

August 14, 2017

## **MAINE TECHNOLOGY INSTITUTE CANNABIS/INDUSTRIAL HEMP RESEARCH POLICY**

### **Policy:**

Funds of the Maine Technology Institute (MTI) shall not be used to support projects involving the cultivation, possession, distribution or use of cannabis or industrial hemp products, including, but not limited to, the development of technology or products based upon a business model or markets reliant upon the cultivation or use of cannabis or industrial hemp. MTI, in its sole discretion, shall determine whether a project is consistent with this policy. The purpose of this policy is to ensure full MTI compliance with applicable federal law. MTI recognizes that federal law contains limited exceptions for certain research and related activities on cannabis and industrial hemp under federal Drug Enforcement Agency (DEA), Food and Drug Administration (FDA) and National Institute on Drug Abuse (NIDA) policies and laws. However, the complexity of the controlling federal laws, and the significant enforcement penalties for violation, would place a significant strain on MTI staff and financial resources to ensure lawful use of MTI funds in such a project.

### **Background**

#### **A. State Law**

Since 1999, the State of Maine has allowed prescribing, and limited possession, of medical marijuana, but the law lacked any distribution mechanism. In 2009, Maine citizens approved a citizen-initiated law to establish the Maine Medical Marijuana Act. In 2016, Maine citizens approved a citizen-initiated law to approve the recreational use, retail sale, and taxation of marijuana. In January 2017, the Legislature enacted a moratorium on implementing the portion of the law regarding retail sales and taxation until at least February 2018, to allow time to resolve issues and promulgate rules. The portion of the law that allows persons over 21 years to grow six mature plants and possess 2.5 ounces became effective in 2017.

#### **B. Federal Law**

Notwithstanding the laws of Maine, the cultivation, possession, distribution or use of marijuana for recreational, medical, or other research and development purposes remains illegal under federal law, with limited exceptions (including an exception that permits certain research conducted in compliance with applicable regulations and policies of the federal DEA, FDA and NIDA). The MTI and its employees remain subject to the federal law which has no provision for the legal use of marijuana in Maine except in compliance with these limited exceptions.

### **Future Developments**

MTI will update this policy as laws, rules, and guidance are developed to address the conflict of laws.