The Healing Community
MEDCo

January 30th, 2023

To: **Senator Hickman, Representative Supica, and Honorable Members of the Joint Standing Committee on Veterans and Legal Affairs**

From: **Joseph Johnson**
Auburn, Maine 04240

Subject: Testimony against LD 48

Hello Senator Hickman, Representative Supica, and Esteemed Members of the VLA Committee. My name is Joseph Johnson and I'm here today to testify against LD 48.

I am the Chief Product Officer of MEDCo and I have produced tens of millions of milligrams worth of edibles over the years, and I am here to tell you that a ten percent variance on edibles below 6 mg THC will be practically impossible to adhere to, especially as you get closer to the 1 to 2 mg range. What we are talking about here is akin to a baker being responsible for precision in the range of fractions of a grain of sugar. As experienced as I am at producing edibles, nobody is that good. This is a smaller acceptable variance than the pharmaceutical industry is allowed to use for adderall and opiates.

I don't mind the "or greater than 5 milligrams" part being stricken, as that is still below the acceptable variance for pharmaceuticals, but eliminating the minimum allowable variance of 0.6 milligrams is problematic and will result in low-dose edibles being taken off of the market. It is hard to see a benefit in this, and easy to see a major downside. I ask that the legislature please not strike the language "except that the allowable variance may not be less than 0.6 milligrams".

I am also against audit testing on top of mandatory testing. Truthfully, audit testing is exactly how the State of Maine should conduct testing. OCP should test products from store shelves on a random basis and based on complaints. However to do this in addition to mandatory testing for every batch is redundant and costs operators double money to run the same tests twice for no reason. Currently, if a batch is on the shelves at an adult use store, that means that specific batch has already passed all mandatory testing. I would like to propose that the legislature consider replacing the current mandatory testing requirements with the audit testing requirements proposed by OCP, so that we do audit testing instead of mandatory testing. One of the largest compliance costs incurred by cultivators and manufacturers is the cost of testing. One of the biggest complaints you hear from overburdened adult use operators is about the cost of running full panel tests for every batch of product. This suggestion fixes the issue in a

sensible way that causes no detriment to public safety. I urge the committee to use this as an opportunity to incorporate OCP's suggestions into a substantive fix to the current testing problem, by replacing mandatory testing with audit testing.

Sections 1-B through 1-E of LD 48 look mostly good except for 1-E.A & B - harmful microbes and dangerous molds and mildew being required in the "scope of cannabis products for sale to a consumer" matrix, the matrix that edibles would be in. This piece would better fit in 1-D: "Scope for cannabis concentrate subject to further processing" because it is more in line with the original intent of the legislature last session of testing for each analyte at the phase beyond which the analyte can't be introduced or further concentrated.

Molds, mildew, and microbes should be tested in the concentrate being used for the edibles instead of testing for these analytes in the edibles, as none of these will be further concentrated by manufacturing concentrate into edibles.

Please consider these changes: fixing the 0.6 mg issue, recategorizing 1-E.A & B, and replacing mandatory testing with audit testing.

Thank you for your time and consideration.

Respectfully,

Joseph Johnson
The Healing Community MEDCo