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Opposition to LD 104

May 5th 2025

**Testimony in Opposition to LD 104 – An Act to Protect the Health of Medical Cannabis Patients and Streamline the Mandatory Testing of Cannabis
Submitted to the Committee on Veterans and Legal Affairs**

To the Honorable Chairs and Members of the Committee,

We are writing today to voice our strong and unequivocal opposition to the deceptively named LD 104, "An Act to Protect the Health of Medical Cannabis Patients and Streamline the Mandatory Testing of Cannabis."

LD 104 proposes sweeping changes to the Maine Medical Use of Cannabis Program at a time when Maine's small craft cannabis reputation as some of the best quality flower in the country is at its highest, and the survival of those same small businesses are at their lowest.. While the bill's title suggests a health-driven initiative, its content mirrors the deeply flawed adult use program structure—and imports its most controversial and ineffective elements into a medical system that has functioned safely and successfully for over a decade.

Maine's adult use cannabis testing program has been riddled with inconsistencies. Identical samples sent to different state-licensed labs have produced drastically different results for potency, microbial contamination, and heavy metals. The ISO/IEC 17025 accreditation standard referenced in LD 104 does not establish specific cannabis testing methodologies, and the lack of method validation or oversight across labs has been documented repeatedly. This lack of scientific standardization undermines the entire premise of this bill.

If the state cannot ensure consistency in adult use testing, how can we impose those same unreliable metrics onto caregivers and medical patients — especially when patients' access and well-being is on the line? Until there are nationally recognized, cannabis-specific testing protocols, (which Maine can have a hand in setting with a long-promised research program in place), it is irresponsible to mandate testing with increased cost to consumers and stakeholders, based on arbitrary and inconsistent results.

The bill also leaves too much discretion to the Office of Cannabis Policy (OCP) to define contaminants and testing thresholds by rulemaking. This level of administrative flexibility is dangerous when the very agencies tasked with enforcement have not yet demonstrated they can manage existing regulations competently or transparently.

The proposed law effectively shifts regulatory and financial burdens from the state to small caregivers and patients. LD 104 mandates that every batch of harvested cannabis be submitted to a testing facility, and Section 2430-J requires that all inventory and test results be entered into a centralized electronic tracking system—Metrc. This will introduce significant new costs: testing

fees, new equipment and the sheer cost of labor involved in a complex tracking system, and compliance with a complex software system designed for corporate-scale cultivation.

Many caregivers operate on a small scale, growing 10–30 plants for long-standing patients who rely on them for affordable, personalized plant medicine. These added expenses are untenable and will force many out of the market, consolidating cannabis access into fewer, larger operators. In effect, LD 104 bolsters monopolies, punishes small businesses and limits patient choice in the name of “streamlining.”

The Office of Cannabis Policy (OCP), which would administer and enforce this testing regime, is currently embroiled in controversy. Director John Hudak is actively under investigation for conflicts of interest, while Metrc—possibly on the other end of that conflict of interest—maintains an exclusive, no-bid contract with the state. Metrc has faced criticism in other states for system crashes, billing errors, and predatory pricing, while OCP has remained silent about these issues.

To grant these entities increased control over the medical program, particularly without checks on transparency or accountability, is irresponsible and unethical. LD 104 invites further consolidation, potential corruption, and loss of public confidence in the state's ability to regulate fairly.

Perhaps most importantly, LD 104 is a solution in search of a problem. Maine's medical cannabis program has functioned effectively for over 10 years, with no widespread public health issues, no pattern of contaminated product incidents, and a strong, patient-centered culture. Patients have long relied on direct, transparent relationships with caregivers, and the program's current flexibility supports personalized, effective care.

By imposing adult use testing standards onto medical caregivers, LD 104 not only risks pushing safe and effective medicine off the shelves—it undermines the very foundations of medical cannabis in Maine.

LD 104 does not protect patients. It burdens them. It does not streamline—it complicates. And it does not promote health—it promotes monopolization under the guise of regulation.

For the sake of small caregivers, for the patients who depend on them, and for the integrity of Maine's medical program, we, and the 300+ members we represent, urge you to reject LD 104 in its entirety.

Thank you for your time and consideration.

Sincerely,
Chair - Tammy Smith
Vice Chair - Kristi Shaw
And The Executive Board and Membership of MMCM

Testimony of Medical Marijuana Caregiver Of Maine

Senator Hickman, Representative Supica, and members of the Veterans and Legal Affairs Committee

This editorial was written when this bill was announced, in opposition, and published in the magazine, Cannabis Connections of Maine. We submit it to you all today for your consideration on LD 104

A Broken System – Maine's Misguided Approach to Cannabis Testing

Mandatory testing requirements for medical cannabis in Maine are a misguided solution in search of a problem. While most caregivers support the idea of ensuring clean and safe products, the current framework for cannabis testing—borrowed from the deeply flawed adult-use (AU) program—is riddled with inconsistencies, arbitrary standards, and costs that unfairly burden small craft growers. Instead of fostering a thriving, responsible industry, Maine's approach risks crippling caregivers and businesses while doing little to ensure public safety.

The need for comprehensive testing in the medical cannabis market is far from clear. Cannabis has been a part of human history for thousands of years, from hemp fields in early America to its modern resurgence as medicine. Yet, Maine's testing policies are rooted in outdated stigma, resembling remnants of the War on Drugs more than modern public health policy.

A Broken Testing Program

The adult-use cannabis testing program provides a cautionary tale. Testing results are far from standardized among Maine's labs. Lab-shopping—a practice where companies seek out labs with the most favorable results—is a real concern being tracked across the country in state cannabis programs, further undermining trust in the system.

The state's stringent microbial testing levels highlight the irrationality of the current system. Maine's thresholds are stricter than any other cannabis program in the country and far exceed those for food safety. Ironically, these policies ignore real threats like dangerous pesticides or common contaminants like powdery mildew and botrytis, afflictions that are more easily mitigated in smaller grows than in the big industrial facilities. Instead, they focus on benign microbial levels, forcing many growers to rely on ultraviolet (UV) remediation machines. These machines not only eliminate harmful microbes but also destroy the plant's natural microbiome, stripping cannabis of its terpenes and medicinal properties.

There is no evidence to suggest that these testing requirements enhance public safety. Instead, they perpetuate unfounded fears while pushing small growers to the brink.

The High Cost of Compliance

For small craft growers, the financial burden of mandatory testing is immense. A full-panel test in the AU market costs approximately \$600 per product or strain. With many growers cultivating multiple strains per harvest, testing costs can easily climb into the thousands—an impossible expense for small businesses already operating on thin margins. These costs are imposed by a system that, so far, has shown no willingness to adapt to new information or prioritize actual safety concerns.

A Path Forward

MMCM believes there's a better way. Instead of imposing blanket testing requirements, Maine should focus on practical, proven standards:

1. **Clean Standards for Testing Labs**

All for-profit testing labs must adhere to clear, consistent protocols to eliminate inconsistencies and ensure reliable results. Protocols should be developed through research and with the input of experienced cannabis professionals.

2. **Focus on Real Threats**

Lower microbial thresholds for benign microbes while prioritizing tests for dangerous pesticides and contaminants.

3. **Transparency for Consumers**

Introduce a universal label for untested products to inform consumers without burdening growers with unnecessary regulations.

4. **State-Led Research and Accountability**

Research is essential for developing evidence-based safety standards. The Office of Cannabis Policy (OCP) is already mandated to conduct research but has failed to follow through on this critical responsibility. By fulfilling this obligation, the OCP could provide the data needed to establish meaningful standards, ensuring both public safety and the sustainability of the cannabis industry. A state-led research program should focus on understanding microbial risks, identifying harmful pesticides, and creating reasonable thresholds that reflect real-world conditions rather than perpetuating arbitrary fear.

5. **Adaptation Over Stigma**

Move away from policies rooted in stigma or "reefer madness" and instead build a framework based on science, the realities of cannabis cultivation and the will of the voters.

Mandatory testing as it exists today is not about public safety—it's about optics. By focusing on real threats, holding regulatory bodies accountable for their research obligations, and supporting

small growers, Maine can lead the nation in responsible cannabis regulation. Until then, the state risks alienating, or worse, breaking the caregivers and businesses that built this industry from the ground up.

MMCM urges our members to call their representatives and tell them to vote no on LD 104

Chair - Tammy Smith

Vice Chair - Kristi Shaw

And The Executive Board and Membership of MMCM