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Senator Hickman, Chair
Representative Supica, Chair
Members, Joint Standing Committee on Veterans and Legal Affairs
100 State House Station
Augusta, ME 04333-0100

Re: LD 104, *An Act to Protect the Health of Medical Cannabis Patients and Streamline the Mandatory Testing of Cannabis*

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

Thank you for the opportunity to provide information in support of LD 104, *LD 104, An Act to Protect the Health of Medical Cannabis Patients and Streamline the Mandatory Testing of Cannabis*.

LD 104 makes a number of changes to the Maine Medical Use of Cannabis Act. This bill establishes a testing program for harvested cannabis, requiring registered caregivers, dispensaries, and manufacturing facilities to submit harvested cannabis to a cannabis testing facility pursuant to the International Organization for Standardization's standard ISO/IEC 17025, licensed by the Department of Financial and Administrative Services – Office of Cannabis Policy (OCP), and certified by the Maine Center for Disease Control and Prevention (Maine CDC).

The purpose of this testing is to ensure the cannabis does not exceed the maximum level of allowable contamination for any contaminant injurious to health, as well as to ensure accuracy of labeling. While adult use cannabis in Maine is subject to mandatory testing requirements, of all states with legal medical cannabis programs, Maine's Medical Use of Cannabis Program is the only one without any mandatory testing. Without mandated testing, medical cannabis patients in Maine are at an increased risk of potential exposures to contaminants such as yeasts, molds, and mildew, heavy metals, pesticides, microbials (such as *E. coli* and *salmonella*), residual solvents, and other filth/foreign materials.

As outlined in Maine's Office of Cannabis Policy's Fall 2023 testing report¹, each of these contaminants pose health risks to individuals consuming products containing them. In addition, the report notes that the risks posed by each of these contaminants can differ; for some, acute exposure can cause illness, while for others, development of health issues may result from exposure over time (chronic). The report also outlines the methodology and results from audit testing of 120 samples from 120 program registrants from the medical cannabis program in August 2023. Of the 120 samples, 50 samples (42%) contained one or more contaminants that would have failed testing under the standards of Maine's Adult Use Cannabis Program.

A 2023 study conducted by a team of researchers from Columbia University utilized data from the National Health and Nutrition Examination Survey (NHANES) from 2005-2008 found that survey participants who used

¹ As part of its continued efforts to engage with stakeholders in a meaningful, data-informed way, (OCP) reports on Maine's cannabis markets and other industry topics. OCP reports are available at <https://www.maine.gov/dafs/ocp/resources/reports>.

cannabis but not tobacco in the past 30 days had higher levels of cadmium and lead in their blood and urine than participants who had not used cannabis or tobacco. This study is particularly relevant due to the health impacts of lead and cadmium exposure in humans - the World Health Organization states that there is no level of exposure to lead that is known to be without harmful effects. Additionally, cadmium has toxic impacts on the kidneys, respiratory and skeletal systems, and is a known human carcinogen. The cannabis plant is considered a “hyperaccumulator”, meaning its tissues can accumulate metals from surrounding soil, water, or fertilizer at much higher rates than is normal for most plants, which further highlights the importance of consistent and accurate testing. It’s noted in the study that, rules for pesticide and microbial testing vary widely among states with legal markets, whereas metals are managed more consistently; in Maine, regulators are building on the national experience as well as the adult use cannabis testing happening in our State to inform the implementation of an effective testing system which currently for the adult use program, includes product recalls when audit testing results show unsafe levels of contaminants.

Additionally, reliable testing for THC potency, homogeneity, and cannabinoid profiles is important to ensure consumers can make informed decisions around the potency of products to prevent accidental overconsumption resulting from inaccuracies in labeling.

If enacted, an increase in the volume of samples for the Maine-licensed testing labs is anticipated. The Maine CDC Laboratory Accreditation program (MeLAP) conducts annual in-person assessments of each licensed lab, which involves reviewing standard operating procedures for compliance and proficiency tests. The program also responds to complaints submitted to the Department around potential variances in test results as there have been claims regarding data irregularities between mandatory test results impacting cannabis businesses, especially the smaller caregiver operations that voluntarily submit cannabis products for testing. It is likely that MeLAP will see an increase in the number of complaints it receives.

In conclusion, the Maine CDC supports this bill as an important step in protecting the health and safety of consumers through mandated testing of medical use cannabis to reduce the risk of exposures to contaminants harmful to health. Maine CDC will continue to partner with OCP to implement measures to protect public health and safety and assurances that consumers are informed about products they are consuming.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,



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Director

Maine Center for Disease Control

Maine Department of Health and Human Services