

Dear Senator Talbot-Ross, Representative Plueker and Members of the Joint Standing Committee on Agriculture, Conservation, and Forestry,

Today I am testifying Neither For Nor Against, LD 1920, *An Act to Prohibit the Sale of Potentially Intoxicating Hemp Products to a Person Under 21 Years of Age*. I am here representing the Maine Cannabis Industry Association, a group of mid-sized adult use cannabis entrepreneurs.

The reason for LD 1920 is laudable. MCIA supports clarifying language that permits Maine hemp farmers and manufacturers to farm and produce non-intoxicating hemp products. Sec. 1, 2, and 3 of the bill appear to do a fine job defining non-intoxicating hemp and its lawful sale in Maine.

We would suggest amending sec. 4 of the legislation which, as drafted, allows the sale of hemp-derived tetrahydrocannabinolic acid (THCA) outside of the current medical and adult use regulated markets. We believe that the easiest way to address this without going afoul of the Commerce Clause of the United States Constitution is to move the regulation of any product containing intoxicating cannabinoids into of Maine's existing regulated adult use cannabis program. This would immediately require mail order to be licensed in Maine, and would eliminate sales of dangerously high dosages sold in smoke and vape shots.

You could achieve this in section 4 by changing the language as follows:

Sec. 4. 7 MRSA §2231, sub-§12 is enacted to read: 23 12. Potentially intoxicating hemp products; prohibited sales.

A potentially intoxicating hemp product may not be sold ~~to a person who has not attained 21 years of age outside of the regulated adult use and medical marketplace as defined, respectively, in Title 28 B and Title 22 of Maine law.~~

For those currently manufacturing and selling intoxicating hemp and hemp-derived products outside of the regulated market, they can simply pursue an adult use or medical license, currently available to all Maine's cannabis entrepreneurs. Those are the rules that everyone else in the Maine's cannabis market play by. We should not create an arbitrary two-tier system of regulation for cannabis.

Reasoning For Our Position

MCIA has a deep concern about the unregulated sale and distribution of intoxicating hemp and hemp-derived products. While these products are often marketed as

compliant under the federal Farm Bill, they present significant public health, consumer safety, and economic concerns for Maine's regulated cannabis industry.

Lack of Mandatory Testing for Heavy Metals and Pesticides

Intoxicating hemp and hemp-derived products currently enter the market without the rigorous testing standards required of cannabis products regulated by the Maine Office of Cannabis Policy (OCP). Unlike OCP-regulated THC products, these hemp and hemp-derived substances are not subject to mandatory screening for heavy metals, pesticides, mold, or other contaminants. This creates a serious risk to consumer health and undermines public trust in cannabis products overall.

Lack of Regulatory Oversight and Standards

Maine has worked diligently to build a tightly regulated and accountable cannabis industry. The state has invested considerable resources in establishing a comprehensive framework for licensing, testing, packaging, and labeling to ensure safety and transparency. Intoxicating hemp and hemp-derived products, however, are operating outside of this framework. They are often sold in gas stations, online marketplaces, and other retail settings without oversight from the OCP, yet they are chemically indistinguishable from products sold in regulated dispensaries.

This regulatory gap not only jeopardizes public safety but also threatens the integrity of the legal cannabis system Maine has built. This is a threat to the trust we have built through our commitment to safe products, along with the hundreds of millions in annual revenues and thousands of jobs the regulated market supports.

Undermining Maine's Regulated Cannabis Market

The continued sale of unregulated hemp and hemp-derived products is destabilizing Maine's cannabis economy. Legal operators—who comply with extensive state requirements, invest in local communities, and contribute significant tax revenues—are being undercut by businesses selling similar or identical products without adhering to the same rules or bearing the same costs. This creates an unfair playing field and erodes the viability of Maine's legal cannabis businesses.

Request for Immediate Action

In light of these serious concerns, I respectfully urge this body to consider legislatively directing the regulation of intoxicating hemp and hemp-derived products to fall under Maine's existing regulatory framework for intoxicating cannabinoids. There is no need, nor any sensible rationale for creating a new regulatory system for these products, which are identical to those being sold in Maine adult use market.

Maine has set a strong precedent for responsible cannabis regulation. Taking action now to address the loophole posed by intoxicating hemp and hemp-derived is a necessary step to protect consumers, uphold the integrity of our legal cannabis system, and support the businesses that have chosen to operate transparently and legally under state law.

Thank you for the opportunity for us to express our concerns.

Sincerely,

Michael V. Saxl