



Mission: To improve public health in Maryland through education and advocacy Vision: Healthy Marylanders living in Healthy Communities

HB 1078 Cannabis – Regulations – Revisions
Hearing Date: 3/3/22
Committee: Health and Governmental Operations
Position: Favorable with amendments

Chair Pendergrass and members of the HGO Committee: The Maryland Public Health Association (MdpHA) would like to offer testimony regarding HB 1078, a bill to begin to address tetrahydrocannabinol (THC) isomers, including delta-8 THC.

We refer you to testimony submitted by the Maryland Medical Cannabis Commission for a review of some of the history of delta-8 THC and chemical and regulatory issues.

Unregulated products

MdpHA is concerned with the circulation of unregulated products with known and unknown psychotropic properties. While delta-8 has been the target, there are many other isomers derived from hemp with mostly unknown properties and/or side effects. They may be purchased at numerous locations, such as gas stations, convenience stores, or vape shops, or online.

Easy access for youth

There are essentially no age restrictions. Self-imposed age-gating on some websites asks the consumer to merely click “Yes” that they are 21+, if there is age-gating at all. Some companies are deriving delta-9 THC from hemp legally, thus circumventing any prohibitions or regulations on delta-9 THC. Products also often mimic candy or use candy-type flavors that are also appealing to youth and children.

Spurious claims, sexualized content in advertising

There is little research on the short and long-term effects of delta-8 THC, let alone the other numerous isomers. Advertising content is largely unregulated, with content that is currently prohibited for tobacco, alcohol, and even medical cannabis.

Toxic chemical byproducts, unregulated active ingredients

MdpHA is also concerned with the presence of harmful chemicals and/or additives in many of these products due to the lack of regulatory standards. Independent laboratory testing of these products has found not only adulterants, including heavy metals, but inaccurate labeling of the actual amount of or even presence of delta-8 contained within. Products are also often found to have higher concentrations of delta-9 THC than legally permitted.

Loss of tax revenue

Online sales of these products are often not taxed, in addition to being able to be shipped over state lines to states without regulations regarding products made from these hemp-derived isomers.

Several states have already banned these products, while others are at a minimum placing age restrictions on them. A bill currently under consideration in Virginia would require proper testing and labeling of products for potency and purity and would only allow licensed retailers to see products to those age 21 and over.

MdPHA urges support of HB1078 and the accompanying amendments, with the following considerations:

- We support the recommended study for MMCC and the Department of Agriculture
- Consider an immediate injunction on these products until the recommended study can be completed
- At a minimum, increase the legal age to access these products to 21 years or older
- Require producers and retailers in the state to register products produced and sold

We have also included a number of online product examples that illustrate some of the concerns we have expressed.

Example of ineffective online “age gating” (if even present)

Examples of flavors and multiple means of ingestion

- Similar high to delta 9 THC, but much less anxiety-inducing
- Improves appetite much more efficiently than regular THC
- More stable and has a longer shelf life than delta 9 THC
- Roughly half as potent as delta 9 THC
- Binds both the CB1 and CB2 endocannabinoid receptors

PharmaCBD Delta-8 Peach Rings (300 mg Total Delta-8-THC) **★★★★★** ~~\$39.95~~ **\$34.95**

PharmaCBD Delta-8 Gummy Bears (600 mg Total Delta-8-THC) **★★★★★** ~~\$69.95~~ **\$59.95**

Companies selling legal delta-9 THC products online

The screenshot shows the LIFTED website's product page for Delta 9 THC. On the left, there are filters for Popularity, Average rating, Newness, Price (low to high/high to low), and Accessibility. Five product options are displayed with their respective prices: Urb Gourmet Live Resin DS-9HC Jasmine Coconut Gummies (\$35.00), Urb Gourmet Live Resin DS-9HC Watermelon Hibiscus Gummies (\$35.00), Urb Gourmet Live Resin DS-9HC Chili Mango Gummies (\$35.00), Urb Gourmet Live Resin DS-9HC Lavender Lemonade Gummies (\$35.00), and Urb Delta 9 THC 250MG Gummies - \$28 (\$28.00). On the right, a detailed view of the EXHALE Delta-9 THC Gummy Drops is shown, including a bottle and several gummies. The price is listed as \$69.95, with a note 'OR SUBSCRIBE AND SAVE 25%'. Details include: Lab Tested Delta 9 THC, 7.5mg Delta 9 THC Per Gummy, 225mg Delta 9 THC Per Jar, Drop-Shaped Gummies, Passionfruit, Berry, & Green Apple Flavors, 100% Natural Ingredients, Organic, Non-GMO, No Artificial Coloring or Flavors, and Contain less than 0.3% THC. The size is 225mg. A 'Message us' button is visible at the bottom right of the product grid.

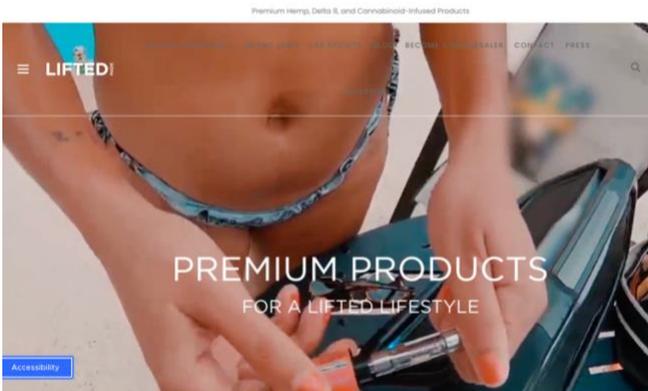
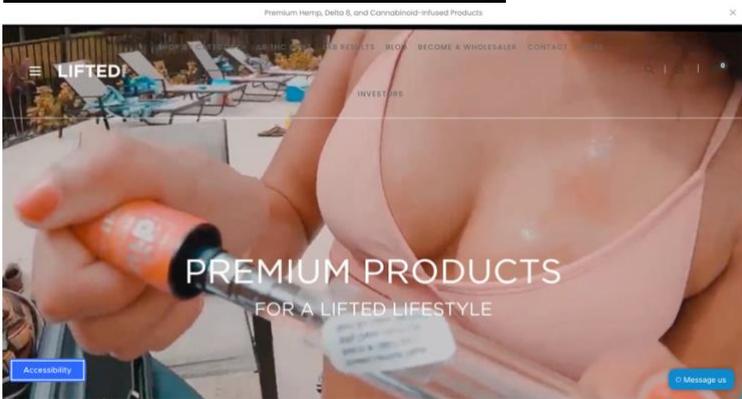
No taxes applied at checkout

The screenshot shows the LIFTED checkout page. The customer information is: FIRST NAME: Raimee, LAST NAME: Eck, COMPANY NAME (OPTIONAL): [blank], COUNTRY / REGION: United States (US), STREET ADDRESS: [redacted], TOWN / CITY: Gaithersburg. The order summary is as follows:

Product	Total
Urb Delta 9 THC 250MG Gummies : \$28 - Dragonfruit Paradise x 1 Flavor : Dragonfruit Paradise	\$28.00
Subtotal	\$28.00
Shipping	Enter your address to view shipping options.
Tax	\$0.00
Total	\$28.00

Payment options include Credit Card, VISA, Mastercard, American Express, and Discover. A red arrow points to the \$0.00 tax amount.

Sexualized content used in advertising



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The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.