



Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Robert R. Neall, Secretary

Pesticide-Free Certification

Background:

The Natalie M. LaPrade Medical Cannabis Commission Reform Act (the “Act”), Chapter 598 of the Acts of 2018, permits the use of specified crop protection agents (e.g., pesticides) in the cultivation of medical cannabis. The Act requires the Maryland Department of Agriculture (MDA), in consultation with the MMCC, to develop emergency regulations allowing for the registration and use of certain pesticides as part of an integrated pest management plan.

The MDA issued emergency regulations, effective July 6, 2018, permitting the use of specified pesticides in the cultivation of medical cannabis. The list of pesticides allowed in the cultivation of medical cannabis can be found on the MDA website (see <https://mda.maryland.gov/plants-pests/Documents/List-of-Pesticides-Allowed-in-the-Cultivation-of-Medical-Cannabis.pdf>). The emergency regulations are set to expire 120 days from the effective date. Upon expiration a proposed regulation, subject to public notice and comment, is scheduled to replace the emergency regulation.

The MMCC has received dozens of inquiries from patients and providers requesting information on which: (1) medical cannabis products were cultivated with the use of pesticides and (2) pesticides were used during the cultivation of medical cannabis. In order to respond to patient and provider concerns regarding the use of pesticides in the cultivation of medical cannabis, the MMCC developed the following proposal to certify medical cannabis grower products as “pesticide-free.”

Proposal:

Interested licensees may pay MMCC to conduct a full-panel analysis to determine whether any crop protection agents or pesticides were used during the cultivation of the licensee’s medical cannabis. The MMCC or a designated testing laboratory would conduct periodic, unannounced inspections and collect cultivation samples for a full-panel analysis to confirm crop protection agents or pesticides were not applied directly to the medical cannabis plants. Upon passage of the full-panel analysis, licensees would be able to affix a “certified pesticide-free” label to the product prior to distribution, and otherwise market their product as pesticide-free.

Implementation:

1. MMCC will identify and enter into an MOU with a laboratory to conduct testing to determine whether any crop protection agents or pesticides were used during cultivation. To avoid potential conflicts of interest, the laboratory will not be permitted to conduct testing directly for licensees.

2. MMCC will provide licensed growers with the option to pay for testing at the designated laboratory to confirm their products are pesticide-free.
3. Licensed growers will provide MMCC and the designated laboratory access to their facilities to secure samples of any products the licensed grower wishes to certify as pesticide-free.
4. The designated laboratory conducts a full-panel analysis to confirm crop protection agents or pesticides were not used during cultivation.
5. MMCC permits the licensed grower to affix an approved “certified pesticide-free” label to the packaging of any product that passed the laboratory testing.
6. MMCC and the designated laboratory conduct periodic, unannounced inspections and collect samples of medical cannabis products to confirm the product remains “pesticide-free.”
7. MMCC will post a list of certified pesticide-free growers and products on the MMCC website, along with the most recent date of compliance testing.
8. Licensees who fail the test (or re-test) will have the certification suspended. Certification may be restored following passage of a subsequent full-panel analysis and the correction of any noted deficiencies.

Timeline:

- On or before October 15, 2018, MMCC will identify a laboratory to conduct the comprehensive analysis needed to certify a product as pesticide-free.
- On or before November 1, 2018, MMCC will contact licensed growers to determine who wishes to pay for certification testing.
- On or before December 1, 2018, the designated laboratory will begin collecting samples and testing products for pesticides.
- On or before December 15, 2018, MMCC will develop a mark/label to signify pesticide-free products
- On or before January 1, 2019, MMCC will certify qualifying medical cannabis products as “pesticide-free.”