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Department of Agriculture
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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: February 26, 2019

BILL NUMBER: SENATE BILL 749

SHORT TITLE: MEDICAL CANNABIS - PESTICIDE USE - LABELING AND STUDY

MDA POSITION: INFORMATION

EXPLANATION:

Senate Bill 749 would require the Maryland Department of Agriculture (MDA) to study the health impacts of smoking medical cannabis and secondary exposure to cannabis smoke that has been cultivated using pesticides.

BACKGROUND INFORMATION:

Chapter 598 of 2018 allows for the use of certain pesticides in the cultivation of medicinal cannabis that met certain criteria. These criteria include labeling for use in a greenhouse setting; Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) exempted pesticides; pesticides exempted from food residue tolerance criteria of the United States Department of Agriculture's (USDA) NOP regulations; or broad label language. Regulations were developed and published, along with a list of allowed pesticides for use in the cultivation of medicinal cannabis.

Senate Bill 749 would require MDA to design, conduct, gather, and interpret data on the health effects of primary and secondary cannabis smoke from the pyrolysis of cannabis cultivated where pesticides are used in the process. The complexity of this type of study is enormous, and MDA is not currently equipped with the resources to undertake a study of this kind.

Currently, these types of studies are carried out by the pesticide manufacturer as part of the Environmental Protection Agency's (EPA) requirements to register a pesticide formulation. Studies conducted by the manufacturer range from actual development of the formulation, to residue trials in the field, to health impact studies using animal models. These studies can range from a few thousand dollars to several million dollars depending upon the study. The most complex study that looks at acute and chronic health effects is approximately $4.5 million. These

figures are based upon EPA's cost schedule for Minor Use Pesticides. Since medicinal cannabis is still a Schedule I illicit drug at the federal level, pesticide manufacturers are not able to perform these types of studies.

Contract Research Organizations (CROs) are often contracted to perform this type of study–this includes organizations like EAG Laboratories, Eurofins Scientific, and Covance Laboratories. These groups are currently working on EPA and FDA-related studies. It is unlikely that they would participate in a study involving cannabis, as it would jeopardize their existing work for federal agencies. Even if a CRO could be found cannabis could not be transported across state lines.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.