Maine’s Industrial Hemp Program

Yes it is *Cannabis sativa* L., but no it is not Marijuana

Gary Fish
Maine State Horticulturist

gary.fish@maine.gov

207-287-7545
Notice of proposed rulemaking

- Notice will be published on December 18
- Written comments accepted between December 18 and January 20
- Public hearing to be held January 7, 1:00 PM at room 101 Deering Building, Augusta
- The Department has chosen to continue operation under the current state program
- USDA rules will be added in another round of rulemaking in late summer 2020
What are the major proposed rule changes

• Most changes are those mandated by the new Public Law Chapter 528, some are also adapted from the USDA Interim Final Rule

• “Hemp” redefined – combination of Maine and USDA law

• The plant *Cannabis sativa* L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a total THC [the sum of the concentration of delta-9 tetrahydrocannabinol and its precursor, (tetrahydrocannabinol acid multiplied by 0.8777)] concentration that is not more than 0.3% on a dry weight basis including any measurement of uncertainty, or as otherwise defined in federal law
What are the major proposed rule changes

- Total THC vs native delta-9 THC
- Rolling license application period (must apply 30 days prior to intended planting date)
- No need to provide seed information with application
  - Seed and location information provided within 14 days after planting
- “Certified” seed source redefined
  - 3rd party COA
What are the major proposed rule changes

• Indoor growing allowed
  • Unlimited number of licenses

• Indoor licensing agreement fee
  $500.00 + $0.25/Sq. Ft.

• Multiple tiers are additive

• Indoor facility means a building, greenhouse, hoop house or high tunnel
  • Crop is inside start - finish
What are the major proposed rule changes

• Outdoor licensing agreement fee increase and cap
  • Outdoor licensing agreement fee increased to $500.00 + $100.00/Acre (was $50.00/Acre)
  • Maximum fee capped at $20,000.00

• Changes proposed due to concerns about the potential for grower numbers declining in 2020
What are the major proposed rule changes

• Grow location information is now confidential, but...
  • May be shared with state, county and local government for administration and enforcement
  • Summary reports may be released using aggregate data that does not reveal growing locations

• Growers must report
  • Acres or Sq. Ft. grown
  • Pounds of hemp harvested
  • Types of commodities or products derived from the hemp manufactured or sold
    • In Maine
    • Outside of Maine
What are the major proposed rule changes

• THC sampling to occur within 25 days of harvest (was 15 days)

• Personal use allowed
  • Up to 3 mature plants per adult
  • Not allowed to move plants or products into commerce
Applying for a license

- We plan to have two separate applications for:
  - Indoor grow
  - Outdoor grow

- The applicant must provide:
  - Name, address and other contact information
  - A detailed description of the land area or indoor facility to be used for the production of hemp including
  - A signed and dated statement that the applicant is the owner or legal occupant of the growing area or indoor facility to be used for cultivation of hemp, or a statement, signed by the owner of the growing area or indoor facility, consenting to that use
  - The estimated planting date for the first crop
  - Each applicant for licensure shall submit a non-refundable application fee of $100 with the application
  - Fees will not be refunded if a license is not granted
Licensing agreement

• Within 14 days after planting hemp seeds, seedlings or clones, must provide a listing of the varieties of seeds, seedlings or clones planted and a copy of a certificate of analysis

• Within 14 days of planting, must provide a final legal description of the land area or indoor facility to be used for the production of hemp,
  • a map, aerial photograph, global positioning coordinates in decimal

• The licensee will allow the inspection and sampling of the industrial hemp crop at any and all times that the Department deems necessary
Licensing agreement

• Production, planting, cultivation, harvest and commodity or product information records must be kept for 3 years and must be made available to the Department upon request.

• The Department may require reporting of any information or data associated with the planting, cultivation, harvest and processing/manufacturing.

• All Information not deemed confidential (grow site location information) may be publicly disclosed and may be provided to law enforcement agencies without notifying the licensee.
Licensing agreement

• Summary reports of confidential data may be released to the public using aggregate data that does not reveal the location of a field, site, or indoor facility where hemp is grown, handled or stored.

• Licensees must comply with any other terms and conditions the Department determines necessary for enforcing the Industrial Hemp Law and these rules.
What do you see as the most significant barriers to making hemp farming in Maine successful? (Please check off your top five, you must choose five, no more and no less)

Answered: 115   Skipped: 0

- Total THC level... 46.09%
- Cost of labor to harvest crop 32.17%
- Federal regulations... 32.17%
- Restricted access to... markets 31.30%
- Processing costs 30.43%
- Lack of local markets 28.70%
- Cost of seed, seedlings or... 27.83%
What do you see as barriers to making hemp farming in Maine successful? (Please check off all that apply)

Answered: 115   Skipped: 0

- Total THC level: 58.26%
- Restricted access to markets: 40.87%
- Seed/seedling/clone: 40.00%
- Cost of seed, seedlings or: 40.00%
- Availability of crop dry: 39.13%
- Cost of labor to harvest crop: 38.26%
- Cost of crop drying: 37.39%
2019 Hemp grower survey

What types of pest problems did you encounter?

- Insects (aphids, corn...): 55.65%
- None: 34.78%
- Pathogens/disease/mold: 24.35%
- Mites (spider mites, russet...): 8.70%
- Vertebrates (birds/rodent...): 6.09%

Answered: 115   Skipped: 0
2019 Hemp grower survey

Have you already marketed your 2019 crop yes or no?

Answered: 115  Skipped: 0

- Yes: 29.57%
- No: 70.43%
2019 Hemp grower survey

• Survey initiated on November 15

If you have marketed your crop, did you get the price you expected?

Answered: 92    Skipped: 23

- No: 57.61%  
- Yes: 30.43%
Please describe the commodities or products that have been or will be derived from your hemp crop that have been or will be sold inside the state. (Please check all that apply)

- CBD extract: 53.26%
- Full spectrum bud or leaf oil: 39.13%
- Topical (salve, lotion...: 33.04%
- Tincture: 29.67%
- Smokable dried bud or rosin...: 26.96%
- Seeds for planting: 17.39%
- Other(s) (please...: 17.39%
- Whole plant biomass for...: 16.62%
- No products have been or...: 16.62%
- Other food products: 11.30%
- Gummies: 10.43%
- Vapes: 10.43%
- CBD extract: 8.70%
- Capsules: 8.70%
- Beverage products: 6.96%
Please describe the commodities or products that have been or will be derived from your hemp crop that have been or will be sold outside the state. (Please check all that apply)

Answered: 115  Skipped: 0
2019 Hemp grower survey

Do you plan to license again for the 2020 growing season? (Please check all that apply)

Answered: 115  Skipped: 0

- Yes: 40.00%
- Both indoor and outdoor: 31.30%
- Outdoor: 14.78%
- No: 13.04%
- Indoor: 0.87%
If you do plan to license to grow outdoors again in 2020, how many acres are you expecting to plant?

Answered: 109   Skipped: 6

- Less than 1 acre: 18.35%
- 1 - 3 acres: 29.36%
- 3 - 5 acres: 18.35%
- 5 - 7 acres: 1.83%
- 7 - 10 acres: 4.59%
- 10 - 25 acres: 13.76%
- 25 - 50 acres: 8.26%
- Greater than 50 acres: 6.42%
If you do plan to license to grow indoors in 2020, how many square feet are you expecting to plant?

Answered: 82   Skipped: 33

- 0 - 1,000 square feet: 37.80%
- 1,000 - 3,000 square feet: 29.27%
- 3,000 - 6,000 square feet: 13.41%
- 6,000 - 9,000 square feet: 7.32%
- 9,000 - 12,000 square feet: 6.10%
- 12,000 - 15,000 square feet: 2.44%
- 15,000 - 18,000 square feet: 2.44%
- 18,000 - 21,000 square feet: 1.22%
- Greater than 21,000 square feet: 2.44%
2019 Hemp grower survey

- Comments on USDA Interim Final Rule
  - THC limit #1

- Suggestions for improving the licensing/sampling process
  - Sample whole plant
  - Concern about damaging top colas and causing mold

- Additional comments

  “Not a lot of reliable knowledge out there. I did not know a lot about what I was doing, and the people who convinced me to do this didn't either, cost a lot of money for my and their mistakes, going to be nowhere near what they said.”
Industrial hemp website

Questions?