



JANET T. MILLS
GOVERNOR

STATE OF MAINE
OFFICE OF CANNABIS POLICY
162 STATE HOUSE STATION
19 UNION STREET
FIRST FLOOR
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK
DIRECTOR

January 24, 2024

Re: LD 2147 – *An Act to Remove the Requirement for Edible Cannabis Products to Be Stamped or Embossed on Each Serving with a Universal Symbol (EMERGENCY)*

Senator Hickman, Representative Supica, Members of the Joint Standing Committee on Veterans and Legal Affairs:

I am John Hudak, Director of the Office of Cannabis Policy (OCP) and I am before you today to provide testimony on behalf of our office in strong opposition to LD 2147 because it poses a real and immediate threat to public health and safety.

This bill would repeal a vital health and safety measure that this legislature included in the Cannabis Legalization Act after two years of deliberation and hard work by the Marijuana Legalization Implementation (MLI) Committee. Requiring edible cannabis products to be stamped or embossed with the universal symbol that indicates the product contains THC is vitally important to ensuring that edible cannabis products are not accidentally ingested by those who do not intend to consume cannabis. This visual indicator on an edible cannabis product is a best practice employed by cannabis regulators across the country and is similar to the pharmaceutical imprint codes required by the US FDA for all medications, whether over-the-counter or prescription.

This requirement has been in the Cannabis Legalization Act since it was enacted and licensees have consistently demonstrated that they can comply with this requirement. In fact, in all instances but one, OCP has been able to work with licensees to ensure compliance with this statutory provision. We have specified in rule those cannabis products that are not practicable to stamp or emboss with the universal symbol and have added edible cannabis products to that “per se impracticable” list when licensees have demonstrated to our office that the physical properties of an edible cannabis product make it impracticable to apply the universal symbol to the product. Some examples of those “per se impracticable” edible cannabis products include cannabis infused potato chips, pretzels, ice cream, and beverages.

Attached to our testimony you will find a number of examples of edible cannabis products that our office has found to be in compliance, or not in compliance, with the statutory requirement to emboss or stamp edible cannabis products with the universal symbol. Many of the examples provided were submitted by licensees before bringing new products to market, to determine whether their products satisfied the statutory requirements. Because our office is committed to engaging with our program participants to address these kinds of issues proactively, we have not

had to issue widescale recalls of noncompliant edible cannabis products. Like any other sophisticated business owner, experienced cannabis products manufacturers engage in research and development and prototyping of new products before bringing new goods to market. Maine should not sacrifice the safety of non-cannabis consumers to satisfy the narrow interests of a particular edible cannabis manufacturer. The risk of accidental ingestion of an adult use cannabis gummy or hard candy is much greater than the inconvenience experienced by a cannabis products manufacturer who needs to reformulate their product recipe or buy new molds or edible food stamps.

Supporters of this legislation have argued that a universal symbol is meaningless because young children do not understand it. That strawman argument entirely misses the point. The universal symbol is there so that adults and older minors have the awareness of a cannabis product that may otherwise look like a candy, cookie, chocolate bar, or other non-cannabis product. The universal symbol protects young children by providing better information to adults about the contents of a product.

Supporters of this legislation have also failed to make compelling arguments that are based in science or other empirical evidence. However, research indicates that universal symbols are important safeguards against accidental consumption or accidental serving of cannabis infused products. You will hear from researchers today about those scientific inquiries and the results of those studies.

The universal symbol works in concert with other OCP efforts to empower consumers with the information they need to consume cannabis products when they choose to do so and avoid cannabis products when they do not want to consume them. To that end, OCP has also:

- Engaged in public health education campaigns targeting youth and adolescents and our next public health campaign will focus on parents and adult caretakers;
- Started distributing thousands of locked, tamper resistant safe storage bags to adult use and medical cannabis retail locations for cannabis consumers and patients to secure their cannabis and cannabis products away from children and other individuals;
- Enforced the requirement that all packages of cannabis or cannabis products include the universal symbol in accordance with 28-B MRS § 701(1)(B); and
- Continued to engage with our public health partners, educators and law enforcement to ensure that the public understands the visual cues that indicate a product contains cannabis.

We implore this committee to reject this unnecessary proposal that prioritizes a complaint from a small minority of business owners over consumer information and protection. This committee should preserve the universal symbol as a critical safety tool that this Legislature enacted in statute only a few short years ago. As always, we thank you for your time and we'll do our best to answer any questions you may have.

Maine's universal symbol (pictured) is an important visual indicator on edible cannabis products.



CONTAINS THC

The universal symbol helps distinguish edible cannabis products from similar non-cannabis products.

It makes individuals aware of an edible cannabis product that may otherwise look like a candy, chocolate bar, or other non-cannabis product outside of its original packaging.

The universal symbol is a key measure for protecting public health and safety.

It signals that a product contains THC to individuals well beyond the consumer, including children, babysitters, roommates, and other adults.

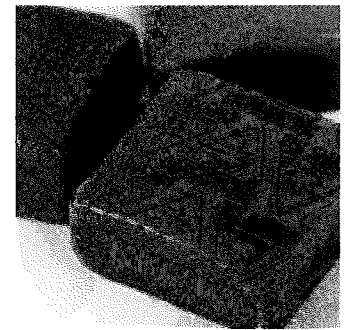
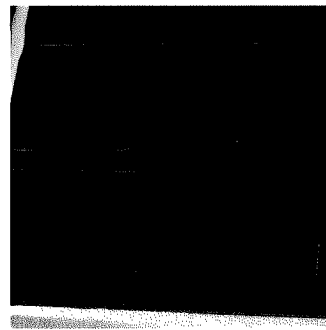
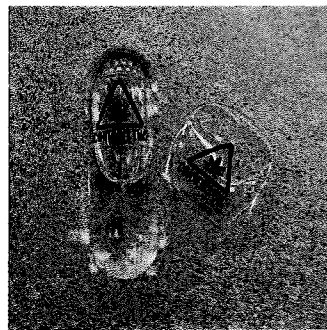
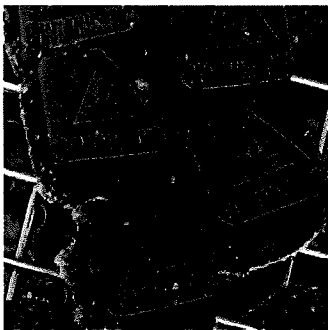
The universal symbol requirement is a best practice.

It is employed by cannabis regulators across the country and is similar to the pharmaceutical imprint codes required by the FDA for all over-the-counter and prescription medications.

The universal symbol is an important safeguard against accidental ingestion.

The risk of accidental ingestion of an edible cannabis product is much greater than the inconvenience experienced by a cannabis products manufacturer.

Examples of *compliant* adult use edible cannabis products:



Examples of *non-compliant* adult use edible cannabis products:

