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LD 2185

Rules testimony 2024 LD2185

My name is Asher Putterman I am a Sungrown Cannabis Farmer (we produce cannabis seasonally without added lighting), Member of the Craft Cannabis Association, Seed to Health, my wife and I also operate a commercial, organically produced, cut flower farm, we are mentors in MOFGAs Journey person program and my wife is the president of the Camden Farmers Market.

Parts of this testimony are cut and pasted from previous years testimony as not much of the sentiment has changed, yet here we are again as OCP continues to ignore the will of the people and the requests of the legislature. They continue to double down on rules that have been widely rejected by the people and the legislature as if they have no respect for the legislative process, they continue to cause all of us who are very busy just running these complicated businesses to spend our winter months responding to these ridiculous proposals year after year. So in an attempt at brevity some of this is a repeat of previous sessions in response to rule making that is also a repeat of previous sessions.

Every winter now OMP has proposed a version of roughly the same problematic rules that will cause many of the problems we're seeing in other states. Luckily we can look to these other states and see the future. In California in 2021 they had to bail out their struggling cannabis industry to the tune of 100 million dollars. While small farmers organize protests and file law suits against the state of California and Metrc. Meanwhile our industry carried thousands of Maine families, through the pandemic and made many millions for the state. While safely providing a much needed plant medicine that is known to reduce stress, anxiety and depression, among other things. Although the cottage industry has survived and even grown it hasn't been easy for cannabis farms. Aside from being a farm that, because we grow cannabis also, is blocked from USDA and NRCS loans and grants, we also were blocked on both of our businesses from receiving any PPE loans or grants that helped so many businesses survive. For the first time this year 2024 we were able to gain access to bank accounts for our cannabis business deposits, still we face challenges for financing, loans or financed growth. Meanwhile the cannabis market is maturing, everyone is getting their production dialed in, their grown rooms or greenhouses are built, many have opened stores. A once booming wholesale market a couple years ago is rapidly evaporating as everyone can supply about what they can sell for the most part. But anyone paying attention saw this coming. We also saw how the corporate model is to use over regulation to maintain an inflated price, while slowing the markets growth through barriers to entry. It's not a model that's good for small businesses or Maine patients.

In this state however, thanks to the legislature listening to the small business owners, the large corporate model is struggling and the market is saturated with small businesses. If we continue to keep an open and free market like we have in the medical program, the effect will be that many big grows will continue to fall and more of a mix of the best small and big businesses will be successful based on quality and reputation. Word of mouth goes a long way in most of Maine and common phrases like "Know your Farmer" come to mind. Mainers are savvy, this will all sort itself out, in a free market. Maine is currently leading the way on quality, price and access, we should keep this up, its good for Maine and i think this legislation is currently needed for that. If there were major safety issues at this point we would know about them. I have patients drive 6+ hours to purchase our flower in Maine, because the quality:price is unmatched elsewhere.

We legalized a long time ago. And the only way we strike at the black market is if we let the price to drop low enough that the black market is not competitive with the legal market, as it naturally would be as supply increases. People will always cheat the rules, many are very good at it and if caught there are laws in place to handle that. But onerous rule making only hampers those that are already trying to do the right

thing. We never were able to catch all the weed growers when it was illegal and we'll never catch them all now, you can't stop people from growing plants in a clandestine fashion. Its too easy to do. What we can do and are already doing is to craft a supportive business structure, as we have for other industries like beer and wine, and then support the businesses into being successful. Thats all we have to do and it benefits everyone involved. Lets find a way to make rules that work for the broadest group of involved Mainers. None of us are against regulation, it just needs to be sensible and not fear based. Hopefully we can all work together to solve any reasonable concerns on all sides and find a path forward that we can all agree on. I think we can. Thank you all for all your effort in taking the time to understand these complex issues and many of you for hanging in over the years, we are forever grateful to our wonderful legislators. Please vote ought not to pass on this terrible rule proposal. Thank you for your time and work on this.

As to content of the rules:

Definitions:

p.19 Seeds are legal in all 50 states and do not contain THC, this has been stated by the DEA

p.22 Records-Video recordings are not required in the medical program

p.22 registered caregiver- also include business entity

p.23 trip ticket- nothing in statute says a trip ticket has to be on a OCP provided paperwork, people have many ways of keeping the required records that are required in statute

p.23-26 Contractors should no be required to have registry identification, too much of a hurdle to getting things done

Cultivation:

p.27 remove all mentions of commercial grade this an unnecessary added expense that has no actual definition and simply adds unnecessary costs and provides no actual added protection to consumers, no matter the grade of fence, it can still be cut easily or climbed over, also the requirement of a fence screen works more like a giant flag saying there's cannabis here. Personally i think a massive fence attracts more crime than it prevents as normally no one would know there's weed in our yard except that we have to build this giant overbuilt fence which everyone knows is only built and required for pot grows. Also no one is stealing outdoor weed, its just not worth it financially vs. the trouble that is risked. We'd be safer just having it quietly in the back field. My wife and I also can grow legally 12 AU plants in our yard with no fence, so who are we protecting. These fencing rules and requirements are stupid and should just go away. On our farm they've just become an expensive hindrance to crop rotation which is deeply needed in a crop like cannabis that builds up spores for diseases like leaf septoria and botrytis, which the only solution for is crop rotation. But when crop rotation requires moving a 6'tall privacy fence around its incredibly costly in both equipment and labor. The commercial grade locks also need to go away, simply unnecessary added costs, what are we gonna reinforce our walls with steel and gate our windows too. My neighbor has brewed wine in his barn for decades, he has a tasting room and sells wine straight out of the same barn that simply has a padlock on the door. Why is any of this necessary when alcohol has none of these requirements.

Medical Provider:

No additional barriers to access should be added, no blocking of telehealth we are a rural state and that is a reasonable way that a provider sees patients for many things in this state. OCP continually tries to block access by patients and attempts to get between the relationship that should only be between a patient and medical professional

If anything certifications should be able to last for a longer period so people are not required to renew so often.

Caregiver:

Assist and cultivate should not just be through education and instruction it should be

anything that is deemed helpful as well as possible consumption. This is a relationship between licensed individuals.

p.37 #4 Strike as municipal requirements are not applicable to retail of a caregiver, caregivers can and always were allowed to sell from their houses, municipalities have no legal say in this.

p38C Why are we adding language about sampling from dispensaries to caregivers, these are different license types organized under different rules for a reason.

Dispensaries:

There are definitely problems in here but due to the small amount of time provided for review I don't have time to go through all of this personally and I don't currently have a dispensary licenses. I would recommend the review provided by the craft cannabis association for this section. We have not attempted to get a dispensary license due to the onerous rules and high and unaffordable barrier to entry that exists in this license type and is comparable to AU requirements. Lowering the annual license fee is not enough to allow greater access to a license like this for normal sized businesses in this market. It is still unattainable for most Mainers. Also the requirements of OCP to provide educational materials while also we are required to not make any health claims is contradictory with not only FDA but with the lack of overall data in general due to research being restricted.

Fees

Fees should be lower, there's no comparable licensing fees for any other industry like alcohol, this is simply theft and fees should reflect similar established industries.

Registry Identification cards

Cards should be valid for multiple years, having to keep up with constant renewals of these cards is exhausting and waiting on background checks and processing time to hire an employee is costly and burdensome to businesses. This does not exist when someone is hired to sell alcohol at a gas station, why is it required for cannabis?

p63 the term "other information" is vague and should be removed. a simple list of the information required in statute is all that should be there.

also why is OCP needing tax information, they are not tasked with taxation in any way, this is an overreach.

I don't understand the language about surrendering old cards, i tried to offer my old cards to my inspector last inspection and he said he didn't want them

p64 an employee not being able to work while waiting on a registry id card is very costly to the business that often has to pay the employee to not work, but not go get another job while waiting on a card, again no other industry deals with this, you can start at a brewery or bar serving alcohol the day you're hired. Why the constant double standard?

Compliance

No entity may restrict or prohibit activities unless explicitly authorized to do so

9)a and e strike as is difficult to have uniform size and white color background on some size packaging

10)why is OCP getting into taxation again, also municipalities have no say in medical

13)overly burdensome

C)3)OCP cannot apply dispensary requirement onto caregivers

A lot of the inspection section seems a bit invasive and overreaching it would be nice to clarify exactly what OCP has statutory rights to investigate, things like financial records seems a bit of an overreach from their purview. Also if I'm not present how would they know what is medical and what may be personal under AU rules or personal medical as I'm also a licensed patient and allowed to have those plants in a shared space.

Administrative and enforcement actions

Is full of references to other proposed rules that are not in statute, this needs to be revised to reflect current statute and not the unapproved wishes of the department

Fines:

This section needs full revision, these proposed fines are so much larger than any

other industry and need to reflect reasonable amounts. These fines are simply put meant to kill small businesses for violations instead of encouraging compliance as they are set in other similar industries. This has been discussed for many years and still OCP proposes the same problematic amounts. It is clear their intent is simply to harm the businesses that they are tasked with regulating.

Thank you for your time in taking public comment on these rules that have been repeatedly proposed and shot down by the legislature as well as the public at large. Hopefully we can get to a place where we pass some common sense clarifications while supporting business at large and hopefully we can stop having to repeat this process every year. Hopefully we can also convince OCP to support the businesses they regulate and not try at every turn to wipe them out of existence. Thank you to the legislators for your continuous work to listen to the public and support the business owners struggling to survive this volatile industry.