

August 22, 2018

**MMA Legal Services Update:
Effective Date of New Medical Marijuana Laws**

There appears to be much confusion as to the effective date of recently enacted medical marijuana legislation. In July, Maine's Legislature enacted two amendments to the Maine Medical Use of Marijuana Act. One, PL 2017, c. 447 (LD 238) was enacted as emergency legislation and took effect immediately.

However, the other, PL 2017, c. 452 (LD 1539), which includes a sweeping reform to the entire medical marijuana statute and creates an "opt in" system for medical marijuana retail stores, testing facilities, manufacturing facilities and dispensaries, is not yet in effect. Contrary to what we have seen reported, LD 1539 will not take effect this October. The law will take effect 90 days after the date the Legislature adjourns. Although currently in recess, the Legislature is still in session. It is unknown when the Legislature will return to complete its work and adjourn *sine die* (finally). As a result, LD 1539 will not become effective until at the earliest, late November and possibly as late as early Spring, 2019.

When LD 1539 does go into effect, it will establish an "opt-in" system similar to the laws regulating liquor. However, medical marijuana retail stores, testing facilities, manufacturing facilities and dispensaries that are operating "with municipal approval" as of the effective date of LD 1539 law will be grandfathered. For this reason, municipalities may wish to consider enacting a moratorium on medical marijuana establishments to cover the time period before LD 1539 becomes effective. For more information on marijuana legislation and a sample moratorium ordinance, see the [Marijuana Resources Page](#) on MMA's website.

In addition, because of the Legislature's delayed adjournment, the legislative update by MMA's State & Federal Relations staff originally planned for the August/September issue of *Maine Town & City* will be published in a later issue.

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