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*Testimony of Representative Laurie Osher presenting*

## **LD 1897, An Act Regarding Sun-grown Cultivation in the Medical Use and Adult Use Cannabis Industries**

*Before the Joint Standing Committee on Veterans and Legal Affairs*

Senator Hickman, Representative Supica and honorable members of the Veterans and Legal Affairs Committee, I am Laurie Osher. I have the honor of representing House District 25 in Orono. Thank you for the opportunity to present **LD 1897, An Act Regarding Sun-grown Cultivation in the Medical Use and Adult Use Cannabis Industries**.

I submitted this bill after speaking with Lizzie Hayes, a Maine organic farmer and caregiver, who shared with me her concerns about the way that current law provides significant challenges for those who grow cannabis outdoors.

Why am I the legislator to submit this bill? Because I'm an agricultural scientist and I've served two terms on the Agriculture Conservation and Forestry Committee. In those two terms, I was disappointed that we never heard bills about the cultivation of cannabis, our state's highest value agricultural crop. I understand that, because of the federal prohibition on cultivation of this plant, cannabis bills are heard in VLA. Maine's laws regarding the cultivation of this plant were drafted by those with law enforcement backgrounds. No agricultural scientists or farmers with sun-grown cannabis cultivation experience were on the drafting team. LD 1897 seeks to correct the problems with our regulations that have resulted from not including these experts as drafters of the existing law.

What kind of agricultural scientist am I? My college training over 40 years ago was in Agronomy; that's the study of crops and soils. Then and now, the students who studied/study the growing of crops inside a building (vs. outside in natural soil) major in Horticulture. When I was in school, the horticulturalists were growing flowers and houseplants and fancy ornamentals and plants to be transplanted into gardens. Now they are also studying hydroponics and how to grow

hot-house vegetables, and many horticulture students are probably planning to use their skills to grow cannabis indoors.

We'd all tell you that growing plants indoors and growing plants outdoors are distinctly different types of cultivation.

Indoor cultivation allows for high annual yields, because with year-round cultivation, there are multiple harvests per year. The highly controlled growing environment is very energy intensive and requires extensive investment in equipment and materials. Because indoor cultivation provides a perfect environment for the growth of all sorts of organisms, there is a concern that fungi and organisms that could be dangerous for human health are present on the plants. The regulations require testing for microorganisms, but those tests don't actually determine if the microorganisms present make for unhealthy cannabis products. They just assume that more microbes means there is a problem.

The number of plants that sun-grown cultivators are allowed is much lower than the number allowed for those cultivating cannabis indoors. When growing plants outdoors in the soil, there is focus on soil health and the creation of a healthy soil microbiome. The required microbial community testing, which assumes all microbes are harmful, thus penalizes the feature of a healthy environment.

Sun-grown cannabis operations use 95-75% less energy than indoor cultivators. Their earnings are also significantly less. These farmers are the "little guys". The regulations designed for the "big guys" (the indoor cultivators) are not a good fit for them.

To address this disparity and encourage more low energy cannabis cultivation, this bill:

- Identifies 2-3 season greenhouses as outdoor (not indoor) cultivation spaces so that cultivation there will not be charged the higher indoor fee.
- Gives the sun-grown cultivator the option of an annual plant count or annual square footage equal to the amount that could be produced annually indoors. This change would allow our "little guy" farmers to take full advantage of the growing season for outdoor or natural light 2-3 season greenhouse cultivation.
- It allows adult use square footage to be prorated for the portion that is indoor and the portion that is outdoor.
- Establishes a 30-day grace period whereby an assistant/employee of a caregiver, dispensary or adult use cultivation facility may begin working on licensed premises immediately upon completion of an application - a change from the present requirement to receive their physical card in the mail before working. This will enable

sun-grown farmers to quickly assemble a team to salvage a harvest that is endangered due to weather events or natural disasters.

- Removes testing for total yeast, molds and mildew due to inability of these tests to distinguish between harmful vs. benign microbes.
- Revises fencing requirements to accommodate best agricultural practices such as crop rotation, cover crops and shared usage of farm land.
- Removes the prohibition on collectives in the Medical Cannabis program to allow small farmers to work collectively to attain market share, share profits, infrastructure and resources, as is common in other areas of agriculture.

The goal of this proposal is to remove the unfair and unscientific limitations on the cultivation of sun-grown cannabis in Maine. The changes being proposed have been developed by the experts in the field: Maine's farmers that are growing cannabis outdoors using the energy of the sun. Grown as a horticultural crop (indoors, under lights) or as an agronomic crop (outdoors, under the sun), cannabis is an agricultural product, and the regulations about cultivation of that crop should be developed with the assistance of those with the knowledge of those production systems.

I encourage you to vote 'ought to pass' on LD 1897, An Act Regarding Sun-grown Cultivation in the Medical Use and Adult Use Cannabis Industries.

Thank you for your consideration. I am happy to answer any questions you may have for me.