



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 1920

An Act to Prohibit the Sale of Intoxicating Hemp Products to a Person Under 21 Years of Age
May 15, 2025

Sen. Talbot Ross, Rep. Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Craig Lapine, and I am the Director of the Bureau of Agriculture, Food, and Rural Resources. I am testifying on behalf of the Department of Agriculture, Conservation and Forestry (DACF) neither for nor against LD 1920, *An Act to Prohibit the Sale of Intoxicating Hemp Products to a Person Under 21 Years of Age*.

DACF's work touches the world of hemp production and consumption in two ways. First, hemp is an agricultural commodity regulated by the USDA (7 U.S.C. 1621 et seq., Subtitle G, §§ 297A-297E). The State of Maine operates a hemp program compliant with federal regulations. Our hemp growers must be licensed, and we track the crop from seed to harvest. Second, hemp and hemp derivatives are increasingly used as ingredients in foods and beverages. DACF's Division of Quality Assurance and Regulation (QAR) is tasked with implementing both state and federal law regarding food safety and food products in commerce. Our Consumer Protection Inspectors enforce retail compliance with the Maine Food Code and the federal Food, Drug, and Cosmetic Act. This includes ensuring that all food and food products offered for sale in Maine are properly labeled, including a complete list of all ingredients and any necessary disclosures.

In 2024, at the request of this Committee, DACF convened a working group to investigate the challenges surrounding regulating intoxicating hemp-derived products (IHDPs) given the federal regulatory schema for hemp crops. Specifically, we were asked to develop recommendations for keeping these products out of the hands of children. A copy of our report to this Committee is attached to this testimony. One thing discussed repeatedly in the working group process is how complicated it can be to pinpoint the specific chemistries that cause intoxication. For that reason, the working group recommended a different approach to the regulation of IHDPs than that advocated in LD 1920.

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With that said, DACF fully supports the goals of LD 1920, which prohibits the sale of potentially intoxicating hemp products to a person who has not attained 21 years of age. As we wrote in our letter, “it was clear to all working group members that the continued unregulated manufacture and sale of these IHDPs in Maine should be stopped.”

In addition to age-gating sales of IHDPs, LD 1920 also establishes requirements for the packaging and labeling of these products. It’s important to note that DACF’s authority is currently limited to regulating hemp as an agricultural commodity and enforcing labeling requirements. We have no authority to monitor, police, or enforce any age restrictions.

I will be happy to answer any of your questions at this time and will be present at the work session for further discussion as needed.

Attachment: DACF Letter to ACF Committee Re: Intoxicating Hemp-Derived Products, November 21, 2024



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AMANDA E. BEAL
COMMISSIONER

November 1, 2024

Sen. Henry Ingwersen, Senate Chair
Rep. Bill Pluecker, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Via Email

RE: INTOXICATING HEMP-DERIVED PRODUCTS

The 131st Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) considered LD 1996, *An Act to Regulate Synthetic Hemp-derived Cannabinoids*. That bill recognized that Maine law provides no mechanism for limiting access to intoxicating hemp-derived products (IHDPs). This is true despite the intoxicating effects of some products that fall within the federal definition of hemp. Following a public hearing and work session on LD 1996, the committee voted unanimously that it ought not to pass. That vote notwithstanding, the committee recognized the gravity of the concerns behind the legislation. On February 14, 2024, you sent a letter requesting that the Department of Agriculture, Conservation and Forestry (DACF) establish a working group to investigate this issue and develop recommendations. This letter constitutes DACF's response to that request.

As requested, DACF convened a working group that included hemp producers and processors, public health experts (both from within State government and the private sector), and retail industry representatives. We also invited staff from State agencies with experience regulating retail products for their technical expertise. Craig Lapine, Director of DACF's Bureau of Agriculture, Food & Rural Resources (BAFRR), and Gary Fish, State Horticulturalist and manager of the State's Hemp Program, co-chaired the working group. Brooklyn Bolduc of BAFRR's Agricultural Resource Development Division provided staff support. Members included the following:

Community Members	Alan Lapoint	Hemp beverage manufacturer
	Ben Edwards	Owner, Schoppe Farm
	Chas Gill	Owner, Merrymeeting Bay Hemp Co.
	Patty Hymanson, MD	Public health advocate and former state legislator
	Erica Haywood	Owner, LoveGrown Hemp
	Lizzy Hayes	Owner, Panorama Seeds
State Staff	Gabi Pierce	Policy Analyst, Department of Administrative and Financial Services (DAFS)
	Louis Luchini	Director, DAFS Bureau of Alcoholic Beverages and Lottery Operations (BABLO)
	Larry Sanborn	Liquor Inspector, BABLO

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	John Hudak	Director, DAFS Office of Cannabis Policy (OCP)
	Alexis Perry	Maine CDC
	Ben Metcalf	Inspection Program Manager, BAFRR Quality Assurance and Regulation Division

The group held one in-person meeting on June 20, 2024, and one virtual meeting on August 30, 2024. Input from group members was supplemented by responses to a questionnaire circulated among stakeholders during July and August.

Participants were unanimous that the status quo in which IHDPs are unregulated threatens public health and safety as well as the viability of Maine's hemp industry. Hemp growers and processors recognize that accidental intoxications or other adverse impacts on Maine children and youth would be detrimental to growers and processors. Regulators and public health advocates expressed concerns regarding the health and safety impacts of these unregulated and untested intoxicating substances on consumers.

Concerns for consumers are amplified by the high potential for consumer confusion about the distinction between these unregulated IHDPs and adult-use cannabis that is tested, tracked, and age-gated within the State's existing adult-use cannabis program. Further compounding those concerns is the reality that many unregulated IHDPs are packaged in a manner intended to mimic either existing adult-use cannabis products or, more dangerously, snack foods or sweets marketed to children. Thus, it was clear to all working group members that the continued unregulated manufacture and sale of these IHDPs in Maine should be stopped.

While not unanimous in every case, the working group broadly backed the following approach to regulating IHDPs:

1. Age-gate at 21 all hemp products other than fiber and grain.

A preponderance of the working group members advocated that the most straightforward way to protect both public safety and Maine's hemp industry is to age-gate all hemp products, intoxicating or not. They recommended an exemption for fiber and seed products, which are unlikely to contain enough cannabinoids to be intoxicating.

A challenge for age-gating IHDPs is defining which products and compounds are intoxicating. Chemists have proven adept at creating new cannabinoids, so any fixed list of regulated molecules will likely develop loopholes as soon as it is promulgated. As a result, the working group concluded that the least complicated approach would be to age-gate all hemp products regardless of their potential to be intoxicating. This approach may add a burden for those marketing or selling CBD and full-spectrum products, but it makes enforcement clear-cut and straightforward. This recommendation is consistent with last year's discussions at the State House regarding LD 1996.

2. Cap THC content at 5 mg for IHDP beverages.

Working group members felt that even with an age gate, 5 mg of hemp-derived tetrahydrocannabinol (THC) should be the maximum concentration per serving for hemp beverages. They also thought that this 5 mg THC/beverage serving cap should apply to any combination of THC, whether it is solely delta-9 THC or a combination of delta-8, -9, -10. As noted above, the market has demonstrated substantial creativity, and new THC molecules (and other cannabinoids) are regularly introduced to the consumer market.

Participants recommended that tinctures and other concentrated supplements be exempted from this cap.

3. **Take steps to minimize product confusion.**

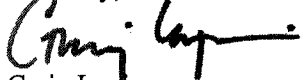
As noted above, many unregulated IHDPs are packaged intentionally to confuse consumers by mimicking either existing adult-use cannabis products or non-intoxicating consumer products. This confusion can be amplified within stores when IHDPs with copycat names or labels are displayed with or near the non-intoxicating products they mimic. The working group recommends the State prohibit both copycat packaging and displaying IHDPs and non-intoxicating products together.

4. **Adequately resource the agency tasked with enforcement.**

Enacting and implementing an age gate will require granting new authority to some state agency; no agency is currently statutorily sanctioned to enforce restrictions on federally legal hemp products. The working group recommended that the agency granted this authority be provided with adequate capacity and resources to take on the job and specific enforcement authority to implement the restrictions.

Like many Maine people, we at DACF are concerned about the State's inability to age-gate or restrict access to these products. We hope you find the recommendations of this working group helpful in your continued consideration of the topic.

Sincerely,



Craig Lapine
Bureau Director

cc: Sen. Teresa Pierce, Cumberland
Karen S. Nadeau, ACF Committee Legislative Analyst



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Via Email

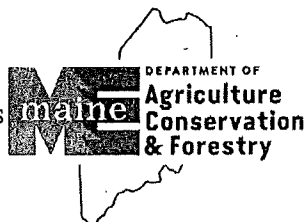
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