

January 30, 2024

Testimony in Opposition to LD 1996, “An Act to Regulate Synthetic Hemp-derived Cannabinoids”

To Senator Ingwersen, Representative Pluecker, Members of the Committee on Agriculture, Conservation, & Forestry;

My name is Hillary Lister and I am testifying on behalf of Healer Hemp with concerns about LD 1996, “An Act to Regulate Synthetic Hemp-derived Cannabinoids.” This proposed legislation would severely restrict the production and distribution of edible hemp products in Maine. I have reviewed both the original bill language and the recent amendment from the bill’s Sponsor.

While the amendment is an improvement over the original bill language, it still creates many problems that would likely result in the closure of Maine businesses and the loss of access to safe hemp products for consumers.

LD 1996, as amended, specifies that it would create a “Moratorium on the sale of certain food containing THC *determined to be intoxicating.*” However, the moratorium is written so broadly that it would prohibit many non-intoxicating tinctures, capsules, and foods made from hemp.

The moratorium would outlaw most full-spectrum hemp products that adhere to the State and Federal requirements that hemp products contain no more than 0.3% THC by weight. Production of these hemp products typically requires extraction and concentration of cannabinoids from hemp, into an intermediary ingredient that is later diluted into its final form as a tincture, capsule or food. The moratorium would prohibit this intermediary step during which THC concentrations often exceed 0.3%. It is important to note that this intermediate ingredient exists only temporarily and is not present in concentrations of over 0.3% in the final product made available to the public.

The amended bill also proposes an inter-departmental working group to develop recommendations regarding the regulation of hemp-derived food products. It would be prudent for that working group to first develop recommendations and determine what type of hemp products are considered to be intoxicating or dangerous, before pre-emptively enacting a moratorium that would outlaw many hemp products that are decidedly not intoxicating.

The Maine State Hemp Report for 2023 specifies that the Maine hemp market continues to be depressed, due to a difficult wet growing season, lack of biomass processing equipment, and the price of hemp biomass being at an all-time low. Tinctures, full-spectrum oil, edibles, and capsules were identified as some of the top hemp products produced and distributed in Maine.

If LD 1996 is enacted with the proposed moratorium on edible hemp products, it could trigger the end of the remaining market for hemp grown on small farms and the end of Maine businesses that are currently providing good jobs for local people and producing safe products in compliance with State and Federal hemp laws and regulations.

The proposed moratorium would outlaw many locally-made hemp products, with no guarantees of protecting public health. A major question is who or what agency would enforce this ban. Consumers have access to a wide variety of intoxicating hemp-derived products produced by out-of-state companies that are primarily sold online and at gas stations. Most of these products are already out of compliance with Maine's laws regarding production and labeling of edible hemp products [Sec. 10. 22 MRSA §2157, sub-§15], but it does not appear that our already existing laws are being enforced. Without effective (and funded) enforcement, this new prohibition would eliminate the ability of Maine hemp farmers to maintain a viable business, eliminate consumer access to otherwise safe and legal hemp products, and endanger local businesses and the people who work for them, while leaving the door open to increased distribution of intoxicating and potentially unsafe products which the bill aims to restrict.

Thank you for taking the time to work on this issue.

Sincerely,

Hillary Lister

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Hillary Lister
Athens
LD 1996

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