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To: Current Adult Use Marijuana Store Licensees
From: Director Erik Gundersen, Office of Marijuana Policy
Date: Thursday, July 29, 2021
Subject: Guidance Memorandum on Controlled Indoor Entry for Adult Use Marijuana Stores

Background

In June, the 130th Maine Legislature enacted and Governor Janet T. Mills signed P.L. 2021, ch. 314, *An Act Regarding Controlled Entry Areas within Retail Marijuana Stores*, which permits adult use marijuana store and nursery cultivation facility licensees to verify the identification of consumers inside the licensed premises. This change will allow licensees to check consumers' photographic identification once they enter the licensed premises, as opposed to requiring them to remain outside of the licensed premises until their age is verified.

[P.L. 2021, ch. 314](#), *An Act Regarding Controlled Entry Areas within Retail Marijuana Stores*, reads as follows;

“Controlled, indoor entry area. A marijuana store may have a controlled, indoor entry area directly inside the marijuana store in which an employee of the marijuana store licensee may verify the identification and age of persons and persons may await entry into the sales area of the marijuana store. A controlled, indoor entry area under this subsection must be physically separated from the sales area of the marijuana store.”

Guidance – Controlled, Indoor Entry Area

Effective October 18, 2021, marijuana store and nursery cultivation facility licensees engaged in sales to adult use consumers may begin checking consumer identification inside their licensed premises, **provided the licensee has submitted updated plans of record to the Department and the Department has approved those plans.**

For the purposes of implementing this new law, the Department requires affected licensees to implement a physical barrier that aligns with the following standards:

- **Location:** the controlled, indoor entry area must be directly inside the store, connected to the door leading to a public right of way;
- **Conspicuous:** both the consumer and the licensee must be able to visually and physically identify the barrier between the controlled, indoor entry area and the sales floor;
- **Design:** the controlled, indoor entry area should be designed to allow for the verification of the consumer's identification without permitting unverified consumers from entering the sales area; and
- **Effective:** the physical barrier must physically prevent a consumer from entering the sales area until their identification is verified by the licensee.

Guidance – Official Plan(s) of Record

Pursuant to the *Adult Use Marijuana Program Rule*, [18-691 C.M.R., ch. 1, § 2.4.5](#), adult use marijuana stores and nursery cultivation facilities must include in their operating plans of record “Plans for verifying identification of all customers and prevention of unauthorized sales to, or access to the premises by, persons under age 21.” Additionally, pursuant to 18-691 C.M.R., ch. 1, § 3.3.4, marijuana stores and nursery cultivation facilities engaged in sales to consumers must include in their security plans of record plans to “...prevent the public from handling marijuana plants, marijuana or marijuana products without direct supervision of a licensee or employee.”

Affected licensees can update their plans of record through the Department’s online licensing portal by logging onto the portal and selecting the option to “Modify or change active an active license”.

Licensees must submit plans that identify and describe the premise’s “controlled, indoor entry area directly inside the marijuana store in which an employee of the marijuana store licensee may verify the identification and age of persons and persons may await entry into the sales area...” The “...controlled, indoor entry area ... must be physical separated from the sales area...”

As part of the updated plan review process, the Department may inspect any proposed controlled, indoor entry area, where consumers’ identification will be verified within the licensed premises, to ensure compliance with P.L. 2021, ch. 314 and this guidance.

Conclusion

Nothing in this guidance should be construed as requiring a licensee engaged in sales to consumers to update their plans of record as a result of this guidance if the licensee does not intend to change its current identification verification process. Additionally, the contents of this guidance are limited exclusively to the requirements of the State of Maine’s Office of Marijuana Policy and do not attempt to address any requirements which may imposed by a host municipality.

Licensees may prepare the materials to be submitted for a change of these records at their convenience; however, licensees that have received approval of their change of record from the Department may not begin operating a controlled, indoor entry area until the effective date of P.L. 2021, ch. 314, which is October 18, 2021.