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To: Current and Prospective Adult Use Cannabis Program Participants  
From: Director John Hudak, Office of Cannabis Policy  
Date: November 7, 2024  
Subject: Reminders Regarding Changes in the Finally Adopted *Rules for the Certification of Cannabis Testing Facilities*, 18-691 CMR, ch. 5

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### Background

The Office of Cannabis Policy (OCP) has completed routine technical rulemaking for the *Rules for the Certification of Cannabis Testing Facilities*, 18-691 CMR, ch. 5 (Certification rule). This rule governs the technical requirements applicable to mandatory testing in the Adult Use Cannabis Program and the requirements applicable to the testing facilities that conduct those mandatory tests. Included in the revisions to this rule are updated cross references to the rules governing the Adult Use Cannabis Program, integration of previously-issued guidance regarding instrument failures, provisions related to the ways testing facilities demonstrate their capability to conduct mandatory analyses, changes to when cannabis or cannabis products must be tested for pesticides and metals, and provisions related to the remediation and retesting of cannabis or cannabis products that previously failed mandatory testing.

This guidance is focused on the changes included in the Certification rule regarding pesticides and metal testing and the remediation and retesting of batches of cannabis or cannabis products that fail initial mandatory testing. These changes go into effect on November 12, 2024, and will impact all samples of cannabis and cannabis products submitted for mandatory testing on or after that date. As of November 12, 2024, any cannabis concentrate that has not been submitted for mandatory testing will be subject to the new pesticides and metals testing requirements.

All licensees should [review the updated rule](#) and may choose to contact their own attorney or business advisor with questions regarding the impact of the rule changes on their particular business operations.

### Guidance

**Effective November 12, 2024**, the following changes to pesticides testing go into effect:

- Cannabis flower or trim that will be sold to consumers as flower, trim, or pre-rolled cannabis cigarettes (including infused pre-rolls) must pass mandatory testing for pesticides;
- Cannabis flower or trim that is intended to be extracted into cannabis concentrate is not required to pass mandatory testing for pesticides; and

- All cannabis concentrate (that was not submitted for mandatory testing before November 12, 2024) must pass mandatory testing for pesticides.

Licensees are reminded that mandatory testing for pesticides contamination may not be conducted on cannabis products. Cannabis concentrates must be tested for pesticides before the cannabis concentrate is used to make cannabis products.

**Effective November 12, 2024**, the following changes to metals testing go into effect:

- Cannabis flower or trim that will be sold to consumers as flower, trim, or pre-rolled cannabis cigarettes (including infused pre-rolls) must pass mandatory testing for metals;
- Cannabis flower or trim that is intended to be extracted into cannabis concentrate is not required to pass mandatory testing for metals;
- All cannabis concentrate (that was not submitted for mandatory testing before November 12, 2024) must pass mandatory testing for metals.

Licensees are reminded that cannabis flower and trim that has been fresh frozen must be dried before it can be sampled for mandatory testing, if applicable.

Additionally, the updated rule makes clear the circumstances when a licensee can remediate a batch of cannabis or cannabis products that has failed mandatory testing. Specifically, licensees may not attempt to remediate batches of cannabis that fail mandatory testing for pesticides, nor may licensees attempt to remediate batches of cannabis or cannabis products that fail mandatory testing for metals. Licensees are reminded that they may, however, submit for retesting two samples from the batch that failed, if they believe the failed test results were incorrect.

Furthermore, licensees are reminded that “dilution” is never an acceptable remediation method for cannabis or cannabis products that fail mandatory testing for harmful contaminants (yeast, mold, mildew, microbials, metals, pesticides, and residual solvents). Under no circumstances may licensees combine batches of cannabis or cannabis products that have failed mandatory testing with batches that have not failed mandatory testing. However, licensees may dilute a batch of edible cannabis products that failed mandatory testing for potency because the edible cannabis product contained THC in excess of the THC potency limits of 10 mg/serving or 200 mg/package, provided such dilution is not achieved by mixing the edible cannabis product with cannabis that failed mandatory testing for harmful contaminants.

Licensees should review section 6 of the updated Certification rule for more information regarding remediation and retesting of batches of cannabis or cannabis products that fail mandatory testing.

### Conclusion

Licensees should review these updated rules and may contact OCP’s Policy Director, Gabi Pierce, at [Gabi.Pierce@maine.gov](mailto:Gabi.Pierce@maine.gov) with questions regarding the rules. As a reminder, OCP cannot provide legal advice to program participants regarding the application of these rules, or the laws governing the adult use program, to any licensee’s particular circumstances. Please contact your own attorney or business advisor for such advice.