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ERIK GUNDERSEN
DIRECTOR

To: Current MMCP Participants

From: Director Erik Gundersen, Office of Cannabis Policy

Date: Friday, July 8, 2022

Subject: Guidance on the outdoor cultivation of cannabis by registered dispensaries

Background

Included in [18-691 CMR, ch. 2, the Maine Medical Use of Marijuana Program Rule](#), which was last updated in February of 2018, is Section 7(G)(6) which limits the number of plants that a registered dispensary can cultivate in an “enclosed outdoor area.” The Office of Cannabis Policy (OCP) has received questions in recent months regarding this provision and what kind of buildings, structures, or other improvements to land are considered “enclosed outdoor area[s]” as opposed to indoor areas. OCP has reviewed these inquiries in light of changes to the definition of “cultivation area” included in [PL 2021, ch. 662, An Act To Update and Clarify the Maine Medical Use of Marijuana Act](#), and has determined that this provision in the rule is now obsolete.

Guidance

18-691 CMR, ch. 2, § 7(G)(6) states “The following prohibitions apply to registered dispensaries: ...No more than 30 mature plants may be cultivated by a registered dispensary in an enclosed outdoor area.” As OCP has indicated previously, since the medical program rule was last updated in February of 2018, several changes to the *Maine Medical Use of Marijuana Act*, Title 22, ch. 558-C, have been enacted by the legislature. As these changes go into effect, they impact the applicability of various sections of that rule. Where the rule and the statute conflict, the statute takes precedence.

In the case of the prohibition on dispensaries cultivating more than 30 mature cannabis plants outdoors, recent changes to the definition of cultivation area have made this prohibition obsolete. **Therefore, effective immediately, OCP will no longer restrict dispensary outdoor cultivation to 30 or fewer mature cannabis plants. A registered dispensary may, for the purpose of assisting qualifying**

patients, cultivate an unlimited number of cannabis plants in any indoor or outdoor cultivation area maintained by the registered dispensary.

Conclusion

Questions regarding this guidance can be directed at Compliance.OCP@maine.gov.

Thank you for your attention to these issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Gundersen', written in a cursive style.

Erik Gundersen

Director