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Re: LD 1920, An Act to Prohibit the Sale of Potentially Intoxicating Hemp Products to a Person Under 21 Years of Age (EMERGENCY)

Senator Talbot Ross, Representative Pluecker, Members of the Joint Standing Committee on Agriculture, Conservation and Forestry:

I am Gabrielle Bérubé Pierce, Policy Director for the Office of Cannabis Policy (OCP) and I am before you today on behalf of the Administration in opposition to LD 1920. First and foremost, the Administration thanks the bill sponsor for calling attention to this important and emerging issue. We agree that there is a dire need to establish regulations for the manufacture and sale of intoxicating hemp-derived products (IHDPs) in Maine, however the solution presented by this bill is insufficient to meet the current public health and safety threat posed by these intoxicating products.

In recent years, Maine and other states have been increasingly inundated with IHDPs that are unregulated, untested, untracked, and easily accessible by minors. These are products that contain THC, the intoxicating compound in cannabis. This is due to the continued absence of clear federal policy regarding the regulation or legal status of IHDPs, which were introduced to interstate commerce after Congress' enactment of the 2018 Farm Bill. These products have become widely available at non-cannabis retailers and marketed for their intoxicating THC properties, yet they lack all the safeguards in place for similar adult use cannabis products. Contrary to what the definition in bill implies, these products are intoxicating and produce a high that is identical to that experienced by consumers of adult use cannabis; but unlike adult use cannabis, IHDPs are not subject to any testing, inventory tracking, or packaging and labeling requirements, and there are no age limits on the advertising or sale of these products.

This bill takes steps to create parity for IHDPs by establishing packaging and labeling standards and prohibiting the sale of IHDPs to individuals under the age of 21. We agree that these are necessary guardrails, but those basic standards alone are not enough to address the real public health and safety threat posed by these products. This bill does not assign enforcement of those provisions to any State agency, nor does it establish any sort of licensing, tracking, or testing requirements. It fails to contemplate the implementation of a comprehensive regulatory framework for the manufacture, distribution, or sale of IHDPs—a framework that is necessary to ensure that these products are derived from lawful sources, free from harmful levels of contaminants, and kept out of the hands of children.

Again, we are grateful to the bill sponsor for calling attention to this important issue and continuing the policy discussion initiated during the 131<sup>st</sup> Legislative Session through LD 1996. The proliferation of these unregulated, intoxicating products poses a threat to Maine's regulated cannabis market and remains an urgent public health and safety matter. As such, the Administration will propose a more comprehensive regulatory approach in a forthcoming Governor's Bill.

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