, infuse, or extract components of the marijuana plant to make marijuana products such as ointments, tinctures, or edibles, for sale to marijuana stores or other marijuana products manufacturing facilities. 28-B M.R.S. §§ 102(26), (33), (43). Products manufacturing sometimes requires extraction of marijuana concentrate using hazardous solvents such as butane or methyl alcohol. A products manufacturing facility that is going to perform this type of extraction must obtain certification from a professional engineer that the proposed extraction method is safe. 28-B M.R.S. § 502(7)(B).

→ Testing Facility

The purpose of a testing facility is to conduct research, analysis and testing of marijuana and marijuana products for contamination, potency, and safety. 28-B M.R.S. § 102(53), (54). As the



quality assurance arm of the industry, testing facility licensees are strictly prohibited from engaging in other aspects of the adult use or medical marijuana industry. Testing facility licensees may not be registered caregivers, or have any interest in a medical marijuana dispensary or any other adult use marijuana establishment. Testing facilities must be certified by the Department of Health and Human Services and Maine Center for Disease Control, and must be accredited under standards developed by the International Organization for Standardization. 28-B M.R.S. § 503.