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March 24, 2025

Senator Hickman, Chair  
Representative Supica, Chair  
Members, Joint Standing Committee on Veterans and Legal Affairs  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 1038 – *An Act to Increase the Maximum Term of a Medical Cannabis Written Certification to 2 Years*

Senator Hickman, Representative Supica and members of the Joint Standing Committee on Veterans and Legal Affairs, thank you for the opportunity to provide information in opposition to LD 1038, *An Act to Increase the Maximum Term of a Medical Cannabis Written Certification to 2 Years*.

LD 1038 seeks to increase the maximum term for a medical cannabis written certification from one year to two years, diminishing the bona fide medical provider:patient relationship on which the written certification is based.

Currently, a written certification for medical cannabis issued by an authorized medical provider under 22 MRS Chapter 558-C is valid for a term of up to one year, as determined by a patient's certifying medical provider. This term ensures regular contact between licensed healthcare providers and qualifying patients. More frequent consultation between a patient and medical provider is important for monitoring a patient's health status. A move to a set two-year term shifts Maine's Medical Use of Cannabis Program (MMCP) further away from having parity with standards of care that exist for prescribed medication, including controlled substances.

Prescribing regulations serve to protect the health and safety of patients and, for MMCP, these safeguards exist through the bona fide relationship<sup>1</sup> between healthcare provider and the qualifying patient. The one-year term ensures that, prior to receiving a written certification, the qualifying patient has the opportunity to review with a healthcare professional the person's medical history and current health status and whether cannabis may continue to benefit the person by way of alleviating symptoms, and to be educated on potential health risks of using cannabis, including contraindications.

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<sup>1</sup> 22 MRS §2423-B requires a *bona fide provider-patient relationship*, that a written certification may be made only in the course of a bona fide medical provider-patient relationship after the medical provider has completed a full assessment of the patient's medical history. If a patient has not provided a medical provider who is not the patient's primary care provider with the name and contact information of the patient's primary care provider, a medical provider shall conduct an in-person consultation with the patient prior to providing a written certification.

According to Maine's Department of Professional and Financial Regulation, Chapter 21: Use of Controlled Substances for Treatment of Pain, which is a joint rule of the Board of Licensure in Medicine, the State Board of Nursing, and the Board of Osteopathic Licensure, a risk assessment of a patient must be performed prior to prescribing or increasing the dosage of any controlled substances for acute or chronic pain. For chronic pain, this risk assessment is to include factors such as personal or family history of substance use disorders, current use of substances, mental health conditions, comorbidities, possible pregnancy, and other conditions. Additionally, periodic reviews of the patient's health and impact of the prescription must be conducted, with the maximum recommended period between reviews to be 12 months for low-risk patients, and more frequently for higher-risk patients.

In conclusion, Maine CDC opposes LD 1038. The annual encounter with a medical provider is valuable to the qualifying patient using cannabis either as an alternative to prescription medication or adjunct treatment. Maine CDC recommends maintaining the current maximum one-year term for written medical cannabis certifications in the interest of patient health and safety, to ensure that the medical provider:patient relationship remains as a safeguard and to better reflect, as a medical program, the standards of care that are in place for prescribed medications.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Puthiery Va.", is positioned below the word "Sincerely,".

Puthiery Va, DO  
Director  
Maine Center for Disease Control and Prevention  
Maine Department of Health and Human Services