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5/15/2025

Senator Talbot-Ross, Chair
Representative Pluecker, Chair
Members, Joint Standing Committee on Agriculture, Conservation and Forestry
100 State House Station
Augusta, ME 04333-0100

Re: LD 1920 – *An Act to Prohibit the Sale of Potentially Intoxicating Hemp Products to a Person Under 21 Years of Age*

Senator Talbot-Ross, Representative Pluecker and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, thank you for the opportunity to provide information 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*.

As drafted, this bill creates definitions for ‘*nonintoxicating cannabinoids*’, ‘*potentially intoxicating cannabinoids*’, and ‘*potentially intoxicating hemp products*’ in statute. It proposes to prohibit potentially intoxicating hemp products from being sold to a person under 21 years of age. It also requires potentially intoxicating hemp products that are not salves or tinctures to be packaged in child-resistant and tamper-evident packaging and prohibits these products from being labeled or packaged in violation of a federal trademark law or that would otherwise cause confusion with another familiar product.

Maine CDC has concerns regarding the widespread availability and accessibility of intoxicating hemp-derived cannabinoids (IHDCs) and supports the need for a policy solution. However, LD 1920 will not sufficiently address the issue. As drafted, this bill does not contain any regulatory structure, capacity, or enforcement mechanism. In 2024, the Department of Agriculture, Conservation and Forestry (DACF) convened a working group of stakeholders and state personnel to develop recommendations surrounding products containing IHDCs, with these recommendations submitted to the legislature in a November 1, 2024 letter. One recommendation was for the legislature to grant authority, capacity, and resources to the state agency tasked with enforcement of policies around products containing IHDCs as there is no agency currently sanctioned to enforce restrictions on federally legal hemp products. The report back to the committee also notes a challenge with establishing a fixed list of regulated cannabinoids, such as that outlined in LD 1920, stating the concern that chemists capable of creating new cannabinoids are likely to identify loopholes.

The definition of hemp in the federal Agricultural Improvement Act of 2018 (2018 Farm Bill) created a loophole that allowed for the production of products containing IHDCs by specifically defining hemp using a quantity of delta-9 THC on a dry weight basis. While less than 0.3% delta-9 THC on a dry-weight basis is not intoxicating on its own, products have a higher product

weight when manufactured into liquids or consumables, and the amount of THC per package can be significant. Using the National Institute of Drug Abuse (NIDA) 5mg “standard dose” of THC¹, a 20-gram package of gummies would contain 12 standard doses of THC (60mg)². Children’s fruit snacks are commonly sold in 22.7-gram packages. Furthermore, the definition of hemp does not account for the numerous cannabinoids, including delta-8 THC and delta-10 THC, that are found in trace amounts in the cannabis plant. Several cannabinoids, including cannabidiol (CBD), can be chemically converted into THC and other psychoactive cannabinoids through acidic reactions.

Currently, DACF administers Maine’s licensing rules for growing hemp. These products, however, are not regulated at the State or federal level. This allows products containing IHDCs to be sold widely, including in gas stations and online, without age restrictions. Products are not required to meet packaging or labeling guidelines, nor are they required to be tested for contaminants, potency or homogeneity- all of which pose risks to public health. Products containing IHDCs are frequently designed to mimic the design of popular snacks and candies, such as Oreos®, Sour Patch Kids®, or fruit snacks, making them especially attractive to youth. In 2023, approximately 11% of 12th-grade students across the United States reported having used delta-8 THC in the past year³. Maine CDC is collecting data on the prevalence of hemp-derived product use among high-school students on the Maine Integrated Youth Health Survey (MIYHS) starting with the 2025 survey. Establishing an age limit and packaging guidelines for these products without mechanisms to enforce the regulations will likely have limited impact in curbing ongoing sales to youth and does not address the presence of contaminants often used to create IHDCs, transparency in labeling, or tracking of these products.

In conclusion, Maine CDC supports the effort to establish safeguards around intoxicating hemp-derived cannabinoids but encourages the Committee to establish a more comprehensive policy solution to address the public health challenges associated with intoxicating hemp-derived products, while granting authority and capacity for enforcement to prevent the continued sale and targeted marketing of these products to minors.

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

Sincerely,



Puthiery Va, DO
Director
Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services

¹ National Institutes of Health. Notice of Information: Establishment of a Standard THC Unit to be used in Research. 2021. <https://grants.nih.gov/grants/guide/notice-files/NOT-DA-21-049.html>

² Cannabis Regulators Association. Cannabinoid Hemp: A Brief Overview. 2023. <https://www.cann-ra.org/policies-and-factsheets>

³ Harlow AF, Miech RA, Leventhal AM. Adolescent Δ^8 -THC and Marijuana Use in the US. *JAMA*. 2024; 331(10): 861-865. doi:10.1001/jama.2024.0865