



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

May 5, 2025

Re: LD 1567, An Act to Require Labeling of Radiation Treatment and Ozonation of Adult Use Cannabis and Inspection and Registration of Associated Equipment

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

The Office of Cannabis Policy (OCP) respectfully submits the following comments neither for nor against LD 1567 to inform the committee's consideration of whether to permit the use of radiation or ozonation in the treatment or remediation of microbial contaminants in cannabis, and if so, whether to require that treatment or remediation be disclosed on the labels of cannabis provided to consumers.

This issue was first brought to OCP's attention in 2023 when the Office was engaged in major substantive rulemaking affecting the Adult Use Cannabis Program. At the Office's rulemaking public hearing, an adult use cannabis business owner requested that the proposed rule included a requirement that cannabis treated or remediated using radiation or ozonation be labeled as such. OCP accepted that public comment and included in its provisionally adopted, major substantive rules a labeling requirement that any cannabis flower or trim subjected to radiation or ozonation include a label specifying that the cannabis was treated or remediated with the applicable treatment or remediation method. Those rules were subsequently authorized for adoption by the 131<sup>st</sup> Legislature pursuant to PL 2023, ch. 679.

Following implementation of those rules in November 2024, the Office began receiving pushback from cannabis cultivators who did not want to label their cannabis if they "treated" their cannabis with radiation or ozone prior to submitting the cannabis for mandatory testing. OCP also heard from different legislators on this committee drastically different views on what the legislative intent was in approving those rules. Understanding that this Legislature would be considering this matter in greater detail, the Office temporarily suspended enforcement of this labeling requirement to give this Legislature the time and space necessary to have a more robust debate about the issue of treatment and remediation of cannabis using radiation and ozonation. OCP is prepared to implement the labeling requirement as intended once this committee considers the arguments made by stakeholders and provides clarity as to the actual legislative intent.

It is important to note that treatment and remediation of cannabis flower and trim has been occurring since the launch of the adult use program. The installation of an ozone or radiation machine in a cultivation or products manufacturing facility is a material change to an adult use

licensee's facility plan of record, one that requires affirmative approval of the Office prior to implementation. The Department of Health and Human Services' (DHHS) Radiation Program is responsible for the certification of radiation machines used to irradiate cannabis, and OCP compliance inspectors are trained to verify that certification when inspecting a licensee's facility. Conversely, there is no state regulator tasked with certifying ozone machines, so OCP's assessment of these machines is confined to ensuring that the equipment has the appropriate electrical rating for use by a cannabis establishment licensee. Given the existing DHHS capacity for certifying and verifying the safety of radiation equipment, the Office strongly recommends the committee reject the part of this bill that would shift oversight of the inspection and certification of this equipment to OCP.

Additionally, there has been and will continue to be a debate about the safety, potential risks, and efficacy of such treatment and remediation technology in the adult use program. OCP urges the committee to use evidence-based policy making in reaching its conclusions, but in the process, apply that same consideration to the use of these treatment and remediation techniques on cannabis offered to patients in the State's medical cannabis program and make consistent across both programs any policies authorizing or prohibiting the use of radiation or ozone to treat or remediate cannabis for microbial contaminants. Ultimately, cannabis is cannabis, and while patients in the medical program often face different risk profiles for potential adverse reactions, this committee should strive for consistency when it comes to the safety of those consuming cannabis.

We thank the committee for its consideration and we would be happy to answer any questions you have at the work session.