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The Honorable Craig Hickman  
Committee on Veterans and Legal Affairs  
132nd Maine Legislature  
24 Wingate Street  
Augusta, ME 04330

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

Dear Chair Senator Hickman and Representative Chair Supica,

I respectfully submit this letter in opposition to LD 104. While I share the goal of ensuring patient safety and product integrity in Maine's medical-cannabis program, the provisions of this bill would, in practice, impose unworkable burdens on patients, caregivers, and small-scale providers—undermining access, raising costs, and jeopardizing the very public-health objectives it purports to advance.

### **1. Excessive Testing Mandates Will Drive Up Patient Costs**

LD 104 requires mandatory laboratory testing of every "batch" of harvested cannabis, including flower, trim, concentrates, and finished products, for a broad array of analytes (metals, molds, microbes, pesticides, water activity, THC potency, etc.) . Under current market rates, each full-panel test can cost upwards of \$200–\$300 per sample. Requiring this for every batch—even small personal batches—will force caregivers and dispensaries to pass thousands of dollars of additional testing costs onto patients, many of whom are on fixed or limited incomes.

### **2. Turnaround Delays Threaten Patient Access**

By design, LD 104 contemplates only a limited number of ISO/IEC-accredited labs in Maine (or out-of-state equivalents) to perform these tests. Those facilities already operate near capacity under existing adult-use and medical testing loads. Imposing a sudden expansion of mandatory testing without phasing in capacity enhancements will create multi-week backlogs. Patients depending on a steady supply of medicine could face dangerous gaps in access.

### **3. Remediation Standards Are Vague and Unenforceable**

The bill defines "remediation" as heat, radiation, ozone, solvent extraction, or further drying, but expressly prohibits simple dilution of contaminated batches. Yet it offers no objective performance standards or validated protocols for the permitted remediation methods. Without

clear, science-based guidelines, labs and caregivers will face enforcement uncertainty, chilling any attempt to salvage slightly out-of-spec product and resulting in wholesale batch destruction.

#### **4. Record Retention and Reporting Requirements Are Overly Burdensome**

LD 104 lengthens record-retention from four to six years and mandates daily uploads of exhaustive inventory and testing data into the state's METRC-style tracking portal. Smaller caregiver operations lack the staff and administrative infrastructure to meet these demands. The inevitable result will be non-compliance penalties or the exit of home-based providers, again shrinking patient access.

#### **5. Unintended Consequences: Growth of an Unregulated Gray Market**

When regulatory costs and delays render the legal medical channel unaffordable or inaccessible, patients will turn to informal sources, undermining public health and forfeiting the very consumer protections LD 104 seeks to establish. Experience from other states shows that over-regulation drives untested, unlicensed distribution rather than improving safety.

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#### **Recommendation**

Rather than blanket mandatory testing of every batch, I urge the Committee to consider a risk-based approach:

- Phase in testing requirements over time, starting with high-risk analytes (e.g., microbial contaminants) and limited batch sizes.
- Establish clear, validated remediation protocols with objective performance metrics.
- Provide a financial assistance or subsidy program for small caregivers to offset initial testing costs.
- Retain the current four-year record-retention, and allow weekly (rather than daily) reporting for small-volume providers.

Such calibrated measures would improve patient safety without sacrificing access or imposing unsustainable burdens on Maine's medical-cannabis community.

Thank you for your consideration. I would welcome the opportunity to discuss these concerns further and to work with the Committee on crafting a balanced solution.

Respectfully submitted,

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LD 104

Please see attached PDF in Opposition of LD104, Thank you.