§502. Operation of products manufacturing facilities

A products manufacturing facility must be operated in accordance with the provisions of this section and the rules adopted pursuant to this chapter. [PL 2017, c. 409, Pt. A, §6 (NEW).]

1. Manufacture only for sale or distribution to other licensees. Except as otherwise provided in this section, a products manufacturing facility may manufacture adult use cannabis and adult use cannabis products only for sale or distribution to cannabis stores or other products manufacturing facilities.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

1-A. Manufacture of products not containing cannabis. Notwithstanding subsection 1, a products manufacturing facility licensee that also has a license issued from the Department of Agriculture, Conservation and Forestry pursuant to subsection 10 may manufacture for sale or distribution any products that the facility is authorized to manufacture or distribute pursuant to the provisions of that license, including products that do not contain cannabis, except that a products manufacturing facility licensee is prohibited from extracting hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or manufacturing products that contain hemp or ingredients derived from hemp that do not also contain cannabis. Nothing in this subsection may be construed to prohibit a products manufacturing facility licensee from using ingredients derived from hemp in the manufacture of cannabis products.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures products that do not contain cannabis must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2023, c. 679, Pt. B, §68 (NEW).]

B. The following items or areas within the facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis:

(1) Manufacturing-related and nonmanufacturing-related equipment and supplies, except that manufacturing-related equipment and supplies may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis;

(2) Manufacturing-related and nonmanufacturing-related supplies or products that do not contain cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2023, c. 679, Pt. B, §68 (NEW).]

C. A products manufacturing facility licensee must ensure that:

(1) Manufacturing-related equipment and supplies are not simultaneously used for the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;

(2) Manufacturing-related equipment is sanitized between the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;

(3) Cannabis and cannabis products are kept separate from products that do not contain cannabis;

(4) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter;

(5) Products that do not contain cannabis are packaged and labeled accurately pursuant to the provisions of the license issued by another department to manufacture products that do not contain cannabis; and

(6) Any person manufacturing products that do not contain cannabis in a licensed manufacturing facility obtains an individual identification card from the office pursuant to section 106, except that the person is not required to submit to a criminal history record check. [PL 2023, c. 679, Pt. B, §68 (NEW).]

[PL 2023, c. 679, Pt. B, §68 (NEW).]

2. Retail sale of adult use cannabis or adult use cannabis products without separate cannabis store license prohibited. A products manufacturing facility may not sell or offer to sell adult use cannabis or adult use cannabis products to consumers unless the products manufacturing facility licensee obtains from the office a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A products manufacturing facility may not give away adult use cannabis, adult use cannabis products or cannabis plants to a consumer.

[PL 2023, c. 679, Pt. B, §69 (AMD).]

3. Cultivation of cannabis without separate cultivation facility license prohibited. A products manufacturing facility shall purchase all cannabis necessary for its manufacturing processes from a cultivation facility and may not engage in the cultivation of cannabis unless the products manufacturing facility licensee obtains from the office a separate license to operate a cultivation facility and otherwise meets all applicable requirements under this chapter and under the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. A products manufacturing facility licensee with a separate license to operate a cultivation facility may share hallways or other common areas with the cultivation facility.

[PL 2023, c. 679, Pt. B, §70 (AMD).]

4. Use of shared facility for manufacture of adult use cannabis products and cannabis products for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary may manufacture adult use cannabis and adult use cannabis products pursuant to this chapter within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act. A products manufacturing facility licensee that shares a facility for products manufacturing with a registered caregiver or registered dispensary pursuant to this subsection must have at least one owner that is the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

B. The following items or areas within the shared facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use:

(1) Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;

(2) Manufacturing-related and nonmanufacturing-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and

(3) General office space, bathrooms, entryways and walkways. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. [PL 2023, c. 679, Pt. B, §71 (RP).]

D. A manufacturing facility licensee must ensure that:

(1) Manufacturing-related equipment is not simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;

(2) Adult use cannabis and adult use cannabis products are kept separate from cannabis concentrate and cannabis products for medical use; and

(3) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act. [PL 2023, c. 679, Pt. B, §71 (NEW).]

[PL 2023, c. 679, Pt. B, §71 (AMD).]

5. Sampling by employees. A products manufacturing facility licensee and its employees may sample adult use cannabis and adult use cannabis products manufactured at the licensed premises of the products manufacturing facility for the purposes of product quality control and product research and development only. The licensee may not otherwise allow the consumption of adult use cannabis or adult use cannabis products within the licensed premises. The sampling of adult use cannabis and adult use cannabis products authorized under this subsection may not involve the consumption of cannabis or cannabis products by means of smoking the cannabis or cannabis products. For the purposes of this subsection, "smoking" has the same meaning as in Title 22, section 1541, subsection 6.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

6. Sampling by other licensees. A products manufacturing facility licensee may provide samples of adult use cannabis and adult use cannabis products manufactured at the licensed premises to another products manufacturing facility licensee or to a cannabis store licensee for business or marketing purposes only. Samples provided by a products manufacturing facility to other licensees under this subsection may not be consumed within the licensed premises of the products manufacturing facility.
[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

7. Cannabis extraction. Subject to the requirements and restrictions of this subsection, a products manufacturing facility licensee may manufacture cannabis concentrate by cannabis extraction using water, lipids, gases, solvents or other chemicals or chemical processes.

A. A products manufacturing facility licensee may engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance if:

(1) The solvent or other chemical or chemical process is listed by the office by rule as approved for use in cannabis extraction; or

(2) The products manufacturing facility licensee requests and obtains from the office written approval to engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance and that is not listed by the office by rule as approved for use in cannabis extraction.

The office shall adopt by rule a list of those solvents or other chemicals or chemical processes that are not and do not contain an inherently hazardous substance that the office approves for use in cannabis extraction by products manufacturing facilities. [PL 2023, c. 679, Pt. B, §72 (AMD).]

B. A products manufacturing facility licensee may not engage in cannabis extraction involving the use of any inherently hazardous substance unless:

(1) The licensee submits to the office a request for approval of the cannabis extraction method the facility plans to engage in that includes a description of the proposed cannabis extraction method and a certification from an industrial hygienist or professional engineer following a review of the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems; and

(2) The office approves in writing the proposed cannabis extraction method.

The office, within 14 days of receipt of a request for approval under this paragraph, shall notify the products manufacturing facility licensee in writing whether the request is approved or denied. [PL 2023, c. 679, Pt. B, §72 (AMD).]

[PL 2023, c. 679, Pt. B, §72 (AMD).]

8. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or distributed by a products manufacturing facility must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted pursuant to subchapter 7.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

9. Compliance with sanitary standards. All areas within the licensed premises of a products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured must meet all sanitary standards specified in rules adopted by the office.

[PL 2023, c. 679, Pt. B, §73 (AMD).]

10. Food establishment license. A products manufacturing facility licensee must obtain a food establishment license from the Department of Agriculture, Conservation and Forestry pursuant to Title 22, chapter 551 for any area within the licensed premises of the products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured and for which the office requires a products manufacturing facility licensee to obtain a food establishment license. The office shall adopt rules requiring certain areas within the licensed premises of a products manufacturing facility to be licensed as food establishments based upon the types of manufacturing processes conducted within those areas.

[PL 2023, c. 679, Pt. B, §74 (AMD).]

11. Refrigeration. A products manufacturing facility licensee shall store and transport in a refrigerated environment all adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage. The office shall adopt rules regarding the storage and transportation of adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage.

[PL 2023, c. 679, Pt. B, §75 (AMD).]

12. Testing. A products manufacturing facility licensee may test cannabis and cannabis products within its licensed premises for research and development purposes, quality control purposes and health and safety purposes. Testing performed by a products manufacturing facility licensee within its licensed premises is not subject to the requirements for testing facilities under section 503 but does not satisfy the mandatory testing requirements of subchapter 6.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

13. Tracking. In accordance with the requirements of section 105, a products manufacturing facility licensee shall track the adult use cannabis it uses in its manufacturing processes from the point the cannabis is delivered or transferred to the products manufacturing facility by a cultivation facility to the point the cannabis or cannabis concentrate or an adult use cannabis product produced using the cannabis or cannabis concentrate is delivered or transferred to another products manufacturing facility, a testing facility or a cannabis store or is disposed of or destroyed. If a products manufacturing facility

licensee receives a return of cannabis, cannabis concentrate or an adult use cannabis product from another products manufacturing facility or a cannabis store, the products manufacturing facility licensee shall track the cannabis, cannabis concentrate or adult use cannabis product until transferred, whether in its original form or as a cannabis product, to another products manufacturing facility or a cannabis store or disposed of or destroyed.
[PL 2023, c. 396, §7 (AMD).]

14. Return of cannabis plant, flower or trim. Notwithstanding any provision of law to the contrary, a products manufacturing facility licensee may return a cannabis plant, cannabis flower or cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or cannabis trim was received, as long as the products manufacturing facility licensee tracks the cannabis plant, cannabis flower or cannabis trim until transferred to the cultivation facility and as long as the cultivation facility accepts returns.
[PL 2023, c. 396, §8 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 669, §5 (REV). PL 2023, c. 396, §§7, 8 (AMD). PL 2023, c. 679, Pt. B, §§68-75 (AMD).

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