



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 18, 2025

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: House Bill (HB) 12 – Cannabis - Sale and Distribution - Tetrahydrocannabinol Offenses – Letter of Support

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for House Bill (HB) 12 – Cannabis - Sale and Distribution - Tetrahydrocannabinol Offenses. HB 12 expands the enforcement authority of the Alcohol, Tobacco, and Cannabis Commission (ATCC) to ensure retailers comply with laws regulating the sale and distribution of tetrahydrocannabinol (THC) products, regardless of where these products are sold. The bill also requires all THC-containing products on the market to follow the same packaging, labeling, and potency standards.

The Department supports HB 12 as it protects public health, and better ensures public safety, by aligning currently unregulated THC products with the regulated cannabis market. Most THC products currently sold in Maryland outside of licensed dispensaries are hemp-derived, non-Delta-9-THC products (e.g., Delta-8, Delta-10)¹ that exploit loopholes in existing federal and state regulations, resulting in widespread availability of unregulated and potentially harmful substances.² These products often contain high THC concentrations and harmful chemicals posing significant health risks, including to those under the age of 21. Data from the National Poison Data System show a nearly 80 percent increase in Delta-8 THC exposures from 2021 to 2022 across the United States across all ages.³ At least 11 percent of US 12th graders have used a Delta-8 intoxicating hemp product within the past year.⁴

Furthermore, misleading marketing and packaging practices that use bright colors, mascots, and other designs frequently target young consumers, increasing their vulnerability to these intoxicating products. All legal cannabis products in Maryland must be sold at licensed dispensaries and must adhere to strict product labeling, packaging, and potency testing

¹ <https://dlslibrary.state.md.us/publications/Exec/MDH/MMCC/SB788Ch512HB1078Ch511%282%29%282022%29.pdf>

² <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc?>

³ <https://link.springer.com/article/10.1007/s13181-024-01030-z>

⁴ Harlow AF, Miech RA, Leventhal AM. Adolescent Δ 8-THC and Marijuana Use in the US. *JAMA*. 2024;331(10):861–865. doi:10.1001/jama.2024.0865

requirements, while unregulated intoxicating hemp-derived THC products are easily accessible at gas stations and convenience stores. These unlicensed retailers operate without oversight, bypassing the legal cannabis market in Maryland and jeopardizing public health for all who consume these products. HB 12 authorizes the ATCC to issue citations, seize and destroy unlicensed products, and enforce age restrictions, ensuring compliance with statewide cannabis laws. By enforcing these standards, the ATCC can significantly reduce the availability of these products that escape necessary regulation, appeal to children, and endanger those using the products.

Intoxicating hemp-derived THC products frequently bypass critical safety measures, such as proper labeling, potency controls, and packaging requirements. HB 12 ensures that all THC products meet the same rigorous safety standards, reducing health risks for consumers and limiting youth exposure to intoxicating substances. For instance, tamper-resistant packaging, allergen disclosures, and clear potency labeling provide consumers with essential safety information, fostering informed decision-making and reducing potential harm. HB 12 prioritizes public health by promoting safer communities and strengthening consumer trust in Maryland's adult-use cannabis market.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Herrera Scott, M.D., M.P.H.
Secretary