

§2422. Definitions**(CONFLICT)**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [IB 2009, c. 1, §5 (NEW).]

1. Cardholder. "Cardholder" means a person who has been issued and possesses a valid registry identification card.

[PL 2017, c. 452, §3 (AMD).]

1-A. Collective. "Collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of marijuana for medical use for the benefit of the members of the collective.

[PL 2017, c. 452, §3 (AMD).]

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

[PL 2013, c. 516, §1 (NEW).]

1-C. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[PL 2017, c. 409, Pt. E, §2 (NEW).]

1-D. Assistant. "Assistant" means a person paid to perform a service for a caregiver, dispensary, manufacturing facility or marijuana testing facility in accordance with this chapter, whether as an employee or independent contractor.

[PL 2017, c. 452, §3 (NEW).]

1-E. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and [PL 2017, c. 452, §3 (NEW).]

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable. [PL 2017, c. 452, §3 (NEW).]

[PL 2017, c. 452, §3 (NEW).]

1-F. Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

[PL 2019, c. 217, §1 (NEW).]

2. Debilitating medical condition.

[PL 2017, c. 452, §3 (RP).]

2-A. Department. "Department" means the Department of Administrative and Financial Services.

[PL 2017, c. 409, Pt. E, §2 (NEW).]

3. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

[PL 2017, c. 452, §3 (AMD).]

3-A. Extended inventory supply interruption.

[PL 2017, c. 452, §3 (RP).]

3-B. Edible marijuana product. "Edible marijuana product" means a marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana. "Edible marijuana product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD).]

3-C. Harvested marijuana. "Harvested marijuana" means the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products. "Harvested marijuana" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §12 (AMD).]

4. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or [IB 2009, c. 1, §5 (NEW).]

B. An offense that consisted of conduct that would have been permitted under this chapter. [IB 2009, c. 1, §5 (NEW).]

[PL 2009, c. 631, §10 (AMD); PL 2009, c. 631, §51 (AFF).]

4-A. Incidental amount of marijuana.

[PL 2017, c. 452, §3 (RP).]

4-B. Mature marijuana plant. "Mature marijuana plant" means a flowering female marijuana plant. "Mature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §13 (AMD).]

4-C. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

[PL 2017, c. 452, §3 (AMD).]

4-D. Inherently hazardous substance.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-E. Manufacture or manufacturing.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-F. Manufacturing facility.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-G. Marijuana concentrate.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-H. Marijuana extraction.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-I. Marijuana product.

[PL 2019, c. 331, §1 (RP); PL 2019, c. 528, §14 (RP).]

4-J. Marijuana extraction. "Marijuana extraction" means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or

chemical processes. "Marijuana extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD).]

4-K. Marijuana plant. "Marijuana plant" means a plant of the genus *Cannabis*, including, but not limited to, *Cannabis sativa*, *Cannabis indica* and *Cannabis ruderalis*. "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 251, §1 (AMD).]

4-L. Marijuana product. "Marijuana product" means a product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD).]

4-M. Nonflowering marijuana plant. "Nonflowering marijuana plant" means a marijuana plant that is in a stage of growth in which the plant's pistils are not showing or the pistils protrude in pairs from seed bracts that may be located on multiple nodes of the plant. "Nonflowering marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2019, c. 528, §15 (AMD).]

4-N. (CONFLICT: Text as repealed and replaced by PL 2021, c. 251, §2) Immature marijuana plant. "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 251, §2 (RPR).]

4-N. (CONFLICT: Text as repealed and replaced by PL 2021, c. 293, Pt. A, §25) Immature marijuana plant. "Immature marijuana plant" means a nonflowering marijuana plant that measures more than 24 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

[PL 2021, c. 293, Pt. A, §25 (RPR).]

4-O. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-P. Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with section 2423-A, subsection 1, paragraph F-1, subparagraph (2).

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-Q. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-R. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

[PL 2019, c. 331, §2 (NEW); PL 2019, c. 528, §16 (NEW).]

4-S. Marijuana concentrate. "Marijuana concentrate" means the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or preparation therefrom.

[PL 2021, c. 293, Pt. A, §26 (RPR).]

5. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

[PL 2017, c. 452, §3 (AMD).]

5-A. Member of the family. "Member of the family" means a person who is a resident of the State and who is a spouse, domestic partner, child, sibling, aunt, uncle, niece, nephew, parent, stepparent, grandparent or grandchild of another person. "Member of the family" includes a person who is a resident of the State and who is living with a person as a spouse and a natural parent of a child of a person.

[PL 2017, c. 452, §3 (AMD).]

5-B. Members of the same household. "Members of the same household" means 2 or more people who are residents of the State and who reside in a shared dwelling unit.

[PL 2017, c. 452, §3 (AMD).]

5-C. Marijuana testing facility. "Marijuana testing facility" means a public or private laboratory that:

A. Is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD).]

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department. [PL 2015, c. 475, §3 (NEW).]

[PL 2017, c. 447, §2 (AMD); PL 2017, c. 452, §3 (AMD).]

6. Registered dispensary or dispensary. "Registered dispensary" or "dispensary" means an entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

[PL 2019, c. 331, §3 (AMD).]

6-A. Onsite assessment.

[PL 2011, c. 407, Pt. B, §8 (RP).]

6-B. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other person holding a management position or ownership interest in the organization.

[PL 2017, c. 452, §3 (NEW).]

7. Physician. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2009, c. 631, §14 (AMD); PL 2009, c. 631, §51 (AFF).]

7-A. Physician assistant. "Physician assistant" means a person licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

[PL 2017, c. 452, §3 (NEW).]

7-B. Plant canopy. "Plant canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

[PL 2019, c. 256, §1 (NEW).]

8. Primary caregiver.

[PL 2009, c. 631, §15 (RP); PL 2009, c. 631, §51 (AFF).]

8-A. Caregiver. "Caregiver" means a person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.

[PL 2017, c. 452, §3 (AMD).]

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

[PL 2017, c. 452, §3 (AMD).]

9-A. Registration certificate. "Registration certificate" means a document issued by the department that identifies an entity as an entity that has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (NEW).]

9-B. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana is transferred or furnished by that person to another person.

[PL 2017, c. 452, §3 (NEW).]

10. Registered nonprofit dispensary.

[PL 2017, c. 452, §3 (RP).]

11. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

12. Registered patient. "Registered patient" means a qualifying patient who is registered by the department pursuant to section 2425-A.

[PL 2017, c. 452, §3 (AMD).]

13. Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a person who has registered with the department in accordance with this chapter.

[PL 2017, c. 452, §3 (AMD).]

13-A. Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.
[PL 2011, c. 407, Pt. B, §13 (NEW).]

13-B. Resident of the State. "Resident of the State" means a person who is domiciled in the State.
[PL 2017, c. 452, §3 (NEW).]

13-C. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.
[PL 2017, c. 452, §3 (NEW).]

14. Prepared marijuana.
[PL 2017, c. 452, §3 (RP).]

14-A. Sample. "Sample" means a marijuana plant or harvested marijuana that is provided for testing or research purposes to a marijuana testing facility.
[PL 2019, c. 331, §4 (RPR).]

14-B. Seedling. "Seedling" means a marijuana plant or rooted cutting that is:

- A. Not flowering; [PL 2021, c. 251, §3 (NEW).]
- B. Less than 24 inches in height; and [PL 2021, c. 251, §3 (NEW).]
- C. Less than 24 inches in width. [PL 2021, c. 251, §3 (NEW).]

[PL 2021, c. 251, §3 (AMD).]

15. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of marijuana in this State in accordance with section 2423-D and who is not a resident of the State or who has been a resident of the State less than 30 days.
[PL 2017, c. 452, §3 (AMD).]

16. Written certification. "Written certification" means a document on tamper-resistant paper signed by a medical provider that is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one year, and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.
[PL 2017, c. 452, §3 (AMD).]

SECTION HISTORY

IB 2009, c. 1, §5 (NEW). PL 2009, c. 631, §§8-19 (AMD). PL 2009, c. 631, §51 (AFF). PL 2011, c. 407, Pt. B, §§1-15 (AMD). PL 2013, c. 361, §1 (AMD). PL 2013, c. 396, §1 (AMD). PL 2013, c. 503, §1 (AMD). PL 2013, c. 516, §§1-5 (AMD). PL 2015, c. 475, §§1-5 (AMD). PL 2017, c. 409, Pt. E, §2 (AMD). PL 2017, c. 447, §§1-3 (AMD). PL 2017, c. 452, §3 (AMD). PL 2019, c. 217, §1 (AMD). PL 2019, c. 256, §1 (AMD). PL 2019, c. 331, §§1-4 (AMD). PL 2019, c. 528, §§12-16 (AMD). PL 2021, c. 251, §§1-3 (AMD). PL 2021, c. 293, Pt. A, §§25, 26 (AMD).

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