



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
OFFICE OF CANNABIS POLICY  
162 STATE HOUSE STATION  
19 UNION STREET  
FIRST FLOOR  
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA  
COMMISSIONER

OFFICE OF CANNABIS POLICY

JOHN HUDAK  
DIRECTOR

To: Cannabis Testing Facilities  
From: Director John Hudak, Office of Cannabis Policy  
Date: April 27, 2023  
Subject: Guidance for Addressing Instrument Failures at Cannabis Testing Facilities

---

### Background

The Office of Cannabis Policy (OCP) is providing the following guidance for cannabis testing facilities (CTFs) regarding the process CTFs should use to address an instrument failure that impacts the facility's ability to conduct mandatory testing. This guidance formalizes the informal process that has developed out of necessity as the existing CTFs have experienced instrument failures. The process outlined below will require intervention by Metrc in order to move any mandatory test packages that are tested in this manner; **either the CTF or their licensee client should contact Metrc support once all mandatory test results have been entered into Metrc for the package tested.**

### Guidance

Any CTF that experiences an instrument failure for an instrument used to conduct mandatory testing on adult use cannabis must provide notice to OCP in the following manner. An "instrument failure" is any failure that impacts the instrument's ability to conduct analyses and produce accurate mandatory test results in accordance with the CTF's Cannabis Testing Facility Certification Program-approved method.

1. The CTF must notify the CDC and OCP within 48 hours of an instrument becoming non-functional. Notice should be sent to [CTFInquiries.OCP@Maine.gov](mailto:CTFInquiries.OCP@Maine.gov).
2. All adult use licensees that are clients of the CTF (referred to herein as "clients") must be notified of the failure of the instrument and given the opportunity to send a new test sample to an alternative CTF for the complete set of required tests.
3. If the instrument is functional again within 5 working days, no further action is required beyond notice to clients and the state that the instrument has been repaired and can be used again for mandatory testing.
4. If the instrument will be down for more than 5 working days, a licensee that is a client of the CTF is permitted to submit two separate test samples, each meeting minimum test sample size requirements, to two separate testing facilities. Each testing facility shall perform the tests that they are able to perform. Note: There shall be no transfer of product from one testing facility to another.
5. Once all mandatory tests have been completed and **all** test results have been entered into the inventory tracking system by both testing facilities conducting analyses, the tested

source package will be “locked” in Metrc. Either the client or one of the CTFs that conducted mandatory testing on the package must contact Metrc Support to initiate a ticket to unlock the package so that it can be transferred to another licensee.

If an instrument is likely to be unavailable for mandatory testing for more than 30 days, the CTF should reach out to the CDC and OCP at [CTFInquiries.OCP@Maine.gov](mailto:CTFInquiries.OCP@Maine.gov) to determine whether additional steps need to be taken by the CTF.

### Conclusion

Any CTF that has an instrument failure shall provide notice to OCP, the CDC, and their clients in the manner described above. A CTF may share this guidance with their clients in the event of an instrument failure. Any licensee with questions regarding this guidance can contact OCP’s Policy Director at [Gabi.Pierce@Maine.gov](mailto:Gabi.Pierce@Maine.gov).