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JOHN HUDAK
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February 27, 2024

Re: LD 2215 – *An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions*

Senator Carney, Representative Moonen, Members of the Joint Standing Committee on the Judiciary:

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 support of LD 2215. We appreciate the committee's consideration of the recommendations of the Right to Know Advisory Committee. The inclusion of sections 1 and 2 in this bill will protect the privacy of medical cannabis patients while ensuring that those patients have the information they need to make decisions about from whom, and where, they receive their medicine. Section 2 of this bill will also give businesses operating in the medical cannabis program the information they need to verify that they are engaging in business transactions with other authorized program participants. Additionally, this bill will provide state and municipal regulators with the information they need to administer rules and laws related to the cultivation, manufacture, or sale of cannabis for medical use.

Like many parts of Title 22, chapter 558-C, the confidentiality provisions repealed in section 1 and replaced in section 2 of this bill were created when Maine's medical cannabis program was much smaller and more community-based than it is today. At the time when the confidentiality provisions were first developed for the program, registered caregivers were limited to assisting no more than five patients at a time, and many caregivers conducted those authorized activities out of their homes. However, the medical cannabis program has evolved substantially over the past 25 years and caregivers are no longer restricted in the number of patients they can assist. Hundreds of caregivers now have commercial cultivation and manufacturing operations located in industrial areas across the state along with caregiver retail stores on Main Streets from Aroostook to York County. Given these changes, many of Maine's 100,000+ medical cannabis patients no longer have the kind of direct, face-to-face relationship with their local caregiver that they may have had 10 years ago.

Today, the confidentiality provisions of the medical cannabis program put medical cannabis patients at risk and dramatically curtail the ability of municipalities to exert local control over the medical cannabis businesses operating within their borders. Specifically, under the current restrictions in section 2425-A:

- OCP cannot issue a recall for contaminated medical cannabis if the recall includes the name of a registered caregiver or the address where that registered caregiver does business.

- OCP denies not only freedom of access requests for registrant information, but also requests from attorneys, insurance companies, and banks seeking information to assist their clients who are registered caregivers.
- OCP is prevented from confirming to one registered caregiver that another registered caregiver is, in fact, lawfully registered with the program, and is prevented from verifying to registered caregivers and dispensaries alike whether prospective employees hold valid registry identification cards in the medical cannabis program.
- OCP cannot provide municipalities with a list of their town's registered caregivers and may only verify if a particular registration is valid and if the caregiver is engaged in authorized conduct. That verification can also only be provided to municipal officials who are authorized under statute to receive that information, such as a code enforcement officer.
- Under the current law, OCP cannot discuss with legislators the particulars of any constituent concern regarding a registered caregiver, because any OCP employee who confirms that someone is a registered caregiver is at risk for a fine of up to \$1,000.

It is for these reasons that we are supportive of the changes included in sections 1 and 2 of LD 2215. The new confidentiality provisions included in this bill are narrowly tailored to protect the privacy of those registered caregivers who are still operating their businesses out of their homes, while ensuring that OCP, along with state and municipal staff responsible for oversight of those businesses, know where they are located and what activities are conducted at each location. And most importantly, this bill will make it possible for the Office to provide patients with critical information when harmful contaminants are identified in their medical cannabis.

We thank you for your time and we are happy to answer any questions you may have.