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An Act Relating to Marijuana Testing Facilities

H.P. 728 L.D. 1059

(C "A" H-345)

Tabled - June 16, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED.**)

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you one more time. This is another marijuana bill, for testing. It just allows more grow operations and I'd like to see it FDA regulated. Certainly, if that was the case and it was in there, that might be something. Just to say we're going to test it and we're going to tell you what chemicals are it and no spray chemicals and that sort of thing. This is just another way to have a grow operation and make it justified. There is no justifiable cause to allow marijuana in our society. I've seen too much tragedy, too much conflict, and too many children harmed because of loss of families and being put in jail, being put in treatment centers, and some, tragically, taking their lives. Marijuana is a big part of the problem. I have seen so much that you can't imagine. I have other law enforcement officers here as well that have seen as much, or probably even more than what I have seen. We have to voice our opinion because many civilians don't see what we see in law enforcement, just like I haven't seen what's in an operating room or I haven't seen what happens in catastrophes where firefighters maybe have to go in a burning building. I'm saying to you, from our experience or my experience, that there are tragedies out there. I had a situation where a young child was in my classroom and she put a question in my DARE box. I said, "Well, I'll speak to you after class," because she mentioned she'd like to know what happened to her Mom. I found out later that she was hooked on marijuana to the point where she got very serious and she didn't know what to do and she also got to the point where she was out of control with it and she was a nurse. She needed to go to a treatment center, a treatment center for more than a month, or at least a month, and she didn't dare to tell her daughter why she was there because she would lose her job or her certification. She had her daughter stay with the grandparents. The daughter was crying every day, wondering where her Mom was. She asked her DARE officer where she was. I had the opportunity to try to find out and then we got her to go visit her Mom and she's always thanked me ever since and her Mom finally got rehab and she's totally against marijuana now. I get a hug from her every time I see her.

I'm telling you right now, that's just a small smidgen of what happens. Marijuana has ruined family's lives, ruined children's lives. It affects the brain. Anybody that knows about computers, there are megabytes and gigabytes. When you turn the computer on and you type up on the screen and you put the words there, that's the megabytes. Then you want to save it and it goes into the hard drive, the gigabytes. Basically, your brain's like the

computer and if you smoke marijuana it shuts that off so you can't save it. You can't save that information. I can't tell you how many kids have smoked marijuana that flunk out because they can't save information and remember it for a test. Straight F's. The parents say, "What's happened to my child? I can't reason with them. I tell them something or I'm saying what's going on and they go 'I dunno'." Guess what? They flunk out of school and then where do they go? They into the drug scene and it gets worse. Then I see them behind bars. It's sad and we're going to allow that to happen to our state. This is getting ridiculous. Don't let it happen and ruin our state. We're talking about thousands of people here that are going to be affected. It's not just saving one. We're talking thousands. I am begging you to, please, vote no on these bills. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair would remind the membership to debate the matter at hand, which is the marijuana testing facilities bill, L.D. 1059. The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, on this bill it would be great to have some scientific knowledge and testing. What we just heard was more anecdotal evidence. I already talked about it. I don't need to go into it again. It's what we have. Here's a chance to get some information about what we're really using and prescribing right now. This is not about horror stories that are unsubstantiated and anecdotally occur, based on many different addictions and addictive personalities. Those stories are horrible and we have sympathy for all of them. We have a chance to find out if we have organic marijuana that we are licensing for dispensaries to give to the approved clients. That's the bill at hand. Let's make sure it's clean, like we like to make sure our food is clean, like we like to make sure all the others. The horror stories. The other comment about giving it to the FDA, would be great. When Washington stops basing our marijuana policy on Reefer Madness and craziness of the 1930s and starts allowing science and basing principles on science, we can start trusting them to do something about marijuana policy. We have years and years of anecdotal evidence that disputes much of what I just heard and I'll continue to stand up for the right to try the many healthy cannabinoids in human bodies for the good that they do. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought to Pass motion on L.D. 1059, An Act Relating to Marijuana Testing Facilities. This bill received a near unanimous support, 12-1, Ought to Pass from the Health and Human Services Committee. Just to dispel some of the things that have been said, this bill does not in any way create more grow operations. I'm not sure where that's coming from. This bill simply authorizes testing facilities. I've often heard concerns from some of my colleagues, and I appreciate these concerns, about the safety of the Maine Medical Marijuana Program. For example, we've heard concerns during another session from one of my colleagues about the lack of labeling on medical marijuana. I share that concern and would also like to see proper testing and labeling become an option for the purpose of patient safety. This legislation will pave the way for that patient protection to take place. This legislation allows for the operation of marijuana

testing facilities which will enable dispensaries and caregivers to have their medicine tested so it can be properly labeled and give patients access to important safety information, including dosage and verification that the medicine is free of harmful pesticides and safe from microbiological contamination. I know that some of my colleagues support the Maine Medical Marijuana Program and some do not. I respect that. I appreciate that. Regardless of that, the program is here. This is the law of the state and it is my hope that, regardless of any individual's views on the program itself, everyone can support increasing patient safety within the program. I hope that my colleagues will join me in supporting the Ought to Pass motion on this bill so that within this program, that is already the law of the state, we can make sure patients are getting the important safety information they need to make proper decisions. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Woodsome.

Senator **WOODSOME:** Thank you, Mr. President. I rise seeking knowledge. Where are the testing facilities coming from? Who's going to fund them? Who's going to use them? Who's going to pay for the testing? I don't understand, from the bill here, where the testing facilities are and who's going to be running them and I need that information.

THE PRESIDENT PRO TEMPORE: The Senator from York, Senator Woodsome poses multiple questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, we did have several different laboratories services who are currently existing, private businesses, organizations who do other types of laboratory testing, who came to speak during the hearing who are interested in knowing what the standards would be, whether they would have the appropriate personnel and ability, and wanted to weigh in on what kinds of standards should be put in place. These would be private businesses. This is nothing that the state pays for. The language of the Committee Amendment goes on to talk about, and there are a couple of pages here, exactly what the testing facilities would do. They need to be licensed by the department under this subsection. They have to be ISO/IEC 17025 certified. That's a standard for testing laboratories that requires a whole variety of pieces of information to be available. They require qualified technicians, adequate facilities, third-party inspections, appropriate blanks, spikes, duplicates, third-party proficiency standards, calibrates, comprehensive documentation of daily use of standard operating procedures, safety instrument and equipment repair. If you've ever done any kind of ISO certification, you'll recognize those as being the standards that are used in certification for these laboratories. It goes on to talk about the fact that they are not to be used to test one's own. In other words, if you are a caregiver grower you can't have a testing facility and say, "Hey, I've got this stuff of my own." Unlike many products that are sold, you can say, "My soap is the best. It's the soapiest and we tested it so we know." This is to be independent study and there are quite a few standards here for the testing of those and I think that the importance of this bill is exactly what the good Senator from Androscoggin was saying, the concern about making sure that if we are going to do testing

and labeling that it be done appropriately, legally, and under the right kinds of constraints. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Colleagues of the Senate, I rise with concerns in regards to the pending motion. I certainly respect that there was diligence done at the committee in seeking this out. Again, we're dealing with a topic that still has a long way to go and I think that for Maine to launch off from this course, particularly in light of some of the other actions that we are considering today, that it would be imprudent to pass the current legislation until we have some recognized standards that are not just Maine standards but comply with some of the other national efforts that may be in place. I respectfully ask that you follow my light in opposing the current motion. Thank you, Mr. President.

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, THIBODEAU, WHITTEMORE

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/12/15) matter:

An Act To Provide Legal Protection to Hospitals where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana
S.P. 17 L.D. 35
(C "A" S-220)