

HB413 Favorable with amendments

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I support HB413 with amendments.

Please add the following language to title 5-101 4

Replace

5-101 4. (4) TWO OR FEWER CANNABIS PLANTS.

With

5-101 4. (4) TWO OR FEWER CANNABIS PLANTS; OR

(2) ANY ADDITIONAL CANNABIS PRODUCED BY A PERSON'S CANNABIS PLANT OR PLANTS, IF THE AMOUNT OF CANNABIS IN EXCESS OF THE AMOUNT LISTED IN ITEM (1)(I), (II), OR (III) OF THIS SUBSECTION IS PROCESSED IN A LOCATION:

(I) WHERE THE PLANT OR PLANTS WERE CULTIVATED; AND

(II) THAT IS SECURE FROM UNAUTHORIZED ACCESS AND ACCESS BY A PERSON WHO IS UNDER THE AGE OF 21 YEARS.

This language will allow home growers to legally possess and safely process their entire harvests without committing a criminal violation of 5-101.

I am a caregiver and an outdoor home grower. The patient I caregive for used to use a Fentanyl patch to treat chronic pain from Scoliosis. We now use a Healer tincture formula product that is regularly not available for months at a time. In those times my options are to travel to Maine get the product there or make this formula from flower. As an outdoor grower, I only have one harvest per year. Making multiple 30 day batches of tincture is a lot more work than doing it all at once. To what end?

In general, the personal limit for medical patients was designed to be a 30 day supply. The personal limit for adult use is a daily sales limit. Specifically, the personal limit for Cannabis plants allows all growers to easily grow more than a 30 day supply. A home

grower who yields 8 ounces of flower per plant is currently committing a criminal violation of the Cannabis possession limits. The personal limit should allow “keep what you grow” and “process what you grow” instead of forcing home growers to technically break the law by exceeding the personal limit once they harvest their plants. If there is no intent to enforce these limits, they should be dropped.

HB32 had language for home grow that allowed possession of any amount of Cannabis grown on the property. This is the HB32 language. Other states have defined home possession limits (e.g. 5 pounds). The current law has both growers and regular adult use purchasers routinely violating possession limits at home. The world has not come to an end.

Chair Clippinger explained that his reason for not initially including home grow in HB837 was to protect the legal markets from unfair competition from home grow. He also explained that the reason for the 2 plant limit was that 6-9 ounces of yield per plant was enough and the limit was going to be negotiated higher anyway. CANMD has had several opportunities to oppose 6 plant home grow and has said nothing. They don't see home grow as a threat to their business. While it is possible for a single Cannabis plant to yield up to 20 pounds at harvest, yields of 3-9 ounces per plant are more common. Concerns over diversion and sale are not warranted. The people who want to sell Cannabis illegally are not going to obey plant count limits. Jerry Kelly's strategy is to focus on sales. Restrictions on home growers should be relaxed because they have proven that are not a threat to the commercial market.

If we are going to allow home ethanol extraction, we should also bring back the food grade ethanol permit. 189 proof works, but pure ethanol works better.

If we are going to fix the personal limit for home growers we should use this opportunity to also make home growing easier by converting from a plant count limit it to a square footage limit. The plant count does not matter as much as the yield. Canopy is a much more accurate means of limiting production than plant count. If the purpose of the plant count limit is to protect the licensees from black market competition, then why not use the same limit formula that licensees are subject to? A 40 square foot limit would allow two 4x4 tents and one 2x4 tent. This would allow a continuous grow of a mother plant, plants in the vegetative state and plants in the flowering state. This change would also eliminate the need for making distinctions between plants in vegetative versus flower state as other states do. This would also allow the standard growing practice of culling slow growing vegetative plants and selecting only the healthiest plants to bring to flower. This change could also make the unfairness of a per household limit versus a per person limit moot. A 40 square foot indoor limit would allow a 10x16 outdoor grow. We also should explicitly allow home growing of Hemp without a permit.

Please let's do what we can to take a small step forward.

Thank you,
Rusty Carr