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May 8, 2023

Re: LD 1819 – *An Act to Create the Maine Medical Cannabis Advisory Commission and the Medical Cannabis Alternative Health Board*

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

My name is John Hudak, and I am the Director of the Office of Cannabis Policy (OCP). I am before you today to provide testimony on behalf of our office in opposition to LD 1819.

I want to note from the outset that I believe increased research into cannabis or other plant-based products as a medicine should not be hindered, manipulated, or impeded. To that end, the Office has significant concerns about the structure and function of the institutions developed in this legislation, potential threats to the legitimacy of research conducted under the auspices of these institutions, and limitations in the expertise of those evaluating potential research proposals. I will discuss each in turn.

First, this legislation creates two institutions: the Medical Cannabis Advisory Commission and the Medical Cannabis Alternative Health Board. The former oversees the latter. The Commission will be composed entirely of industry stakeholders, which could and surely will include individuals with business interests in medical cannabis as well as patients. It does not solicit feedback from other stakeholders, such as public health officials, state or local law enforcement, municipal officials, or anyone from the Executive branch.

Among the duties of the Commission is to “solicit, evaluate, and nominate members” to the Alternative Health Board. This legislation fails to provide any alternative means by which individuals would be solicited, evaluated, or nominated to that Board. This circumstance can create conflicts of interest and can also call into question whether the individuals selected to the Alternative Health Board represent the best qualified candidates to carry out the duties of that board or whether they simply serve as an extension of the interests that already exist in Maine’s Medical Cannabis Program.

Second, the duties of the Commission include “conducting research and collecting and analyzing data about the use, safety, efficacy, and best practices in medical cannabis manufacturing, dispensation, and use in the State. Such research would also be subject to myriad questions about its authenticity, if the conduct of that research includes individuals with financial interests in the findings. Those concerns about the independence of the research are compounded if those studies are not subject to review by third-party, unbiased, scientifically-trained, independent researchers. This arrangement would create blurring effect between research done by the Commission with

direct financial interests in the Medical Cannabis Program and that of the Alternative Health Board which is ostensibly intended to fund research by outside experts.

Third, the structure of the Alternative Health Board also raises ethical and conflict of interest questions. While some members have a clear background in science, other members come from groups either with financial interest in the Medical Cannabis Program and/or who do not require any background, expertise, or training in the evaluation or conduct of scientific research.

Typically, government institutions that fund research will have external peer reviewers evaluate the merit of proposals. Those external peer reviewers are selected based on their background, expertise, training, and scholarly and research records. This is the system employed by the National Science Foundation and the National Institutes of Health, to name two. That system preserves the integrity of the selection of funded projects, the quality of the funded projects, and remains independent in ways that provide confidence in the work. This legislation fails to provide these types of protections.

Taking off my hat as the Director of OCP, I can tell you that as a Ph.D.-trained researcher who has had government grants fund my scientific research, I would be deeply skeptical of work being produced and/or funded by institutions like the ones designed here. This legislation falls short of any measure of scientific standards. I am certain that I would be among many scientists skeptical of such an arrangement.

On a final, more technical note, the individuals involved in both the Commission and the Alternative Health Board require backgrounds in cannabis. However, the Alternative Health Board is broadly charged with supporting research into “complementary health plant-based medicines and practices.” This language would surely include inquiry into the use of plant-based psychedelics, as well. Under the design of the Alternative Health Board, either cannabis research would be favored over research into other plant-based medicines because of the Board’s inherent interests or the individuals evaluating proposals into non-cannabis plant-based medicines would be even less equipped to make such determinations about the merits of such research proposals.

We thank the committee for its time, and we will do our best to answer any of your questions.