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To: Medical Marijuana Workgroup Members
From: Director Erik Gundersen, Office of Marijuana Policy
Date: Monday, November 29, 2021
Subject: Discussion Draft of Medical Marijuana Testing Protocols

*Background*

Since the convening of the Medical Marijuana Workgroup in September, we have stressed that it should be our intent to prioritize both Maine patients and Maine businesses while developing standards that work for all interested stakeholders. One of the topics that has received the most attention around our discussions on patient centrism has been the implementation of testing in the Maine Medical Use of Marijuana Program (MMMP).

The contents of this memorandum are intended to outline and serve as a discussion draft for a potential recommendation which could be provided to the Second Regular Session of the 130th Maine Legislature.

*Testing Proposal for Discussion*

**Who are the potential registrants affected?**

- To be determined, subject to further discussion by the Workgroup.

**What is tested? What analytes are included in required testing?**

- Tested: Harvested marijuana, in its final form, that is available for sale to patients.
- Required Analytes by Product Category:

| Flower | Concentrates: | Edibles: |
|---|---|---|
| Potency/Cannabinoid Profile; Water Activity; Mold and Mildew; Harmful Microbes (2022); Pesticides (2023) | Potency/Cannabinoid Profile; Homogeneity; Residual Solvents (2022); Pesticides (2023) | Potency/Cannabinoid Profile; Homogeneity; Water Activity (for solid/semi-solid and capsules) (2022); Pesticides (2023) |

**Where and when does testing occur?**

- Harvested marijuana must be analyzed by Marijuana Testing Facilities certified by the Maine Center for Disease Control and Prevention.
- Testing for mandatory analytes occurs prior to product being made available for sale to certified patients.
- Standards and detection limits for required analytes would mirror those in the Adult Use Marijuana Program (AUMP).

**What would OMP's audit sampling look like?**

- Audit samples would be subject to analysis for the same analytes and detection limits as those undertaken in the Adult Use Marijuana Program (AUMP) at the time the sample is collected.
- If selected for random audit sampling, MMMP registrants would be responsible for the costs of the analysis once a year.
    - Registrants whose inventory fails random audit sample testing would be subject to an additional battery of tests at their cost.
    - OMP may engage in additional audit sample testing, at its own expense, at any time.

**What happens if a sample fails either mandatory or random audit sample testing?**

- OMP is notified of failed tests by the Marijuana Testing Facility engaged in the analysis.
- Harvested marijuana which fails mandatory testing may be retested or remediated in accordance with the same standards as defined for AUMP products.

**How will packaging and labeling standards for the medical program change?**

- Harvested marijuana which is available for sale to patients would include a simple statement that the product "Passed Mandatory Testing."
    - The inclusion of "Passed Mandatory Testing" would not excuse a licensee from compliance with any other packaging and labeling requirement, including requirements regarding the disclosure of the cannabinoid content or potency of any cannabinoids in the harvested marijuana.
- In the course of conversation with the Workgroup, if certain registrants are deemed to be exempt from required testing, their packaging and labeling should include a statement that indicates the contents have not been tested.