Testimony In Opposition to L.D. 1620

An Act to Amend the Laws Regulating the Testing of Adult Use Cannabis and Adult Use Cannabis Products

Before the Joint Standing Committee on Veterans and Legal Affairs

May 5, 2025

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

My name is Hannah King and am here on behalf of Cannabis Association of Maine (CannabisME) to speak in opposition to L.D. 1620.

As regulatory frameworks evolve to support a safe and equitable cannabis industry, it is essential to ensure that testing protocols reinforce—not undermine—public health, business viability, and consumer confidence. While "audit-only" testing may appear to reduce burdens for licensed operators, the long-term risks to compliant businesses and the integrity of the market far outweigh any short-term administrative efficiencies.

The members of Cannabis Association of Maine are particularly concerned about the implications that audit testing can have on both consumers and businesses alike. Having less testing creates additional risk for businesses and consumers, even if at first it sounds like a "lighter" regulatory burden.

LD 1620 would allow for audit testing in the Adult Use program, meaning testing would occur infrequently. This type of infrequent testing may not reflect current lab practices or product conditions. Without mandatory testing of every cannabis batch, regulators lack real-time insight into product safety and trends in contamination. If regulators don't require batch-level data, it's difficult to trace contamination sources or enforce recalls effectively when issues arise. Without regular testing, contamination may go unnoticed until after products are widely sold. This can lead to massive product recalls, which can be expensive, reputation-damaging, and time-consuming for businesses.

Without batch testing, businesses would have to recall product all the way back to the last passed test, rather than recalling a single batch. The process by which all this product would have to be recalled would require significant resources from both the business itself as well as the Office of Cannabis Policy to manage.

This has happened in other jurisdictions. In Michigan, a major lab (Viridis Laboratories) was found to have manipulated potency results and failed to detect microbial contamination. Despite being certified and passing audits, the lab's practices went unchecked until whistleblowers and consumes caused alarm. Over 64,000 pounds of cannabis were recalled in November 2021—the largest in Michigan's history. Dozens of licensed operators who had no knowledge of the misconduct suffered massive financial losses. Several filed lawsuits against the lab and the state,

claiming regulatory failures harmed their businesses. This crisis highlights a core weakness of audit-based enforcement: it reacts only after harm is done. Regular, independent batch testing would have created earlier intervention points and protected both consumers and compliant businesses.

Audit-only approaches lead to inconsistent safety standards across producers and labs. Some may uphold strict internal standards, while others may cut corners, leading to uneven quality and consumer risk. These types of testing systems rely on labs and producers self-regulating, which may fail to catch harmful contaminants. Without mandatory batch testing, contaminated products (e.g., with pesticides, mold, heavy metals, or residual solvents) may reach consumers.

Consumers expect cannabis products to be as rigorously tested as food or pharmaceuticals. If the public learns that testing is not systematic, it can erode trust in the legal market and push users toward unregulated sources.

We would suggest that this Committee consider the following alternative which narrows the scope of testing so it is more closely aligned with protecting public health and safety. Specifically, we would suggest that this Committee direct to Office of Cannabis Policy to adopt rules that allow for the use of speciation testing for cannabis flower and trim where the initial test results are above 10,000 cfus but below 30,000 cfus. This would allow for product that has more than 10,000 cfus of yeast and mold to be sold, as long as speciation testing confirms that the product is not contaminated with yeasts or molds that is know to be harmful to human health.

We hope the legislature will continue to carefully examine any potential changes to testing requirements in order to avoid unintended, adverse consequences. We oppose L.D. 1620, and I want to emphasize that if your goal is to ensure the continued success of Maine's Adult Use program, you should oppose this bill as well.