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**Written Testimony Regarding LD 40 Provided by
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Senator Hickman, Representative Supica, and Members of the Joint Standing Committee on Veteran's and Legal Affairs,

In a perfect world, I would be writing today to specifically make testimony regarding the proposed changes of LD 40 and to provide insight as to my current thoughts on the proposed changes. I am however writing this in an imperfect world, where my energy is better placed in opposition to testimony from a public servant, holding public office, who must have misread the proposed changes put forth in LD 40. I am writing today to discuss LD 40, but more specifically as it relates to the stalwart and passionate testimony provided by Lauren V. Stewart (Director of the Maine Department of Public Safety).

First, I want to applaud the passion with which Ms. Stewart opposes the changes that LD 40 is attempting to put forth. It is commendable to have a Director of public office so fervently passionate about a cause that she believes is committed to public safety. I believe this passion is something that any public servant or member of the public could recognize, but it is this very same passion that effectively blinds Ms. Stewart to the many changes the bill is putting forth. It is my belief that Ms. Stewart's passionate interpretation of LD 40 caused her to *misinterpret* many of the changes the bill is trying to make, and perhaps upon closer review I think she may realize that her intentions and the intentions of LD 40 are much more closely aligned than her reading of LD 40 or her testimony about it gives credit.

I am in favor of the adoption and implementation of LD 40, as written, and provide the following as testimony to refute the testimony of Lauren V. Stewart:

Director Stewart States in her Testimony, Titled "IN OPPOSITION TO LD 40"	Please Accept These Comments As My Testimony, In Opposition to Her Statement(s)
<p>"In short, this bill allows those under 21 years of age to consume cannabis"</p>	<p>Ms. Stewart states that the removal of the term "Adult-Use" from the Section title of Title 28-B will allow those under 21 to consume cannabis. LD 40 makes no specific recommendations to remove the age restrictions (21 years of age) at which 'Adult-Use' cannabis can be purchased.</p> <p>Sec B-66, 28-B MRSA 504 WILL STILL REQUIRE a verification of the purchaser's age and states that "A licensee or licensee's employee or agent may not sell, offer for sale, furnish or deliver cannabis or cannabis products to a person under 27 years of age unless the licensee or licensee's employee Or agent verifies the person is not a minor by means of [...]" Additionally, Section B-15, 28-B MRSA 108 as proposed by LD 40 will read that "The office shall develop and implement [...] programs, initiatives, and campaigns focused on preventing and deterring the use of cannabis and cannabis products by persons under 21 years of age [...]"</p>
<p>"In short, this bill allows those under 21 years of age to [...] be employed in the cannabis industry, to enter previously restricted areas in cannabis manufacturing where hazardous chemicals are used, and to transport cannabis while working [...]"</p>	<p>Ms. Stewart is correct in asserting that LD 40 would allow the employment of persons beginning at age 17, but "only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity" (Sec B-72, 28-B MRSA 506). The cannabis industry need not be unfairly shackled by hiring restrictions to only allow a workforce that is 21 years of age or older. The language for LD 40 was intended to mirror the workforce age requirements currently in place in the Alcohol industry.</p> <p>Entering a previously restricted area would be a condition of employment and risks would be minimized accordingly through employee training.</p> <p>Any industry could bring an employee into contact with a <i>hazardous chemical</i>. The perceived dangers are reduced by proper training and adherence to Federal and State Safety Standards that are enforced by agencies outside the jurisdiction of both the Office of Cannabis Policy and the Department of Public Safety. Legitimate Concerns that are reasonably founded should be directed by Ms. Stewart to the appropriate departments for consideration, but are not, nor should they be, part of the LD 40 discussion.</p>

<p>“LD 40 removes the penalty provisions that apply to adult-use stores [...] It also reduces the penalties that apply [...] by removing the application of existing law [...] and replacing them with new violations with lesser penalties [...] For example, LD 40 decriminalizes the Class D crime of Forgery [...]”</p>	<p>Let me be ABSOLUTELY CLEAR: LD 40 is not actually changing ANY criminal laws related to the distribution of a controlled substance (cannabis) to individuals under 21 years of age, forgery of false identification, or any other criminal statute. LD 40 is in fact ADDING additional civil penalties. LD 40 is a more penalizing regulation than the one currently in place, and Ms. Stewart must have misread the proposed changes.</p>
<p>“LD 40 removes the ability [...] to adopt rules limiting adult-use cannabis advertising’s appeal ‘to persons under 21 years of age.’”</p>	<p>The intent of labeling regulations is being revised to state the following via LD 40 (28-B MRSA 701, Labeling and Packaging): “May not contain a subject matter or an illustration that targets minors.” This verbiage was taken DIRECTLY from Title 28-A: Liquors, Part 1, Chapter 1, Section 6-A and is intended to EXACTLY mirror the labeling restrictions currently placed on the labeling of alcohol. The Cannabis industry need not be unfairly restricted by regulations that are not currently imposed on the regulated liquor market in their approach to product labeling and LD 40 seeks to better align the labeling standards in the cannabis industry with those already in place in a parallel industry.</p>
<p>In regards to labeling referenced above, Ms. Stewart states: “We once had similar allowances for alcohol [...] and those allowances created both public health and public safety concerns [...]”</p>	<p>As demonstrated above, we currently STILL have this allowance for liquor under Maine law. Ms. Stewart is mistaken in the provision of her demonstratively false testimony. ALL labels are available for review during OCP inspections and the Department may provide review according to LD 40’s requirements at their discretion. Additionally, LD 40 provides a clause for “voluntary packaging and labeling approval” whereby materials may be submitted to the office for approval.</p>
<p>Ms. Stewart Asserts that LD 40 eliminates “the requirements that the cannabis industry be trained not to serve those under 21 by obtaining proper identification and using due diligence to determine someone’s age”</p>	<p>This is absolutely untrue of LD 40. Sec B-66, 28-B, MRSA 504, sub 4 will still require this due diligence, but the sections pertaining to cannabis store sales and delivery sales are being unified to not specify the point of sale, but rather that a licensee “may not sell [...] unless [...] verifies the person is not a minor by means of reliable photographic identification containing that person’s date of birth” regardless of if it is purchased in-store or via delivery.</p>
<p>“LD 40 is anti-law enforcement.”</p>	<p>This is simply not the case. LD 40 is pro 4th amendment rights. Law enforcement is still able to inspect and gain entry for legitimate reasons. LD 40 seeks to restrict their entry to those reasons that are legitimized and accepted in any other industry (where law enforcement doesn’t simply have unfettered access to a location but must have either a warrantable reason or other ‘recognized exceptions’ to enter and inspect. There is no reason to give law enforcement <i>unreasonable</i>, unfettered access to a place of business when operating in the capacity of their duties, especially an establishment operating within the regulations enforced by the Office of Cannabis Policy.</p>

<p>Ms. Stewart asserts that LD 40 will somehow promote driving while under the influence of cannabis.</p>	<p>I am unclear where this assertion is grounded in LD 40, but assume it is from her misinterpretation of the proposed changes. LD 40 makes no accommodation to allow for impaired driving, nor does it seek to (nor could it) change ANY of the laws governing intoxicated driving. In her misguided attempt to legitimize her concern for public safety, Ms. Stewart references a study published in the Associated Press (see her testimony for the reference).</p> <p>Note: The presence of THC in a blood sample taken from the referenced study in no way asserts that the sample was taken from someone impaired by THC. This is due to the lasting presence of THC in the blood system after use and in no way infers impairment of the driver.</p> <p>Some statistical musings on the study provided by Ms. Stewart which <i>disqualify</i> it for use in her testimony (all quotes are from the study referenced and provided by the study's authors):</p> <ul style="list-style-type: none"> • The study authors assert the following: "the numbers can't be used to show drug use on the roads nationwide because the [sample was] not picked to represent the entire country." None of the samples in the study were taken from Maine drivers and so the study should have no bearing on this discussion. • "The study also can't be used to show a correlation between increasing numbers of highway deaths and drug use." For this reason, the study being provided should in no way be legitimized to further Ms. Stewart's concerns.
<p>Ms. Stewart asserts that a public danger is presented in LD 40 by "remov[ing] the requirement that money received by the state from cannabis sales be used for law enforcement training [...]"</p>	<p>This requirement is not being removed at all, but being clarified to state that the "money credited to the fund may be expended by the office to fund enhanced criminal justice agency, municipal officer and employee training programs [...]". Access to funding for law enforcement training remains unchanged via LD 40 and Ms. Stewart's testimony on this point could arguably be removed from the discussion (though kept as part of the public record).</p>

In short: It would have been my preference to provide a written testimony as to the proposed changes of LD 40. Due to the passionate reading and subsequent misinterpretation of LD 40 by Ms. Stewart, I felt my efforts were more valuable to the discussion by directly addressing Ms. Stewart's passionate, though misguided, written testimony and to provide clarification and opposition to her statements. As written, I am in support of LD 40 and view it as the most substantial improvement to Maine's Cannabis legislation to date.

Faithfully Submitted,

Gregory J. Happe