§504. Operation of cannabis stores

A cannabis store 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); PL 2021, c. 669, §5 (REV).]

1. Products authorized for sale. Except as provided in subsection 2, a cannabis store may sell:

A. Adult use cannabis or adult use cannabis products; [PL 2023, c. 6, §16 (AMD).]

B. Immature cannabis plants and seedlings; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Consumable products not containing cannabis, including, but not limited to, sodas, candies and baked goods; [PL 2023, c. 6, §17 (AMD).]

D. Any other nonconsumable products, including, but not limited to, apparel and cannabis-related products; and [PL 2023, c. 6, §18 (AMD).]

E. Notwithstanding Title 22, chapter 262-A, cannabis paraphernalia for adult use cannabis or adult use cannabis products. [PL 2023, c. 6, §19 (NEW).]

[PL 2023, c. 6, §§16-19 (AMD).]

2. Prohibitions. A cannabis store may not:

A. Except as otherwise provided in subsection 12, give away adult use cannabis, adult use cannabis products or cannabis plants or sell or give away mature cannabis plants or consumable products containing tobacco or alcohol that do not contain cannabis; [PL 2023, c. 679, Pt. B, §89 (AMD).]

B. Except for nonedible adult use cannabis products that do not contain THC, sell to any person in any individual sales transaction an amount of adult use cannabis, adult use cannabis products or immature cannabis plants or seedlings that exceeds the personal adult use limitations of section 1501, subsection 1; [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

C. Sell adult use cannabis, adult use cannabis products or cannabis plants using:

(1) An automated dispensing or vending machine;

(2) A drive-through sales window, except as provided by subsection 10;

(3) An Internet-based sales platform; or

(4) A delivery service, except as provided by subsection 9; or [PL 2021, c. 667, §1 (AMD); PL 2021, c. 669, §5 (REV).]

D. Sell adult use cannabis or adult use cannabis products to a person who is visibly intoxicated. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §89 (AMD).]

3. Compliance with packaging, labeling and health and safety requirements. All adult use cannabis and adult use cannabis products sold or offered for sale by a cannabis store must meet all applicable packaging, labeling and health and safety requirements of subchapter 7 and the rules adopted under subchapter 7.

[PL 2023, c. 408, §4 (AMD).]

4. Verification of purchaser's age. A person must be 21 years of age or older to make a purchase from a cannabis store. A cannabis store may not sell any item to a minor.

A. Prior to initiating a sale in a cannabis store, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older. [PL 2021, c. 667, §2 (AMD); PL 2021, c. 669, §5 (REV).]

A-1. Prior to concluding a sale by delivery under subsection 9 or curbside pickup under subsection 10, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older. [PL 2021, c. 667, §2 (NEW); PL 2021, c. 669, §5 (REV).]

B. The department shall by rule determine the forms of photographic identification that a cannabis store licensee may accept when verifying a purchaser's age. [PL 2017, c. 409, Pt. A, §6 (NEW); PL 2021, c. 669, §5 (REV).]

[PL 2023, c. 679, Pt. B, §90 (AMD).]

4-A. Controlled, indoor entry area.

[PL 2023, c. 679, Pt. B, §91 (RP).]

5. Prohibition on use of shared facility for retail sale of adult use cannabis and adult use cannabis products and cannabis and cannabis products for medical use. A cannabis store licensee that is also a registered caregiver or a registered dispensary may not sell or offer for sale to consumers adult use cannabis and adult use cannabis products pursuant to this chapter within the same facility or building in which the licensee also sells or offers for sale to qualifying patients cannabis and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act.

[PL 2017, c. 409, Pt. A, §6 (NEW); PL 2017, c. 452, §37 (REV); PL 2021, c. 669, §5 (REV).]

6. Signs, marketing and advertising. All signs used by and all marketing and advertising conducted by or on behalf of a cannabis store must comply with the requirements of section 702 and the rules adopted pursuant to section 702.

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

7. Sales tax. A cannabis store licensee shall ensure that the tax imposed on the sale of adult use cannabis and adult use cannabis products to a consumer pursuant to Title 36, section 1811 is collected and remitted in accordance with the requirements of Title 36, Part 3 and the rules adopted pursuant to Title 36, Part 3.

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

8. Tracking. In accordance with the requirements of section 105, a cannabis store licensee shall track all adult use cannabis and adult use cannabis products from the point at which the cannabis or cannabis products are delivered or transferred to the cannabis store by a cultivation facility or a products manufacturing facility to the point at which the cannabis or cannabis products are sold to a consumer, are delivered or transferred to a testing facility, are returned to a cultivation facility or a products manufacturing facility from which the cannabis or cannabis products were received or are disposed of or destroyed.

[PL 2023, c. 396, §9 (AMD).]

9. Limited delivery service. A cannabis store, cultivation facility or products manufacturing facility may operate a limited delivery service for the delivery of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products in accordance with the requirements of this subsection. A cannabis store may not deliver adult use cannabis or an immature cannabis plant, seedling or adult use cannabis product to a minor. A municipality may not prohibit delivery of adult use cannabis and adult use cannabis products authorized under this subsection.

A. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service shall ensure that cannabis store employees engaging in delivery have received training, prescribed by the office by rule, on how to properly verify the age of a person making a purchase for delivery and how to ensure that no deliveries are made to a person under 21 years of age. [PL 2023, c. 679, Pt. B, §92 (AMD).]

B. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to any location in a municipality, except locations within a safe zone designated by a municipality under Title 30-A, section 3253. [PL 2023, c. 396, §10 (AMD).]

C. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to a hotel or business as long as the cannabis store, cultivation facility or products manufacturing facility has received written consent for delivery to the hotel or business from an authorized employee of the hotel or business and the cannabis store, cultivation facility or products manufacturing facility retains a copy of the written consent. The written consent must be maintained and open to inspection by the office in accordance with section 511. [PL 2023, c. 679, Pt. B, §92 (AMD).]

The office may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §92 (AMD).]

10. Curbside pickup. A cannabis store may allow curbside pickup of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products at a designated location outside of the cannabis store in accordance with the requirements of this subsection and any additional requirements imposed by the office by rule.

A. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall designate a curbside pickup location outside of the cannabis store and near the entrance to the cannabis store and mark the location in a manner designated by the office by rule. [PL 2023, c. 679, Pt. B, §93 (AMD).]

B. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall implement security and record-keeping requirements for all sales concluded by curbside pickup as established by the office by rule. [PL 2023, c. 679, Pt. B, §93 (AMD).]

The office may adopt rules to implement this subsection, including, but not limited to, rules establishing security and record-keeping requirements for sales concluded by curbside pickup. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2023, c. 679, Pt. B, §93 (AMD).]

11. Return of adult use cannabis. Notwithstanding any provision of law to the contrary, a cannabis store licensee may return a cannabis plant, cannabis flower and cannabis trim to a cultivation facility from which the cannabis plant, cannabis flower or cannabis trim was received, or return cannabis or cannabis products to the products manufacturing facility from which the cannabis or cannabis product was received, as long as the cannabis store licensee tracks the return as required in subsection 8 until transferred to the cultivation facility or products manufacturing facility and as long as the cultivation facility or products manufacturing facility accepts returns.
[PL 2023, c. 396, §11 (NEW).]

12. Samples for consumers. Notwithstanding subsection 2, paragraph A, and in accordance with all other provisions of this chapter applicable to the sale by a cannabis store of adult use cannabis or adult use cannabis products, a cannabis store may give away samples of adult use cannabis or adult use cannabis products to persons at least 21 years of age as follows:

A. No more than 1/2 gram of flower; [PL 2023, c. 679, Pt. B, §94 (NEW).]

B. No more than 10 milligrams of an edible; [PL 2023, c. 679, Pt. B, §94 (NEW).]

C. No more than one 1/2 gram vape cartridge; and [PL 2023, c. 679, Pt. B, §94 (NEW).]

D. No more than 2 samples in any combination per person per day. [PL 2023, c. 679, Pt. B, §94 (NEW).]

A cannabis store shall package and label samples in accordance with the applicable provisions of this chapter and the rules adopted pursuant to this chapter. A cannabis store may not provide samples to a person who is visibly intoxicated. The total amount of samples, adult use cannabis and adult use cannabis products given or sold to a person in any one 24-hour period may not exceed the maximum amount of adult use cannabis or adult use cannabis products allowed under section 1501, subsection 1, paragraph F.
[PL 2023, c. 679, Pt. B, §94 (NEW).]

13. Special retail sales prices. A cannabis store may establish special retail sales prices on adult use cannabis or adult use cannabis products, except that products may not be sold at a retail price that is significantly less than the wholesale price or the price paid by the cannabis store.
[PL 2023, c. 679, Pt. B, §95 (NEW).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2017, c. 452, §37 (REV). PL 2021, c. 314, §1 (AMD). PL 2021, c. 667, §§1-4 (AMD). PL 2021, c. 669, §5 (REV). PL 2023, c. 6, §§16-19 (AMD). PL 2023, c. 396, §§9-11 (AMD). PL 2023, c. 408, §4 (AMD). PL 2023, c. 679, Pt. B, §§89-95 (AMD).

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