

**L.D. 1847 – Comparison of Amendments
Majority and Minority Reports**

	Malon Amendment – Majority Report	Hickman Amendment – Minority Report
Title	An Act to Institute Testing and Tracking of Medical Use Cannabis Similar to Adult Use Cannabis and Cannabis Products and to make Changes to the Excise Tax Requirements for Cannabis Pre-rolls	An Act to Institute Inventory Tracking of Medical Use Cannabis, to Establish an Audit Testing Program for Medical Use Cannabis Registrants, to Update Certain Provisions Regarding Mandatory Testing under the Cannabis Legalization Act and to make Changes to the Excise Tax Requirements for Cannabis Pre-rolls
Mandatory Testing — General Requirement	All cannabis and cannabis products subject to mandatory testing. A registrant may not sell, distribute, or transfer cannabis or harvested cannabis to a qualifying patient unless it has been tested and does not exceed maximum allowable contamination levels.	Limited mandatory testing. After 3 consecutive passing mandatory tests of different batches, a registrant may apply for audit testing eligibility. Once eligible, the registrant is no longer required to conduct mandatory testing and is no longer prohibited from selling, distributing, or transfer harvested cannabis to a qualifying patient unless it has been tested and does not exceed maximum allowable contamination levels.
Exemption from Mandatory Testing	Cannabis cultivated by a registered caregiver at their primary residence, with no second cultivation area, not exceeding 500 sq. ft. or 30 mature plants (or 1,000 sq. ft./60 plants combined with one family member), and who does not engage in wholesale transactions. Untested products would need to be labeled as such.	All registrants are exempt from mandatory testing after meeting the requirements listed above. Furthermore, exempt caregivers are subject to audit testing only and will never be subject to mandatory testing. Harvested cannabis cultivated by a registered caregiver is exempt from mandatory testing requirements if there are no other registered caregivers with a cultivation area on the property where the registered caregiver’s cultivation area is located with the exception of one family member; and the registered caregiver, or any other family or household member who cultivates at the primary residence of the registered caregiver, does not engage in retail sales at a retail store or office that is not located at the primary residence of the registered caregiver.
Funds to Support Small Businesses with Costs of Mandatory Testing	OCP will create a program funded by the Medical Use of Cannabis Fund for small registrants (under \$125,000 gross sales). If they can demonstrate that their testing costs exceed 10% of their gross revenue, they may be eligible for financial assistance of up to \$100/batch.	N/A
Scope of Mandatory Testing — Contaminants (General)	Residual solvents, poisons and toxins; metals; dangerous molds and mildew (including <i>Aspergillus</i> spp. and mycotoxins); harmful microbes (including <i>E. coli</i> and <i>Salmonella</i>); pesticides, fungicides and insecticides; water activity; THC potency, homogeneity, and cannabinoid profiles	Residual solvents, poisons and toxins; metals; <i>Aspergillus</i> spp. and the mycotoxin produced by penicillin; yeast and mold; pesticides; THC potency and homogeneity. Does not include water activity, harmful microbes (<i>E. coli</i> / <i>Salmonella</i>), or cannabinoid profiles in the general medical testing scope.

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Yeast and Mold Testing Approach	OCP adopts rules establishing testing and maximum level parameters for speciation testing of harmful yeasts and molds, including the range for allowing speciation tests for cannabis flower and trim, based on evidence-based practices (i.e., maximum contaminant levels are based on the type of contaminant, risk to human health, and how cannabis is being consumed).	Establishes a preliminary testing limit for total yeast and mold contamination of 100,000 colony-forming units per gram (i.e., no nuance for type of contaminant or how cannabis is being consumed). Harvested cannabis testing above this limit does not fail but must undergo additional testing for <i>Aspergillus</i> spp. and the mycotoxin produced by <i>Penicillin</i> . Requires specific labeling if positive for either contaminant. The presence of contamination does not preclude the sale of the product, it will be legally allowed to sell contaminated product.
Audit Testing Program	All registrants (except those meeting the small caregiver exemption) must conduct mandatory testing on every batch. OCP may conduct audits to verify test results.	Establishes a formal audit testing program (§2430-S). After passing 3 consecutive mandatory tests of different batches, a registrant may apply for audit testing eligibility. Once eligible, the registrant is no longer required to conduct mandatory testing; OCP conducts periodic audit tests instead.
Audit Testing — Consequences of Failure	Not applicable (no audit testing opt-out program).	<p>First failure: minor violation + up to 6 additional audit tests at registrant’s expense.</p> <p>Second failure: major violation + up to 6 additional audit tests; office may order cessation of transfers.</p> <p>Third failure: suspension/revocation or major violation penalty.</p> <p>Registrant must resume mandatory testing if they continue to exceed allowable thresholds.</p> <p>Enforcement applies to the registrant whose product failed and any upstream registrant from whom the failed sample originated. To return to audit testing status after a failure, the registrant must (1) successfully pass 3 mandatory tests and (2) resolve audit ladder testing requirements.</p>
Cost of Audit/Sample Collection Audits	All costs of audits are paid for by the registrant.	All costs of audits are paid for by OCP/the state.
Inventory Tracking System	<p>Statewide electronic inventory tracking system</p> <p>Registrants must submit complete daily inventory by 11:59 p.m. every day.</p> <p>Directs OCP and the office of information technology to develop an estimate for a state inventory tracking system for both the adult use and medical use cannabis program that is developed, administered and maintained by the State</p>	<p>Electronic portal developed by the state</p> <p>Registrants self-report batch-level information within 14 days of a batch reaching its final form. Separate reporting categories for cultivating registrants, extractors, edible manufacturers, and wholesale recipients.</p>

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Category	Supica Amendment – Minority Report
Title	An Act to Institute Testing and Tracking of Medical Use Cannabis for Large Registered Dispensaries and to Make Other Changes Regarding Testing and Tracking for Medical and Adult Use Cannabis
Mandatory Testing — General Requirement	Mandatory testing applies only to large registered dispensaries (defined as dispensaries with a cultivation area of 2,000 sq. ft. or more). A large registered dispensary may not sell, distribute, or transfer harvested cannabis to a qualifying patient unless it has been tested and does not exceed maximum allowable contamination levels. All other registrants (caregivers, smaller dispensaries) are not subject to continuous mandatory testing but are subject to annual inspection sampling by the office.
Exemption from Mandatory Testing	Rather than a caregiver-specific exemption, the amendment limits mandatory testing to the “large registered dispensary” subgroup. Other registrants (i.e., the majority of program participants) are not required to conduct mandatory testing at all — instead, OCP tests samples collected during annual inspections for a narrower set of contaminants (residual solvents, metals, molds/mildew, and pesticides).
Funds to Support Small Businesses with Costs of Mandatory Testing	Same as Malon amendment: OCP will create a program funded by the Medical Use of Cannabis Fund for registrants under \$125,000 gross annual revenue if testing costs exceed 10% of gross revenue; eligible for financial assistance up to \$100/batch.
Scope of Mandatory Testing — Contaminants (General)	For large registered dispensaries: Matrix-specific testing comparable to adult-use testing requirements, including residual solvents, metals, dangerous molds and mildew (including <i>Aspergillus</i> spp. and mycotoxins), harmful microbes (including <i>E. coli</i> and <i>Salmonella</i>), pesticides, water activity (for harvested cannabis except concentrates), and THC potency, homogeneity, and cannabinoid profiles. For other registrants via annual inspection: limited to residual solvents, metals, molds/mildew, and pesticides.
Yeast and Mold Testing Approach	OCP adopts rules establishing testing and maximum level parameters for speciation testing of harmful yeasts and molds, including the range for allowing speciation tests for cannabis flower and trim, based on evidence-based practices — same framework as Malon amendment. Rulemaking is routine technical for large registered dispensaries.
Audit Testing Program	No formal audit testing opt-out program like the Hickman amendment. Large registered dispensaries must conduct mandatory testing on every batch; OCP may conduct audits to verify test results. For other registrants, OCP conducts annual inspection sampling. Applies same penalty framework (progressive enforcement/audit testing ladder) as Hickman amendment for enforcement of violations discovered during inspections.
Audit Testing — Consequences of Failure	For large registered dispensaries: same framework as Malon amendment (OCP may audit to verify mandatory test results; tampering or interference treated as registration violation). For other registrants: if annual inspection sample exceeds allowable contamination for residual solvents or pesticides, OCP collects up to 3 additional samples, restricts transfer/sale of the failed batch, may initiate recall, and conducts additional testing at registrant’s expense. Initial failure: minor violation. Subsequent additional sample failure: major violation.

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Cost of Audit/Sample Collection Audits	<p>For large registered dispensaries: all costs of audits and audit testing are paid by the large registered dispensary.</p> <p>For annual inspection testing of other registrants: mandatory testing costs (residual solvents, metals, molds, pesticides) paid by the registrant from whom the sample was collected; other testing for research/data purposes paid by OCP.</p>
Inventory Tracking System	<p>Two-tier system: (1) Large registered dispensaries must report daily into a statewide electronic inventory tracking system with 6-year record retention.</p> <p>(2) All other registrants must maintain records related to authorized conduct for 4 years and make them available for inspection — they do not use the daily electronic tracking system but submit records through a separate electronic portal.</p> <p>Directs OCP to provide monthly reporting on the performance of the vendor holding the adult use cannabis inventory tracking system contract, requires a competitive bidding process for a statewide inventory tracking system for the medical cannabis program, and mandates the office to work with the office of information technology to develop an estimate on cost and timeline for developing a state tracking system.</p>