**Proposed Marijuana-Related Changes to the Current**

**Surry Code of Ordinances (SCO):**

**Recommended by the Planning Board – 02-15-2024**

**A. SCO Chapter 2 - Definitions To be Deleted:**

**~~Adult Use Cultivation Facility:~~** ~~A facility licensed under 28-B M.R.S. Chapter 1 to purchase marijuana plants and seeds from other cultivations facilities; to cultivate, prepare, and package adult use marijuana, to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature plants and seedlings to marijuana stores, as the term is defined in 28-B M.R.S. § 102, as may be amended. Tiers in relation to Adult Use Cultivation are based on square feet of plant canopy as defined in 28-B M.R.S. § 301, as may be amended.~~

**~~Adult Use Marijuana~~**~~: Marijuana cultivated, manufactured, distributed or sold by a marijuana establishment, as the term is defined in 28-B M.R.S. § 102, as may be amended.~~

**~~Adult Use Marijuana Nursery Cultivation Facility:~~** ~~A facility licensed under this Code to cultivate Adult Use Marijuana under current Maine state law limitations.~~

**~~Adult Use Marijuana Store:~~** ~~A facility licensed under 28-B M.R.S. to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a product manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers, as the term is defined in 28-B M.R.S. § 102, as may be amended.~~

Definition of “**Board**” - ~~B. With respect to the Marijuana Ordinance, means the Select Board of the Town of Surry with written input from the Law Enforcement Officers, Fire Chief, Planning Board, and Code Enforcement Officer.~~

**~~Cultivation or Cultivate:~~** ~~The planting, propagation, growing, harvesting, drying, curing, trimming, or other processing of marijuana sued for sale. Cultivation or cultivate does not include manufacturing, testing or marijuana extraction. As the term is defined in 28-B M.R.S. § 102, as may be amended.~~

**~~Harvested Marijuana:~~** ~~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” included marijuana concentrate and marijuana products. “Harvested marijuana” does not include plant material harvested from hemp as defined in 7 M.R.S section 2231, subsection 1-A, paragraph D, as may be amended.~~

**~~Immature Marijuana Plant:~~** ~~A plant that is not a mature marijuana plant or a seedling. “Immature marijuana plant” does not include hemp as defined in 7 M.R.S., section 2231, section 1-A, paragraph D, as may be amended.~~

**~~Manufacturing or Manufacture (with respect to Marijuana): T~~**~~he production, blending, infusing, compounding, or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. “Manufacturing” or manufacture” does not include cultivation or testing. As the term is defined in 28-B M.R.S. § 102, as may be amended.~~

**~~Medical Marijuana Cultivation Facility:~~** ~~A facility licensed under 22 M.R.S. to purchase marijuana plans and seeds from other cultivations facilities; to cultivate, prepare, and package adult use marijuana, to sell medical marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature plants and seedlings to marijuana stores, as the term is defined in 22 M.R.S. § 2422, as may be amended.~~

**~~Marijuana:~~** ~~The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp as defined in 7 M.R.S., section 2231, subsection 1-A, paragraph D or a marijuana product.~~

**~~Marijuana Establishment:~~** ~~A cultivation facility, a products manufacturing facility, a testing facility, a marijuana stores or a sample collector licensed under 28-B M.R.S.~~

**~~Marijuana Product:~~** ~~A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption.~~

**~~Medical Use:~~** ~~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 had provided the qualifying patient a written certification under 22 M.R.S. Chapter 5, as may be amended.~~

**~~Plant Canopy:~~** ~~The total surface area within a cultivation area that is dedicated to the cultivation of mature, flowering 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 area must be separated by identifiable boundaries. If a tiered or shelving system is used in area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of plant canopy may not include the areas within the cultivation area that are used to cultivate immature, non-flowering marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.~~

**~~Qualifying Patient or Patient:~~** ~~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 22 M.R.S.§ 2433-B, as may be amended.~~

**~~Registered Caregiver:~~** ~~A caregiver who is registered by the Maine Department of Health and Human Services pursuant to 22 M.R.S. § 2425-A.~~

**~~Registered Caregiver Retail Store:~~** ~~A facility licensed by the Town of Surry to sell harvested marijuana and marijuana products to qualifying patients for the patient’s medical use, provided the same may not be used on the premises.~~

**~~Registered Caregiver Home Occupation:~~** ~~A caregiver providing qualifying patients at the “Caregiver’s” primary residence.~~

**~~Registered Dispensary or Dispensary:~~** ~~An entity registered under 22 M.R.S 2435-A, as may be amended, that acquired, possesses, cultivates, manufactures, delivers, transfer, transports, sells, supplies, or dispenses marijuana plants, harvested marijuana, and related supplies and educational materials to qualifying patients and caregivers of those patients.~~

**~~State Licensing Authority (with regard to Marijuana Ordinance):~~** ~~The Maine Office of Marijuana Policy or its designee.~~

**~~Test or Testing:~~** ~~The research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. “Testing” or “test” includes the collection of marijuana and marijuana products for testing purposes, but does not include cultivation or manufacturing.~~

**~~Testing Facility:~~** ~~A facility licensed under 28-B M.R.S. to develop, research, and test marijuana, marijuana product and other substances, as the term is defined in 28-B M.R.S. § 102, as may be amended.~~

**~~Tracking:~~** ~~A system implemented to track Marijuana Products from seed to sale.~~

**B. Ordinances to be Removed from the SCO:**

**Remove the obsolete Ordinances Prohibiting Marijuana Products on pages 7-53 through 7-58 (These have lapsed and are no longer in effect.)**

**C. Changes to Land Use Table – Marijuana Businesses: Lines 45-a. and 45-c. through 45-f. :**

All these cells should now read **“NO”** for all Land Use Districts and Shoreland Zones.

**NOTE:** Line 45-b. Home Based Medical Marijuana Caregivers should remain as is in the Land Use Table.

**D. Table of Contents to be Deleted:**

**From Table of Contents OVERVIEW:**

**~~R. Ordinances Prohibiting Retail Marijuana Products (1-5)....... 7-53~~**

**From Table of Contents DETAILED**:

**~~R. Ordinances Prohibiting Retail Marijuana Products (1-5):~~**

**~~R-1. Marijuana Cultivation Facilities...............................7-53~~**

**~~R-2. Marijuana Products Manufacturing Facilities........7-54~~**

**~~R-3. Retail Marijuana Stores............................................. 7-55~~**

**~~R-4. MarijuanaSocialClubs.............................................7-56~~**

**~~R-5 Marijuana Testing Facilities....................................... 7-57~~**