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JOHN HUDAK
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January 24, 2024

Re: LD 1952 – *An Act to Allow On-site Cannabis Consumption*

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

I am John Hudak, Director of the Office of Cannabis Policy (OCP) and I am before you today to provide testimony on behalf of our office in opposition to LD 1952. As we have previously indicated, we have substantial concerns regarding the introduction of on-premises consumption to Maine's regulated cannabis markets. Such concerns include indoor air quality and worker safety in light of the Workplace Smoking Act of 1985; the adequacy and availability of cannabis server training; business liability related to the over-service of individuals consuming cannabis on-site; and the consequences of driving under the influence of cannabis—a significant challenge in a large, rural state like Maine.

Just as we testified last year, the introduction of a new, distinct authorized activity, especially a brand new cannabis establishment type, requires deliberate, comprehensive research and policy development to address the myriad issues posed by this proposal. This bill simply does not address the serious public health and safety issues raised by permitting the public consumption of a substance that impairs critical thinking, memory, judgment, balance and coordination – instead deferring the hard decisions of cannabis policymaking to the Executive Branch to confront during rulemaking.

This bill proposes a brand new license type, to be fleshed out substantially through routine technical rulemaking, and puts our office in the untenable position of sorting through the many intertwined practical, legal, and policy questions that the legislative branch is better suited to consider and address. Thoughtful review of this issue requires not only solicitation of feedback from the public in Maine, but consideration of the challenges and lessons learned by other jurisdictions and business owners that have implemented consumption lounges. To do what is asked of the agency in this bill, we will require additional funding and expertise solicit such broad-based public feedback and to develop:

1. Employee training programs to ensure that individuals are prohibited from over consumption;
2. Standards for indoor air quality and workplace safety;
3. Policies accounting for minimum insurance requirements for these establishments;
4. Public education regarding the risks of driving while under the influence of cannabis; and
5. Law enforcement training programs to ensure that officers are able to recognize and distinguish the effects operating under the influence of cannabis from other intoxicants.

Since last spring, our office has worked diligently to implement the most recent round of policy changes to the adult use cannabis program enacted by this legislature, several of which were intended to address some of the same policy problems this bill purports to address. Specifically, expanding access to cannabis by tourists visiting Vacationland by broadening the locations where deliveries can be made by cannabis businesses, expanding the authorized activity of delivery to more cannabis establishment types, while also addressing restrictions on the kinds of cannabis and cannabis products that can be sold by delivery.

We strongly urge this committee to allow these new policy changes to take effect before adding another license type to the regulatory mix. Throughout the rulemaking process and outside of that process, industry members implored OCP to stop changing the rules governing the program so frequently – and we would welcome the opportunity to assess the program in its current state before making even more changes to a law that has been in effect for a little over 5 years.

For these reasons, as well as those enumerated in our previous testimony regarding cannabis consumption lounges, we urge this committee to reject this bill and instead develop a plan to engage in the necessary research, fact-finding and thoughtful development a new policy proposal like this deserves. All Mainers, whether they support cannabis consumption or not, deserve a thoughtful approach to the laws governing the programs we administer.

As always, we thank you for your time and we'll do our best to answer any questions you may have.