



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
OFFICE OF MARIJUANA POLICY  
162 STATE HOUSE STATION  
19 UNION STREET  
FIRST FLOOR  
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA  
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN  
DIRECTOR

To: Current and Prospective AUMP Licensees  
From: Director Erik Gundersen, Office of Marijuana Policy  
Date: Wednesday, February 24, 2021  
Subject: Guidance on Representative Sample Size for Mandatory Testing

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### Background

The Office of Marijuana Policy (OMP) has seen varying levels of non-compliance regarding representative sample sizes for adult use marijuana submitted for mandatory testing.

In an effort to alleviate any confusion related to the requirements of the administrative rules governing the Adult Use Marijuana Program (AUMP), OMP is providing the following guidance to clarify representative sample size requirements for mandatory testing of adult use marijuana and marijuana products.

### Guidance

Pursuant to Section 11 of Appendix A of the Adult Use Marijuana Program Rule, 18-691 C.M.R., ch. 1, and Section 5.5 of the Rules for the Certification of Marijuana Testing Facility, 18-691 C.M.R., ch. 5, adult use licensees must sample in accordance with the following tables based upon the product matrix.

#### **Sampling a Batch of Marijuana Flower, Trim, or Pre-rolled Marijuana Cigarettes**

A harvest batch of marijuana flower, trim, or pre-rolled (uninfused) marijuana cigarettes must be sampled in accordance with the following table based upon the weight of the harvest batch after it has been “dried”, “cured” or otherwise deemed ready for transfer by the requester.

Harvest Batch Weight Range*	Composite Sample Amount*
≤ 2.5 kg	6.5 g (13 increments of 0.5 grams each)
2.5 kg < w ≤ 5 kg	9.5 g (19 increments of 0.5 grams each)
5 kg < w ≤ 7.5 kg	16 g (16 increments of 1 gram each)
7.5 kg < w ≤ 10 kg	22 g (22 increments of 1 gram each)

\*For harvest batches in excess of 10 kg, the harvest batch must be divided and sampled in batches of 10 kg or less.

#### **Sampling Shatter/Wax/Slab Concentrates**

For shatter, wax, slab and other forms of solid marijuana concentrates based on batch weight, the required number of sample increments is listed in the following chart.

<b>Production Batch Weight*</b>	<b>Composite Sample Amount*</b>
≤ 0.5 kg	6 g (12 increments of 0.5 grams each)
0.5 kg < w ≤ 1 kg	8 g (16 increments of 0.5 grams each)
1 kg < w ≤ 1.5 kg	10 g (20 increments of 0.5 grams each)
1.5 kg < w ≤ 2 kg	12 g (24 increments of 0.5 grams each)
2 kg < w ≤ 5 kg	14 g (28 increments of 0.5 grams each)

\*For production batches in excess of 5 kg, the production batch must be divided and sampled in batches of 5 kg or less.

### **Sampling Oils, Tinctures, and Other Liquids**

Unpackaged oils, tinctures, and other liquid concentrate will be sampled from container(s) holding the production batch of the concentrate in accordance with the following chart.

<b>Production Batch Weight</b>	<b>Composite Sample Amount</b>
≤ 0.5 kg	6 g (12 increments of 0.5 grams each)
0.5 kg < w ≤ 1 kg	8 g (16 increments of 0.5 grams each)
1 kg < w ≤ 1.5 kg	10 g (20 increments of 0.5 grams each)
1.5 kg < w ≤ 2 kg	12 g (24 increments of 0.5 grams each)
2 kg < w ≤ 5 kg	14 g (28 increments of 0.5 grams each)

### **Sampling Unpackaged Serving or Prepackaged Retail Units of Marijuana Concentrate and Marijuana Concentrate and Marijuana Products**

For unpackaged or prepackaged samples based on batch size, the required number of increments collected from each batch is listed in the following chart. For unpackaged products, each sample increment is one serving (e.g., one gummy), and for prepackaged products, each sample increment is one packaged unit (e.g., one bag of ten gummies).

<b># of Unpackaged servings or Prepackaged Units in Production Batch*</b>	<b>Number of Sample increments**</b>	<b>Where to take samples:</b>
≤ 50	2 units	One from beginning and one from end
51 -150	3 units	Beginning(1), Middle(1), End(1)
151 - 500	5 units	Beginning(2), Middle (2), End(1)
501-1200	8 units	Beginning (3), Middle (2), End (3)
1201 -3200	13 units	Beginning (4), Middle (5), End (4)
3201-10000	20 units	Beginning (6), Middle (7), End (7)

\*For production batches in excess of 10,000 units, the production batch must be divided and sampled in batches of 10,000 units or less.

\*\*Depending on the weight of the prepackaged samples, more than the listed number of increments may need to be taken, as directed by the marijuana testing facility.

## **Conclusion**

The public's health, safety, and well-being are always OMP's top priority as a regulator. Additionally, the mandatory testing regime is one of the hallmarks of the AUMP.

OMP worked closely with the Maine Center for Disease Control and Prevention in developing the requirements of 18-691 C.M.R. ch. 1 and 18-691 C.M.R. ch. 5. Appropriate sample sizes, as outlined in these administrative rules and in the preceding guidance are critical to protect and ensure the legitimacy of test results returned.

The Office will continue to monitor sample sizes and provide individual assistance where necessary; however, please be advised that continued submission of noncompliant samples may result in our adult use marijuana testing facilities having to decline to accept these items for testing. These items may not be returned to the sender and must be destroyed by the receiving testing facility. OMP also reserves the right to take other administrative actions as authorized by statute and/or rule.

We appreciate your attention to this important matter and willingness to address this issue.