2022 MDMDA CANMD SB 788 Delta 8.pdf
Uploaded by: Ashlie Bagwell
Position: FAV

TESTIMONY ON BEHALF OF THE MARYLAND MEDICAL DISPENSARY ASSOCIATION and THE MARYLAND WHOLESALE MEDICAL CANNABIS TRADE ASSOCIATION

Senate Bill 788—Cannabis-Regulation-Revisions
SUPPORT
Senate Finance Committee
March 3, 2022

The Maryland Medical Dispensary Association (MDMDA) and the Maryland Wholesale Medical Cannabis Trade Association (CANMD) appreciate the opportunity to provide comments on Senate Bill 788—Cannabis—Regulation—Revisions, and we thank Senator Feldman for addressing this important issue.

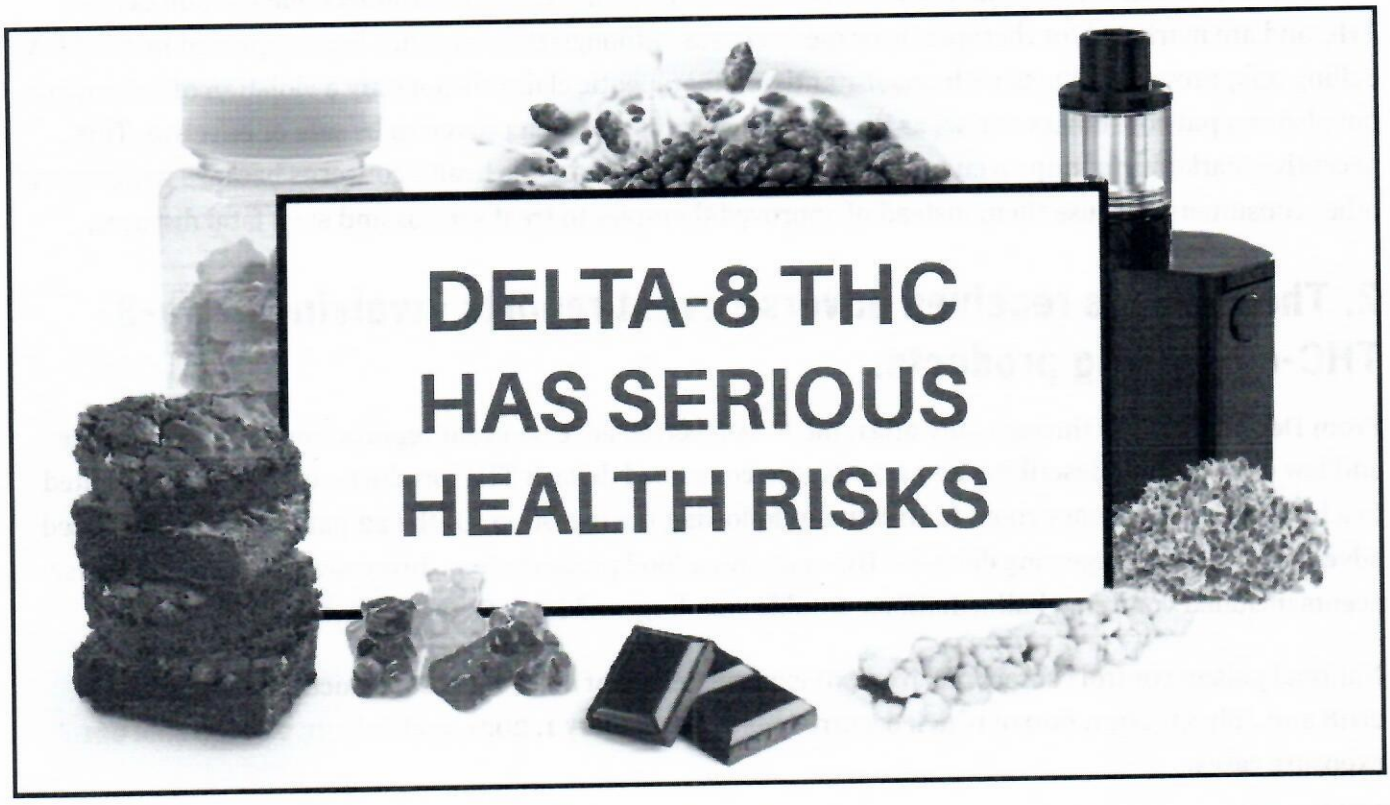
Senate Bill 788 essentially seeks to redefine 'medical cannabis' so as to include any plant or part of a plant that contains a concentration of .3% or greater of **delta-8** or delta-9-THC concentration on a dry weight basis. By including delta-8 in this definition, it would be tested and regulated in the same way as all other medical cannabis products. Like Maryland, states across the country are taking up this issue. In fact, twenty states have already regulated, restricted or banned delta-8.

Senate Bill 788 is necessary because companies across the county are exploiting a loophole in the federal 2018 Farm Bill. The delta-8 (and now delta-9) products that would be regulated by Senate Bill 788 contain THC derived from hemp plants. The federal loophole has been interpreted by purveyors of these products as allowing them as "hemp-derived products." To be clear – the delta-8 and delta-9 products at issue contain the same THC as products regulated as medical cannabis. They are psychoactive, intoxicating products that are being sold outside of any testing or regulatory structure. This was never the intent of the national and State efforts to encourage the production of hemp.

Because delta-8 has more similarities to THC (delta-9) than CBD, we believe it should be regulated as such. For this reason, we support Senate Bill 788 and urge a favorable vote.

FDA_Alert_Delta8.pdf
Uploaded by: Brian Feldman
Position: FWA

5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC



Español (https://www.fda.gov/consumers/articulos-en-espanol/5-cosas-que-debe-saber-sobre-el-delta-8-tetrahidrocannabinol-delta-8-thc)

Delta-8 tetrahydrocannabinol, also known as delta-8 THC, is a psychoactive substance found in the *Cannabis sativa* plant, of which marijuana and hemp are two varieties. Delta-8 THC is one of over 100 cannabinoids produced naturally by the cannabis plant but is not found in significant amounts in the cannabis plant. As a result, concentrated amounts of delta-8 THC are typically manufactured from hemp-derived cannabidiol (CBD).

It is important for consumers to be aware that delta-8 THC products have not been evaluated or approved by the FDA for safe use in any context. They may be marketed in ways that put the public health at risk and should especially be kept out of reach of children and pets.

Here are 5 things you should know about delta-8 THC to keep you and those you care for safe from products that may pose serious health risks:

1. Delta-8 THC products have not been evaluated or approved by the FDA for safe use and may be marketed in ways that put the public health at risk.

The FDA is aware of the growing concerns surrounding delta-8 THC products currently being sold online and in stores. These products have not been evaluated or approved by the FDA for safe use in any context. Some concerns include variability in product formulations and product labeling, other cannabinoid and terpene content, and variable delta-8 THC concentrations. Additionally, some of these products may be labeled simply as "hemp products," which may mislead consumers who associate "hemp" with "non-psychoactive." Furthermore, the FDA is concerned by the proliferation of products that contain delta-8 THC and are marketed for therapeutic or medical uses, although they have not been approved by the FDA. Selling unapproved products with unsubstantiated therapeutic claims is not only a violation of federal law, but also can put consumers at risk, as these products have not been proven to be safe or effective. This deceptive marketing of unproven treatments raises significant public health concerns because patients and other consumers may use them instead of approved therapies to treat serious and even fatal diseases.

2. The FDA has received adverse event reports involving delta-8 THC-containing products.

From December 2020 through July 2021, the FDA received adverse event reports from both consumers and law enforcement describing 22 patients who consumed delta-8 THC products; of these, 14 presented to a hospital or emergency room for treatment following the ingestion. Of the 22 patients, 19 experienced adverse events after ingesting delta-8 THC-containing food products (e.g., brownies, gummies). Adverse events included vomiting, hallucinations, trouble standing, and loss of consciousness.

National poison control centers received 661 exposure cases of delta-8 THC products between January 2018 and July 31, 2021, 660 of which occurred between January 1, 2021, and July 31, 2021. Of the 661 exposure cases:

- 41% involved unintentional exposure to delta-8 THC and 77% of these unintentional exposures affected pediatric patients less than 18 years of age.
- 39% involved pediatric patients less than 18 years of age
- 18% required hospitalizations, including children who required intensive care unit (ICU) admission following exposure to these products.

3. Delta-8 THC has psychoactive and intoxicating effects.

Delta-8 THC has psychoactive and intoxicating effects, similar to delta-9 THC (i.e., the component responsible for the "high" people may experience from using cannabis). The FDA is aware of media reports of delta-8 THC products getting consumers "high." The FDA is also concerned that delta-8 THC products likely expose consumers to much higher levels of the substance than are naturally occurring in hemp cannabis raw extracts. Thus, historical use of cannabis cannot be relied upon in establishing a level of safety for these products in humans.

4. Delta-8 THC products often involve use of potentially harmful chemicals to create the concentrations of delta-8 THC claimed in the marketplace.

The natural amount of delta-8 THC in hemp is very low, and additional chemicals are needed to convert other cannabinoids in hemp, like CBD, into delta-8 THC (i.e., synthetic conversion). Concerns with this process include:

- Some manufacturers may use potentially unsafe household chemicals to make delta-8 THC through this chemical synthesis process. Additional chemicals may be used to change the color of the final product. The final delta-8 THC product may have potentially harmful by-products (contaminants) due to the chemicals used in the process, and there is uncertainty with respect to other potential contaminants that may be present or produced depending on the composition of the starting raw material. If consumed or inhaled, these chemicals, including some used to make (synthesize) delta-8 THC and the by-products created during synthesis, can be harmful.
- Manufacturing of delta-8 THC products may occur in uncontrolled or unsanitary settings, which may lead to the presence of unsafe contaminants or other potentially harmful substances.

5. Delta-8 THC products should be kept out of the reach of children and pets.

Manufacturers are packaging and labeling these products in ways that may appeal to children (gummies, chocolates, cookies, candies, etc.). These products may be purchased online, as well as at a variety of retailers, including convenience stores and gas stations, where there may not be age limits on who can purchase these products. As discussed above, there have been numerous poison control center alerts involving pediatric patients who were exposed to delta-8 THC-containing products. Additionally, animal poison control centers have indicated a sharp overall increase in accidental exposure of pets to these products. Keep these products out of reach of children and pets.

Why is the FDA notifying the public about delta-8 THC?

A combination of factors has led the FDA to provide consumers with this information. These factors include:

- An uptick in adverse event reports to the FDA and the nation's poison control centers.
- Marketing, including online marketing of products, that is appealing to children.
- Concerns regarding contamination due to methods of manufacturing that may in some cases be used to produce marketed delta-8 THC products.

The FDA is actively working with federal and state partners to further address the concerns related to these products and monitoring the market for product complaints, adverse events, and other emerging cannabis-derived products of potential concern. The FDA will warn consumers about public health and safety issues and take action, when necessary, when FDA-regulated products violate the law.

How to report complaints and cases of accidental exposure or adverse events:

If you think you are having a serious side effect that is an immediate danger to your health, call 9-1-1 or go to your local emergency room. Health care professionals and patients are encouraged to report complaints and cases of accidental exposure and adverse events to the FDA's MedWatch Safety Information and Adverse Event Reporting Program:

- Call an FDA Consumer Complaint Coordinator (/safety/report-problem-fda/consumer-complaint-coordinators) if you wish to speak directly to a person about your problem.
- Complete an electronic Voluntary MedWatch form (https://www.accessdata.fda.gov/scripts/medwatch/) online or call 1-800-332-1088 to request a reporting form, then complete and return to the address on the form, or submit by fax to 1-800-FDA-0178.
- Complete a paper Voluntary MedWatch form (https://www.fda.gov/media/85598/download) and mail it to the FDA.
- To report adverse events in animals to the FDA's Center for Veterinary Medicine, please download and submit Form FDA 1932a found at: www.fda.gov/ReportAnimalAE (/animal-veterinary/report-problem/how-report-animal-drug-and-device-side-effects-and-product-problems).

For more information about Delta-8 THC: CDC HEALTH ALERT NETWORK (HAN) (https://emergency.cdc.gov/han/2021/han00451.asp)

The American Association of Poison Control Centers (AAPCC) maintains the National Poison Data System (NPDS), which houses de-identified case records of self-reported information collected from callers during exposure management and poison information calls managed by the country's poison control centers (PCCs). NPDS data do not reflect the entire universe of exposures to a particular substance as additional exposures may go unreported to PCCs; accordingly, NPDS data should not be construed to represent the complete incidence of U.S. exposures to any substance(s). Exposures do not necessarily represent a poisoning or overdose and AAPCC is not able to completely verify the accuracy of every report. Findings based on NPDS data do not necessarily reflect the opinions of AAPCC.

SB0788-243420-01 (003).pdf
Uploaded by: Brian Feldman
Position: FWA

SB0788/243420/1

AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES

02 MAR 22 16:50:37

BY: Senator Feldman
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 788
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "**Revisions**" and substitute "**Medical Cannabis Definition and Study**"; strike beginning with "prohibiting" in line 3 down through "hemp;" in line 9; and in line 10, after "cannabis;" insert "requiring the Natalie M. LaPrade Medical Cannabis Commission, in consultation with the State Department of Agriculture, to study and make recommendations on the classification and regulation of tetrahydrocannabinols, other than delta–9–tetrahydrocannabinol, and certain manufactured products;".

On pages 1 and 2, strike in their entirety the lines beginning with line 12 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 22 on page 2 through line 11 on page 4, inclusive.

On page 4, strike beginning with "**ANY**" in line 15 down through "**ALL**" in line 17 and substitute "**ALL**"; in line 18, strike the semicolon and substitute "**, INCLUDING:**"; in lines 19, 20, and 21, strike "**2.**", "**3.**", and "**4.**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and strike beginning with "**EACH**" in line 21 down through "**RESIN;**" in line 22 and substitute "**ANY COMPOUND, MANUFACTURED PRODUCT, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR RESIN, INCLUDING TETRAHYDROCANNABINOL AND ALL OTHER NATURALLY PRODUCED CANNABINOL DERIVATIVES, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION.**".

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 4 on page 5, inclusive.

On page 5, strike line 8 in its entirety; in lines 9, 10, 13, and 15, strike "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively; and in line 10, strike "**EXCEPT FOR RESIN, ANY**" and substitute "**ANY**".

On page 6, after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Natalie M. LaPrade Medical Cannabis Commission, in consultation with the State Department of Agriculture, shall study and make recommendations on the classification and regulation of tetrahydrocannabinols, other than delta–9–tetrahydrocannabinol, that are artificially, synthetically, or naturally derived, and manufactured products containing delta–8– and delta–10–tetrahydrocannabinol.

(b) On or before January 1, 2023, the Natalie M. LaPrade Medical Cannabis Commission shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the Senate Finance Committee, the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the House Health and Government Operations Committee.";

and in line 13, strike "2." and substitute "3.".

SB 0788 written testimony.pdf
Uploaded by: Christopher Cannon
Position: FWA

To whom it may concern.

Cannon Apothecary LLC (Cannon Ball Dispensary) is a Veteran owned hemp retail location in Maryland. We take pride in what we have to offer individuals in the community as well as providing guidance for veterans and first responders. We provide rigorous third party tested products in our facility that far exceed the MMCC's capability t this time. We are compliant and fully aware of the regulations set forth by the MMCC and operate as such. We are also aware of how important it is to conduct studies in the effort to understand attributions related to hemp/Delta-8 Tetrahydrocannabinol. In effort to help irradicate common "stigma" related to Cannabis Sativa L./Hemp, it is only reasonable to involve The Maryland Healthy Alternatives Association. I, as well as other hemp businesses, represent a vast segment of the hemp industry. Therefore, educating people and ensuring this study and any future studies remain balanced and just. Many of us rely on the economic benefits through the businesses we created surrounding this industry. Moving forward we believe working together will give us all a more guided path and a workable future in this industry. Thank you very much for your time and consideration. We look forward to working together.

Very Respectfully,

Barbara and Christopher Cannon

To Whom It May Concern.pdf
Uploaded by: Dawn Stancliff
Position: FWA

To Whom It May Concern,

My name is Dawn Stancliff. I am a Maryland Medical Cannabis Patient, MMCC Volunteer Caregiver, and Maryland State Ambassador and Patient Advocate for the US Pain Foundation, a National 501c3.

This past Spring 2021, I started using Delta 8 THC products, as well as other Hemp-derived THC Isomers like Delta 10, THC Acetate, THCO, THCX, etc. I was purchasing them all legally through a Maryland "Hemp-othocary". This same Maryland Hemp Brick and Mortar Company also supplies some MMCC REGULATED Dispensaries with their "supposed" self-manufactured Delta 8 THC Products. This Maryland Hemp-othocary also provides "Consultation services to Physician's Practices," and even regularly provides uneducated, noncertified, medical advice to not only MD Medical Cannabis Patients, but the Public as well. The Owners of this Hemp-othocary are not trained, they hold no certifications, medical or otherwise, and have no signage that states such, or to consult with a Physician, etc. They are also the largest "white labeling Hemp Company" in the Mid-Atlantic area. That means their Hemp-derived THC Isomers like Delta 8 THC are in multiple states, not just MD.

Under the trusted advice of one of this Hemp-othocary's Owners, and someone I personally trusted as a friend, I began using 10mg Delta 8 "GTabs" to help with insomnia. They were not working for me, so I met with my friend again. I was then encouraged to try Delta 8 THC, 25mg Gummies. I purchased some of the Delta 8 Gummies at his shop, and started consuming them that evening. I even reached out one evening to ask if "it was SAFE to take 2 or 3 gummies...," and the response was always, "Yes, of course it's safe!!!". Well, I found out in September of 2021 that it was NOT safe, at all.

After extended personal use of multiple Delta 8 THC Products manufactured (supposedly) all by the same Maryland Hemp Company, White Labeler, and Brick and Mortar Store, I began having upper, and eventually lower, GI Issues. My PCP sent me for labs, and an abdominal CT from a different doctor revealed that my Liver's biliary ducts were at "maximum dilation", and my Liver enzymes (ALT and AST) were climbing quickly. We had no idea why, though, and it took me about 2 months to figure it out. In the meantime, I would undergo two medical procedures. I also had a planned trip to see a friend in another state while this was happening, in 9/21. At her house, I suffered my 1st small stroke, and a 2nd one the following morning. I had taken myself off of ALL of the Delta 8 THC Products on my way there... and less than 48 hours later, that happened. It was horrifying. The Delta 8 THC was making me very sick, and I am continuing to suffer from adverse reactions to this day, with no idea how long this will continue.

In my eyes, as well as my PCP, there were no noted changes in my medications. I do share even my Cannabis and "plant" medications with my Primary Care Physician, thankfully. It took a few conversations with a few friends before I realized that the ONLY THING THAT I ADDED to my daily regimen was... Delta 8 THC. And, at that point, I had used it in every form, and was even consuming it in capsules. I ended up having to have 2 liver procedures, one of which I was unable to be sedated for, and the doctors still do not know why. That was incredibly traumatizing.

The one thing I was grateful for, was that even though ALL of the Delta 8 THC products that I used were still available for purchase in Maryland Medical Cannabis Commission Regulated Dispensaries, and online on both Leafly and Weedmaps, even today, was that Sue Ferguson of Kaycha Labs was honest enough with me to share just how TOXIC these products were found to be. She absolutely did not have to call me, email me, or share Kaycha Labs "Quantitative and Qualitative Assessments" for these particular Delta 8 THC Products. She was so stunned by the amount of COPPER found in both, not to mention other items not tested for on normal COAs, that she shared their findings with me. She also explained to me that I should "probably Google what is a safe amount of Copper in my drinking water...". I'm incredibly grateful for Kaycha Labs and for Ms Ferguson, and for their honest transparency with me.

Their COAs (Certificate of Analysis) differ from those attached to the Delta 8 Gummies, Delta 8 Tincture, provided by the manufacturer and Store here in Maryland. But, again, when offered to share these with the MMCC, I was told that the "MMCC is not allowed to test the products...". WHAT??? Then, WHO IS??? I also shared that "CANNVERIFY" Labels were on all of this Company's products, but when I tried the QR Code, the CannVerify said, "Report a Fraud?" and "Serial Number Not Found". The MMCC did not care. I personally used over one month of my SSDI (Social Security Disability Income) to pay Kaycha Labs to test the 25mg Delta 8 Gummies and the Delta 8 Tincture. If I would have purchased these products from an MMCC "regulated" Dispensary, it would have been "illegal" for me to have them tested.

When I approached the MMCC in December 2021 to report the medical injury, continuing adverse reactions, and problems with products sold in MMCC REGULATED Dispensaries, I was told to "Contact the FDA...,", to "fill out this online form for medical injury". Then, when asked who, as in what government body, is actually responsible for the testing, regulations, and sale of Delta 8 THC products and other Hemp-derived THC Isomers, the MMCC stated that "they are Not Responsible for anything sold in any Maryland Medical Cannabis Dispensary...". Still never answering any of my questions. What is the role of the MMCC then, please? Why won't they simply answer my questions, especially when the MMCC was "so concerned" to have ME THERE IN PERSON???

I filed a Patient report with the FDA on January 31st, 2022, and my Primary Care Physician filed a "Physician Report" (FDA Form 3500) on February 26th, 2022. I have also contacted the USDA, as they are the ones that are responsible for HEMP, and was reverted back to the FDA, via email. They also could not even afford me the time for a phone call.

I do not support Senator Feldman's Amendment. The MMCC's own Senior Supervisor of the Enforcement and Compliance Division could not even take the time to read a two minute email. In my personal experience, I do not feel that the MMCC, nor any MMCC REGULATED testing labs, should be "responsible" for testing and/or regulating ANY of these Hemp-derived THC Isomers. I also do not feel that the USDA cares enough to do the same, and that, as a Volunteer Advocate, Patient, and a Volunteer Caregiver, is so incredibly disappointing.

After my personal experiences with all of these agencies, I honestly feel that all of these Hemp-derived THC isomer products need further, transparent research, by accredited, nonbiased Labs

and agencies, that are NOT affiliated with the MMCC or the USDA. Until that happens, I can not sit silently and watch others possibly cause more harm to the Public, Patients, or cause themselves unknown harm due to the greed of themselves and others.

The damages that I have suffered have been disgusting. I have suffered emotional trauma, medical injury, I continue to suffer from adverse reactions, and not one agency, state or federal, will take an actual report to stop this from happening to someone else. These Hemp-derived THC Isomers should be banned in Maryland.

I have attached the COAs from Kaycha Labs, as well as screenshots. You are welcome to contact me with any questions or concerns at this email. Thank you.

Dawn Stancliff
2018 Ambassador of the Year, US Pain Foundation
Maryland Ambassador and Patient Advocate, US Pain Foundation
Email: coins2play2001@yahoo.com

MHAA Written Testimony (2) (1).pdf
Uploaded by: Isaac Meyer
Position: FWA

Dear Senator Feldman and members of the Senate Finance Committee,

This written testimony is put forward on behalf of the Maryland Healthy Alternatives Association. Our association represents businesses from every segment of the hemp industry and is committed to protecting the public's access to safe alternatives to prescription medications.

Firstly we want to thank you for your interest in the issues laid out in SB788. We look forward to working with you to establish a regulatory framework for hemp products that serves to protect consumer safety and the continued growth of the Maryland hemp industry. We are submitting this letter to request an amendment to the language of the study in order to have our association added as an equal contributor to the working group.

We agree that the hemp industry as a whole is in need of a regulatory framework that focuses on age gating and testing standards and believe that we can be of assistance in creating that framework as we have already been operating responsibly in these areas for years.

The language in the original draft of this legislation could require all consumers of these products to retain a medical marijuana card and recommendation to be able to purchase these products regardless of personal circumstances that prevent the procurement of the MMCC card. Additionally this bill could only allow these products to be sold at Maryland Medical Cannabis Dispensaries and could in effect place all current retailers out of business as well as totally remove the public's access to these products as medical marijuana dispensaries have no interest in the sale of hemp-derived products.

We want to be able to both ensure public safety while protecting this industry's ability to provide safe access to these products that help people improve their quality of life. Consumers of the products in question are much different from the average medical marijuana patient. These consumers are attracted to the fact that these products are significantly less potent than medical marijuana products. Delta 8 THC is 40-50% less psychoactive than medical marijuana and that is the primary reason why people purchase them.The average consumer of Delta 8 is more in line with the traditional CBD consumer than they are with a medical marijuana patient. Additionally there are many circumstances that prevent Marylanders from acquiring an MMCC card. Many employers do not allow their staff to obtain an MMCC card; many of these people work in healthcare and unions, and others who do not desire to have their medical marijuana status be made public. Additionally and most importantly there are a massive group of

these consumers who have no desire to be medical marijuana patients. Many of these people do not have the funds or the capability to acquire a medical marijuana card and could immediately lose their access to the products that have helped them improve the quality of their daily lives. We as producers and retailers of these products are a resource to these underserved communities. They are wonderful people and they come from all walks of life. Here are just 2 of the many customer testimonials we received when this legislation was first introduced. These 2 testimonials can serve as a snapshot of so many other Marylanders and their reliance on these hemp products.

My name is Hillary and I am a 29 year old mom, wife and lupus warrior. I was put on Oxycodone by a pain management doctor when I was in my early 20s due to the excessive damage to my muscles, joints, and nerves from my health issues. I have POTS, degenerative disc disease, small fiber neuropathy, Sjögren's syndrome, PTSD, generalized anxiety disorder and major depressive disorder that have all contributed to being disabled for the last 10 years. I stayed on various opioids 3 to 4 times a day for 7 years, even while pregnant, just to survive every day and be able to walk around my house. I was miserable and feared waking up and facing the pain every day.

In the summer of 2021 I decided I wanted to try living with the pain without opioids before my 30th birthday and started researching CBD. I came across Embrace Wellness CBD and it was close by so I visited their store. They were able to educate me on the various products and options I had. I decided to try their Delta-8 Hemp Carts even though I had not used any cannabis products in 10 years. I felt confident in their testing, ability to provide the third party test results, and the staff's knowledge when I left.

Since using delta-8, I have been able to come off of opioids completely. I am currently 15 weeks without opioids of any kind because of the benefits delta-8 is able to provide me via businesses like Embrace. My liver enzymes are better because I'm not taking so many medications anymore to combat the pain; the delta-8 is actually allowing my liver to rest enough to heal. I sleep better, my muscles are not so tense and painful, and my mood is happy and uplifted now. Having open access to delta-8 has changed my life in the matter of 6 months!. I am not able to get a medical marijuana card because of my husband's job which is a shame and leaves me with minimal options to treat my chronic pain.

Pharmaceuticals can and do help, but there is a big problem with discrimination against chronic pain patients who need to use opioids to control their pain. Meanwhile, there are wonderful, educated, knowledgeable people able and willing to help bring more natural hemp options to those of us with pain, anxiety, depression, etc. Delta 8 can help us fight pain and anxiety without being high, without poisoning our bodies and without risking addiction. Please do not take away one of the only legal natural alternatives we have!

Hillary C.

Delegate Pena-Melnyk, and Senator Feldman

My name is Frank and I am 75 years old. I reside in Eldersburg, Maryland and am a retired limousine driver. I worked for many years as a truck driver and suffered a terrible work-related back injury dating back nearly 20 years. I have had multiple back surgeries and was on Hydrocodone for decades. I began wanting to get off of the pain medication about a year ago as I knew it was not good for my body, specifically my liver, and in my older age I knew I could not continue to take these prescription drugs for much longer. I decided to quit taking the pills cold turkey which was not easy. As a result, due to horrible withdrawals from the Vicodin, I had been unable to sleep at all. I began looking into CBD for help with my pain and to help me sleep but it was not helping much. Then I visited Embrace CBD Wellness Center in Glen Burnie and was introduced to Delta 8. I was thoroughly educated by the staff there and was shown a lab test that showed that it was a clean product and that put me at ease. I'm an older guy so all of this is very new to me but this product has been the only thing that has allowed me to get a good night's sleep. At first I was extremely skeptical, and to be honest, was totally against it as I am not someone who ever wanted to use anything even remotely related to THC. I do not like marijuana, I never have, but these delta 8 products work. I am finally able to sleep which has drastically improved my life.

As a retiree on a fixed income, I cannot afford a medical marijuana license and am also quite afraid of using marijuana as it will be too strong for me. I do not like smoking and I am too old to walk around high. The intoxication I feel from delta 8 is very mild and manageable for me as someone with zero experience with any products like these. I have grown to rely on this product for pain management and sleep. Please do not take away my access to these products as they are the only thing keeping me off of opiates and helping me sleep.

Sincerely,

Frank P.

The Senator's newsletter states that these products are being sold to minors without any testing requirements or restrictions and there is certainly some truth to that. We appreciate that the Senator has shown interest in fixing this problem. Responsible and ethical companies like the ones represented by our association have held ourselves to the highest possible standards as it relates to testing and quality control. We use DEA registered 3rd party laboratories to do full panel lab tests on all of our raw ingredients and finished products. We go beyond the MMCC requirements by using food grade toxicology labs to do additional foreign materials analysis and reagent testing which is in addition to the potency, mycotoxins, heavy metals, pesticides, and residual solvents analysis. Hemp industry professionals take testing very seriously and go far beyond the MMCC. The 3 MMCC approved labs do not have the capacity to be able to do the type

of testing that the hemp industry does and as a result this bill would not have achieved its stated purpose. We have set the testing standards, we have the model for the best possible regulation of these products. We are just asking to be let into the conversation. We can help our representatives push this industry forward while protecting the public, especially the children, from harm due to untested and fraudulent products. We agree that we need to keep these products out of the hands of minors, but the stores represented by our association have an age requirement of 21 to enter and make purchases. These products being sold in gas stations and convenience stores are contributing to these products landing into the hands of minors. There is a better way to go about this that would not cause our industry so much loss and inflict so much unnecessary damage on its participants. Simple. We must stop allowing irresponsible retailers to sell it in places that minors have unfettered access to and allow businesses who are responsible to continue to operate by selling these federally legal and fully compliant, thoroughly tested products to those 21 and older to be able to use as alternatives to prescription medications and to improve the quality of their lives. Again, we want regulation, we just want it the right way. Below you will see an example of the type of testing that the hemp industry has the capacity to do.

First you will find chain of custody documents that track and verify product origin, then a lab test for the hemp grown to be extracted to cbd, a lab test for the cbd extracted and a full panel lab test for the Delta 8 made from the cbd.

1/13/2021

CHAIN OF CUSTODY

This letter certifies that Batch No. 817-12-1 of Delta-8 oil has been processed from hemp and CBD Isolate that complies with all applicable laws. The test results for both the hemp and CBD use to make Batch No. 817-12-1 are attached to this letter.

Informational Use Only
Not For Regulatory Use

Certificate of Analysis

Juniper Analytics LLC
1334 NE 2nd St
Bend, OR
(541) 382-3796
http://www.juniperanalyticsllc.com
ORELAP: License # 4101-001

Sample: 20JA0873.01

Hemp Potency - Not for Compliance -CAN, MC

Report Date: 5/27/2020
Intake Date: 05/21/2020
Harvest/Prod. Date:

METRC Sample: ; METRC Batch #: ;
External Batch #: ; Analytical Batch #: PO-2020-05-22-02

<LOQ	**8.038%**
Total THC %	Total CBD %
<LOQ	**80.38 mg/g**
Total THC mg/g	Total CBD mg/g

Pesticides	Not Tested
Water Activity	Not Tested
Moisture Content	Pass

See attached sheets for details

This product has been tested by Juniper Analytics LLC, using valid testing methologies and a quality system as required by state law. Values reported relate only to the product tested and batched under the batch number identified above. Juniper Analytics LLC makes no claims as to the efficacy, safety, or other risks associated with any detected or non-detected level of any compounds reported herein. This Certificate must not be altered, and shall not be reproduced except in full, without the written approval of Juniper Analytics LLC.

Ben Armstrong
QA Review

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com

Informational Use Only
Not For Regulatory Use

Certificate of Analysis

Juniper Analytics LLC
1334 NE 2nd St
Bend, OR
(541) 382-3796
http://www.juniperanalyticsllc.com
ORELAP: License # 4101-001

Sample: 20JA0873.01

Hemp Potency - Not for Compliance -CAN, MC

Report Date: 5/27/2020
Intake Date: 05/21/2020
Harvest/Prod. Date:
Potency Analysis Date: 05/26/2020

METRC Sample: ; METRC Batch #: ;
External Batch #: ; Analytical Batch #: PO-2020-05-22-02

Cannabinoid Profile

<LOQ	8.038%
Total THC	Total CBD
<LOQ	**80.38 mg/g**
Total THC mg/g	Total CBD mg/g

Analyte	LOQ	Mass	Mass
	mg/g	%	mg/g
THCa	1.050	0.317	3.17
Δ9-THC	1.050	<LOQ	<LOQ
Δ8-THC	1.050	<LOQ	<LOQ
THCV	1.050	<LOQ	<LOQ
CBDa	1.050	8.953	89.53
CBD	1.050	0.187	1.87
CBN	1.050	<LOQ	<LOQ
CBGa	1.050	0.244	2.44
CBG	1.050	<LOQ	<LOQ
CBC	1.050	<LOQ	<LOQ
Total		**9.700**	**97.00**

QC Batch ID: PO-2020-05-22-02
Total THC = THCa * 0.877 + Δ9-THC
Total CBD = CBDa * 0.877 + CBD
Instrument: HPLC/DAD; Method: JA-Potency-Proprietary; LOQ = Limit of Quantitation; The reported result is based on a sample weight with the applicable moisture content for that sample; Unless otherwise stated all quality control samples performed within specifications established by the Laboratory. Potency Analysis (Oregon Compliance Standard OAR 333-007-0430).

Ben Armstrong
QA Review

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com

Informational Use Only
Not For Regulatory Use

Certificate of Analysis

Juniper Analytics LLC
1334 NE 2nd St
Bend, OR
(541) 382-3796
http://www.juniperanalyticsllc.com
ORELAP: License # 4101-001

Sample: 20JA0873.01

Hemp Potency - Not for Compliance -CAN, MC

Report Date: 5/27/2020
Intake Date: 05/21/2020
Harvest/Prod. Date:
Moisture Analysis Date: 05/26/2020
Water Activity Analysis Date:

METRC Sample: ; METRC Batch #: ;
External Batch #:

Moisture Content / Water Activity

Pass
10.45%
Limit: 15.00%
Moisture

Not Tested
NaN aw
Limit: 0.65 aw
Water Activity

Instrument: Aqua Lab Water Activity Meter. Water Activity and Moisture Content (Oregon Compliance Standard OAR 333-007-0420)
Instrument: Sartorius MA37 Electronic Moisture Analyzer

Ben Armstrong
QA Review

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com

ORELAP Cert No. 4092-005
OLCC No. 1002158CD2E

Oregon Compliant Marijuana Potency Analysis by High Performance Liquid Chromatography

Testing Accreditation #: 4092-005

Test Certificate #: 127371-001

Client Name, Sample Details

Sample: Isolate
License:
Type: Extract
Method: FE04U HPLC-UV

Test Conditions
Prepsheet ID#: MIP201022
Scale: XS205-OR1
Analyst: HRM
Technician: TMR

Sample ID#: 127371
Lot #: -20-70i
Batch #: 127371
Harvest/Process Date: 10/26/2020
Date Received: 10/26/2020
Test Date: 10/27/2020

Test Compounds	THC	THCA	CBD	CBDA	CBN	CBG	CBC	THCV*	CBDV	Total Cannabinoids*	Total THC	Total CBD	Calc Max Total Cannabinoids*
Amount (%)	N/D	N/D	110.89	0.26	N/D	N/D	N/D	N/D	0.45	111.60	0.00	111.12	111.12
Amount (mg/g)	N/D	N/D	1108.89	2.59	N/D	N/D	N/D	N/D	4.53	1116.01	0.00	1111.16	1115.69
Amount per Serving (mg)	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D	N/D	0.00	**Serving Size~ (g):**		0.00
LOQ (mg/g)	2	2	2	2	2	2	2	2	2		**%Decarb.**	**THC**	**CBD**
±%RPD	0.13	0.07	0.81	0.77	1.35	1.49	0.51	0.82	0.85			N/A	100

LOQ = Limit of Quantitation; %RPD = Relative Percent Deviation; %RSD = Relative Standard Deviation; N/D = Not Detected
*Designates values that are not currently included in the accredited scope of Iron Laboratories.

*** Designates tests that use the method FE-45. FE-45 is performed using AOAC 966.02 and 32.004-32.009. FE-45 has relative expanded (k=2) uncertainties of 1.098% for moisture, 1.754% for water activity for unprocessed plant materials, and 13.102% for water activity for infused products. Vitamin E acetate analysis has a relative expanded (k=2) uncertainty of 18.614%.

Total THC and CBD is the calculated sum of THC or CBD and the amount of THC or CBD derived from THCA or CBDA, respectively. These values are calculated by applying a molar correction factor of 0.877 to the THCA or the CBDA value. Calc Max Total Cannabinoids is the sum of Total THC, Total CBD, CBN, CBG, CBC, THCV, and CBDV.

%Decarb. THC and CBD refer to the percentage of THC or CBD relative to THCA or CBDA, respectively.

SOP FE-01-OR9 was used in accordance with OAR 333-007 for sampling. All marijuana items are sampled and tested in accordance with OAR 333-007-0300 to 333-007-490 and OAR 333-064-0100 to 333-064-0110.

This certificate shall not be reproduced except in full, without written approval of Iron Laboratories, LLC.

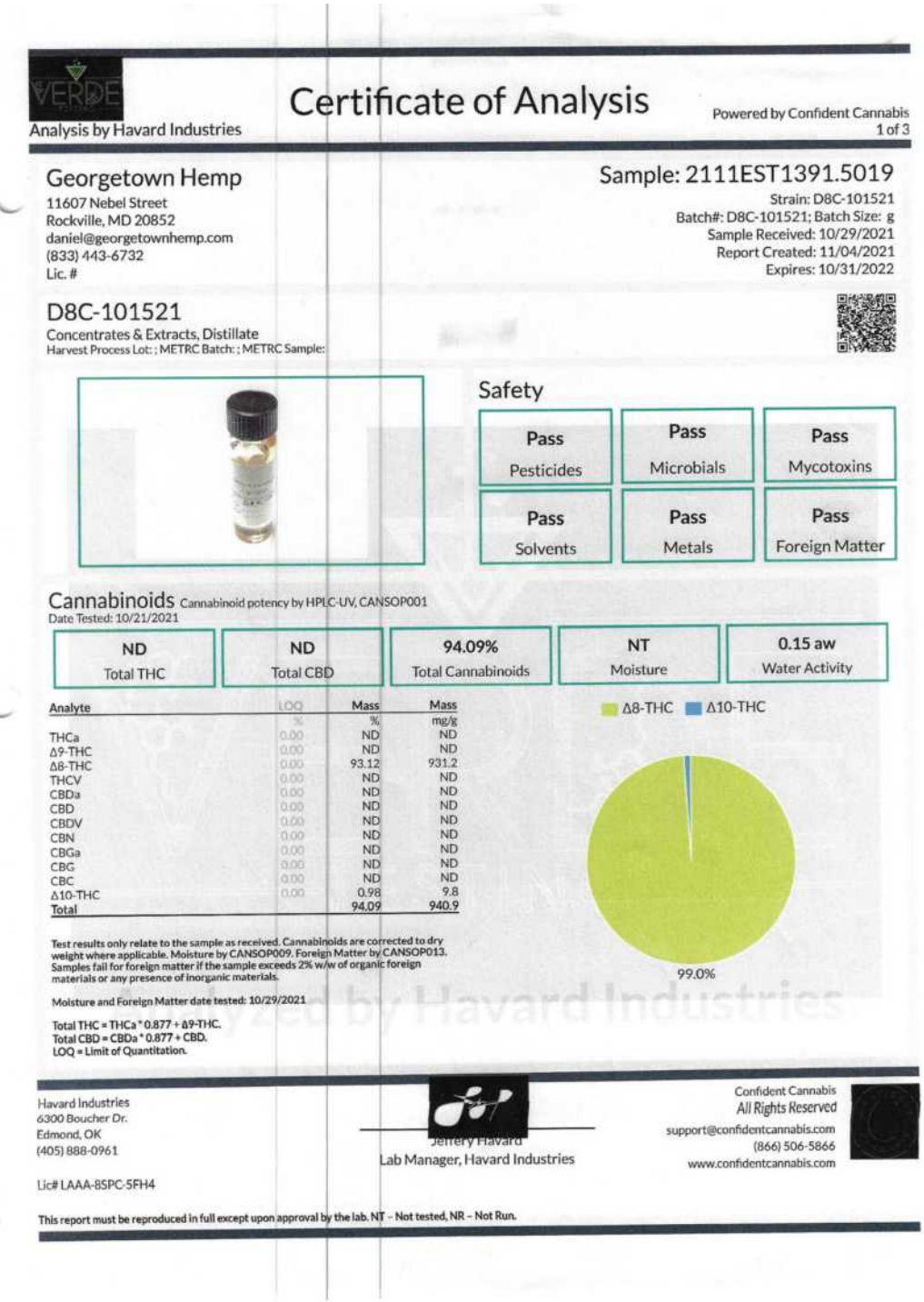
Terry Rabinowitz, Quality Manager

Himashi Mead, Technical Manager

Iron Labs Oregon complies with 2009 TNI Environmental Laboratory Standards.

Tested by Iron Laboratories Oregon, 71 Centennial Loop Suite D Eugene, OR 97401

Full panel 3rd party lab test done by a DEA registered 3rd party laboratory.



VERDE

Analysis by Havard Industries

Certificate of Analysis

Powered by Confident Cannabis
1 of 3

Georgetown Hemp

11607 Nebel Street
Rockville, MD 20852
daniel@georgetownhemp.com
(833) 443-6732
Lic. #

Sample: 2111EST1391.5019

Strain: D8C-101521
Batch#: D8C-101521; Batch Size: g
Sample Received: 10/29/2021
Report Created: 11/04/2021
Expires: 10/31/2022

D8C-101521

Concentrates & Extracts, Distillate
Harvest Process Lot: ; METRC Batch: ; METRC Sample:

Safety

Pass Pesticides	Pass Microbials	Pass Mycotoxins
Pass Solvents	Pass Metals	Pass Foreign Matter

Cannabinoids

Cannabinoid potency by HPLC-UV, CANSOP001
Date Tested: 10/21/2021

ND	ND	94.09%	NT	0.15 aw
Total THC	Total CBD	Total Cannabinoids	Moisture	Water Activity

Analyte	LOQ	Mass %	Mass mg/g
THCa	0.00	ND	ND
Δ9-THC	0.00	ND	ND
Δ8-THC	0.00	93.12	931.2
THCV	0.00	ND	ND
CBDa	0.00	ND	ND
CBD	0.00	ND	ND
CBDV	0.00	ND	ND
CBN	0.00	ND	ND
CBGa	0.00	ND	ND
CBG	0.00	ND	ND
CBC	0.00	ND	ND
Δ10-THC	0.00	0.98	9.8
Total		94.09	940.9

Test results only relate to the sample as received. Cannabinoids are corrected to dry weight where applicable. Moisture by CANSOP009. Foreign Matter by CANSOP013. Samples fail for foreign matter if the sample exceeds 2% w/w of organic foreign materials or any presence of inorganic materials.

Moisture and Foreign Matter date tested: 10/29/2021

Total THC = THCa * 0.877 + Δ9-THC.
Total CBD = CBDa * 0.877 + CBD.
LOQ = Limit of Quantitation.

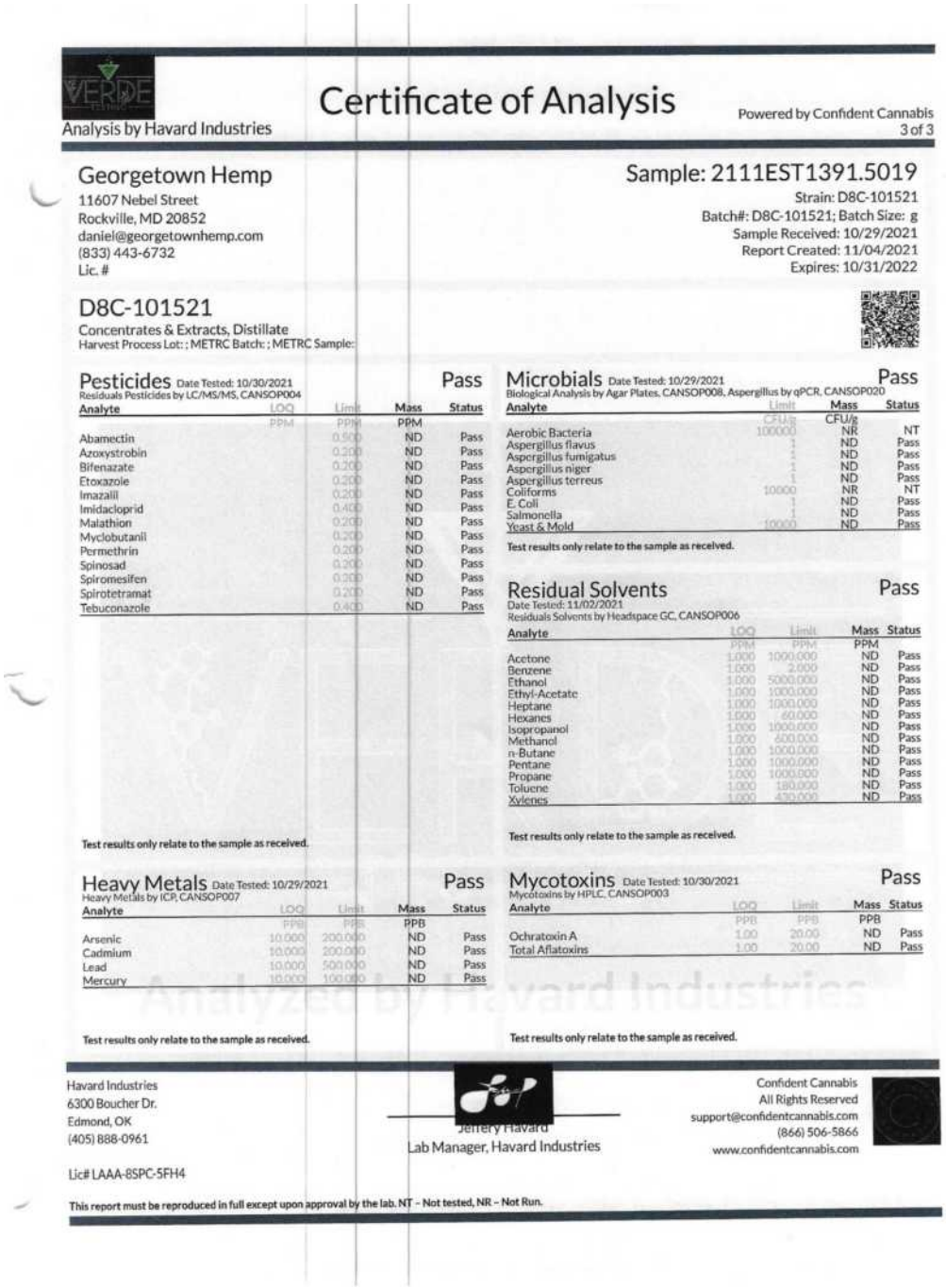
Havard Industries
6300 Boucher Dr.
Edmond, OK
(405) 888-0961

Lic# LAAA-8SPC-5FH4

Jeffery Havard
Lab Manager, Havard Industries

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com

This report must be reproduced in full except upon approval by the lab. NT – Not tested, NR – Not Run.



Certificate of Analysis

Analysis by Havard Industries

Powered by Confident Cannabis
3 of 3

Georgetown Hemp

11607 Nebel Street
Rockville, MD 20852
daniel@georgetownhemp.com
(833) 443-6732
Lic. #

Sample: 2111EST1391.5019

Strain: D8C-101521
Batch#: D8C-101521; Batch Size: g
Sample Received: 10/29/2021
Report Created: 11/04/2021
Expires: 10/31/2022

D8C-101521

Concentrates & Extracts, Distillate
Harvest Process Lot: ; METRC Batch: ; METRC Sample:

Pesticides

Date Tested: 10/30/2021
Residuals Pesticides by LC/MS/MS, CANSOP004

Pass

Analyte	LOQ	Limit	Mass	Status
	PPM	PPM	PPM	
Abamectin		0.500	ND	Pass
Azoxystrobin		0.200	ND	Pass
Bifenazate		0.200	ND	Pass
Etoxazole		0.200	ND	Pass
Imazalil		0.200	ND	Pass
Imidacloprid		0.400	ND	Pass
Malathion		0.200	ND	Pass
Myclobutanil		0.200	ND	Pass
Permethrin		0.200	ND	Pass
Spinosad		0.200	ND	Pass
Spiromesifen		0.200	ND	Pass
Spirotetramat		0.200	ND	Pass
Tebuconazole		0.400	ND	Pass

Test results only relate to the sample as received.

Microbials

Date Tested: 10/29/2021
Biological Analysis by Agar Plates. CANSOP008, Aspergillus by qPCR, CANSOP020

Pass

Analyte	Limit	Mass	Status
	CFU/g	CFU/g	
Aerobic Bacteria	100000	NR	NT
Aspergillus flavus	1	ND	Pass
Aspergillus fumigatus	1	ND	Pass
Aspergillus niger	1	ND	Pass
Aspergillus terreus	1	ND	Pass
Coliforms	10000	NR	NT
E. Coli	1	ND	Pass
Salmonella	1	ND	Pass
Yeast & Mold	10000	ND	Pass

Test results only relate to the sample as received.

Residual Solvents

Date Tested: 11/02/2021
Residuals Solvents by Headspace GC, CANSOP006

Pass

Analyte	LOQ	Limit	Mass	Status
	PPM	PPM	PPM	
Acetone	1.000	1000.000	ND	Pass
Benzene	1.000	2.000	ND	Pass
Ethanol	1.000	5000.000	ND	Pass
Ethyl-Acetate	1.000	1000.000	ND	Pass
Heptane	1.000	1000.000	ND	Pass
Hexanes	1.000	60.000	ND	Pass
Isopropanol	1.000	1000.000	ND	Pass
Methanol	1.000	600.000	ND	Pass
n-Butane	1.000	1000.000	ND	Pass
Pentane	1.000	1000.000	ND	Pass
Propane	1.000	1000.000	ND	Pass
Toluene	1.000	180.000	ND	Pass
Xylenes	1.000	430.000	ND	Pass

Test results only relate to the sample as received.

Heavy Metals

Date Tested: 10/29/2021
Heavy Metals by ICP, CANSOP007

Pass

Analyte	LOQ	Limit	Mass	Status
	PPB	PPB	PPB	
Arsenic	10.000	200.000	ND	Pass
Cadmium	10.000	200.000	ND	Pass
Lead	10.000	500.000	ND	Pass
Mercury	10.000	100.000	ND	Pass

Test results only relate to the sample as received.

Mycotoxins

Date Tested: 10/30/2021
Mycotoxins by HPLC, CANSOP003

Pass

Analyte	LOQ	Limit	Mass	Status
	PPB	PPB	PPB	
Ochratoxin A	1.00	20.00	ND	Pass
Total Aflatoxins	1.00	20.00	ND	Pass

Test results only relate to the sample as received.

Havard Industries
6300 Boucher Dr.
Edmond, OK
(405) 888-0961

Lic# LAAA-8SPC-5FH4

Jeffery Havard
Lab Manager, Havard Industries

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com

This report must be reproduced in full except upon approval by the lab. NT – Not tested, NR – Not Run.

And lastly and most importantly you will see that we take an extra step beyond the MMCC in contracting a food grade toxicology lab to do additional reagent and toxicity testing. MMCC labs cannot and do not take this necessary step. This is part of the model that we are advocating for and will help to create if our amendment is accepted to allow us to be a coequal member of this study.

THE CARLSON COMPANY INC

Call: 1-866-889-3410 or email: carlsonco@comcast.net

Client: Carlson Company LLC Addr: 10343 Federal Blvd Ste J-401 Westminster, CO 80260 Phone: (719) 531-6666 Fax: Kaily Bizsani	First Name: MC Last Name: Nutraceuticals ID: N/A Test Name: Unknown Chemicals and Toxins Profile: OCC9998 Media: Other Reason: STAT	Specid: MC Acc #: 210850064 Collected: 3/23/2021 Received: 3/29/2021 2:30 PM Released: 3/30/2021 4:31 PM Status: Complete

Drug/Test	Lab Result	Confirm Value	Screen Cutoff	Confirm Cutoff	Confirm Type
UNKNOWN CHEMICALS AND TOXINS	See Test Comment Below				

Test Comment:

Description:
Amber Waxy Substance

Findings:

No Chemicals or Toxins Detected

Screen Analysis by EIA
Analysis by LC/MS/MS
Analysis by GCMS, mass spectral data compared with American Academy of Forensic Sciences (AAFS) and Wiley/ National Institute of Science and Technology (NIST) mass spectrometry libraries.

This test is developed and validated by Expertox Laboratory. This is not a FDA approved test.

The preceding result has been reviewed and is certified to be as reported. Jasmine Cox (Certifying Scientist)

It is important to note that there are many products being sold in places like C-stores and gas stations that are marketed towards children as well as products that are overstating the psychoactivity of Delta 8, however responsible sellers like the ones represented by our association do not participate in selling products like these. Below you will see an example of some of these products and then some of the products sold by responsible retailers.


MEDIC-8-ED
NeRdy
Bears
CA
420
MG
Net Weight 20g.
Tangy & Crunchy outside


BEARLY LEGAL
DELTA 8 GUMMIES
100% Hemp Derived


NET WT
0.92 OZ (26g)
FOR MEDICAL USE ONLY
WARNING:
KEEP OUT OF REACH OF CHILDREN AND ANIMALS
MEDICATED
NERDS
SUPER SOUR
ROPE
BITES
SUPER POTENT FORMULA
DELTA 8
250 MG
60 MINUTE
ACTIVATION TIME

Now here are some products produced by companies representative of our association.


TH
FARMS
DELTA 8 THC
GUMMIES
MIXED FRUIT
500MG 25MG EACH 20 COUNT
NET WT. = 3.24 OZ. (92G)
Nutrition Facts
Servings per container 20
Serving size 1 piece (4.6g)
Amount per Serving
Calories 15
% Daily Value
Total Fat 0g 0%
Saturated Fat 0g 0%
Trans Fat 0g
Cholesterol 0mg 0%
Sodium 10mg 0%
Total Carbohydrate 3g 1%
Dietary Fiber 0g 0%
Total Sugars 2g
Protein 0g 0%
Hemp Extract (Aerial Plant Parts) 25mg †
FOLLOW & VISIT US ONLINE
@GEORGETOWNHEMP
GEORGETOWNHEMP.COM
DISTRIBUTED BY
GEORGETOWN HEMP
11607 NEBEL ST.
ROCKVILLE, MD 20852
INGREDIENTS:
SUGGESTED USE:
Take 1 gummy every 6 hours as desired.
WARNING:
Keep out of reach of children.
7 18910 35632


Δ8THC
NANO EMULSIFIED
GTH
FARMS
1500MG
Δ9 THC-Free
1 fl oz | 30ml
BD

It is important to draw these distinctions as we totally believe in regulation not just of the product itself, but also its packaging and presentation. We would like to be an ally and a resource to the legislature, the MMCC and the Dept. of Agriculture as we believe wholeheartedly that responsible hemp businesses and the medical cannabis industry can, and should, coexist.

Unlike the Maryland Medical Cannabis Industry the Maryland Hemp industry is not confined to the state of Maryland and this legislation could upend our industry in ways that can have a negative effect on the national economy. There are hundreds of manufacturers both in and out of our state who have a stake in Maryland and would be negatively affected by the passage of this type of legislation. The reality is that Delta 8 THC is currently propping up much of the hemp industry as a whole and the fallout from bills like these would be felt across the country. There is a better way forward, one that we hope could set the standard for many other states to follow. We have already drafted a comprehensive regulatory framework that we believe could serve as the model that would allow Maryland to lead the way in ensuring the continued growth of the hemp industry while simultaneously protecting the consumer. This framework includes everything from establishing an oversight commission, to setting the testing standards, licensing, penalties, age-gating, and packaging requirements. If allowed to participate in this study we can offer invaluable insight to help this working group achieve its goal.

The Maryland marijuana dispensary owners have been lobbying against the hemp industry's ability to participate in the free market since the passage of the 2018 agriculture improvement act. No hemp industry professionals were consulted in this matter. Passing the type of legislation that was originally introduced would put responsible companies like ours out of business and cost the jobs of thousands of people. The hemp industry is a large industry. The Maryland tax contribution by hemp businesses dwarfs that of the medical marijuana dispensaries and even that loss of revenue pales in comparison to the pain and suffering that this would cause to those of us who have been doing the right things in compliance with all state and federal laws. Make no mistake, this type of bill would end the Maryland Hemp Industry as we know it.

We were graciously invited by Delegate Pena-Melnyk and Senator Feldman to participate in this study and we are excited for that opportunity and we ask for an amendment to the language of this study to include our association as an equal contributor to the working group. We truly believe that our input in all matters relating to this topic would help this study achieve its stated purpose.

Thank you for your consideration.

Maryland Healthy Alternatives Association

Nicholas Patrick

Daniel Simmonds

Eric Fritschler

Witness Testimony.pdf
Uploaded by: Kenna Musselman
Position: FWA

FOXWELL FARMS

March 1, 2022

To Whom it May Concern;

I am Kenna Musselman – owner and operator of Foxwell Farms LLC, one of the few dedicated hemp farms remaining in Maryland. I would like to speak out in favor of proper regulation of Delta 8 and other cannabinoids. The hemp industry is suffering – from lackluster leadership, flimsy policy, and 'big money' influence. The last thing this struggling industry needs is another nonsensical hurdle. Instead, I believe the answer lies in proper handling and regulation of hemp-derived materials to ensure that these valuable products end up in the hands of those that need them the most.

In the aftermath of the pandemic, our CBD-based business was left essentially upside-down, stifled by economic stressors and a bottoming-out of the CBD market. Delta 8 and other cannabinoids have given this industry, and our company, another avenue to explore – more or less, breathing life into our future.

Without an opportunity to utilize these cannabinoids in an efficient, responsible, cost-effective manor, our industry (that we've worked so hard to preserve) will cease to exist.

Sincerely,

Kenna Musselman, owner

(443) 854 – 6704 | foxwellfarmsmd@gmail.com
8482 Fort Smallwood Rd, #165
Pasadena, MD 21122

SB788-MdPHA-FWA.pdf
Uploaded by: Raimee Eck
Position: FWA

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

SB 788 Cannabis – Regulations – Revisions

Hearing Date: 3/3/22

Committee:

Position: Favorable with amendments

Chairperson Kelley and members of the Finance Committee: The Maryland Public Health Association (MdPHA) would like to offer testimony regarding SB 788, 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 psychedelic 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.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

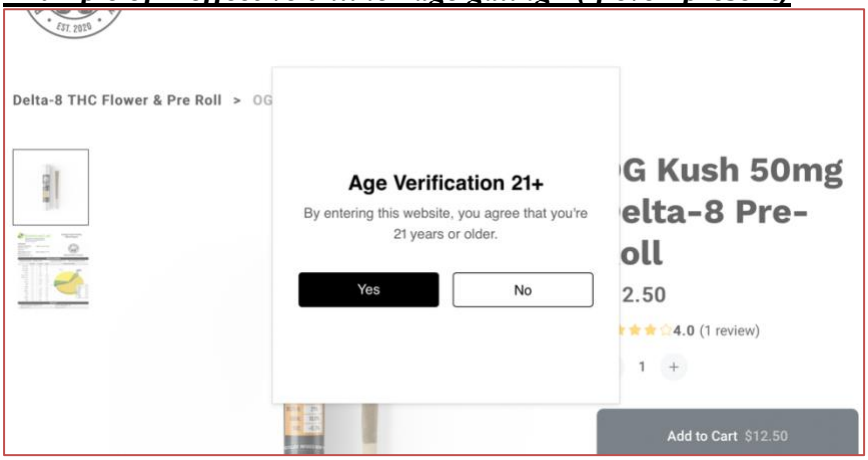
MdPHA urges support of SB788 and the accompanying amendments, with the following considerations:

- Consider an immediate injunction of 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

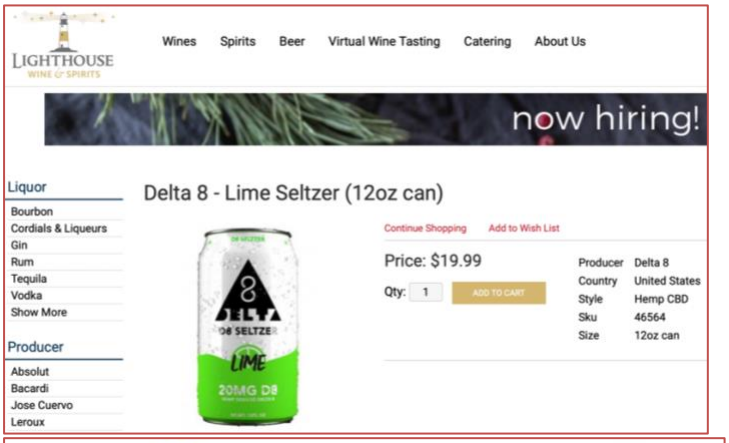
We have also included a number of online product examples that illustrate some of the concerns we have expressed.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

Example of ineffective online "age gating" (if even present)

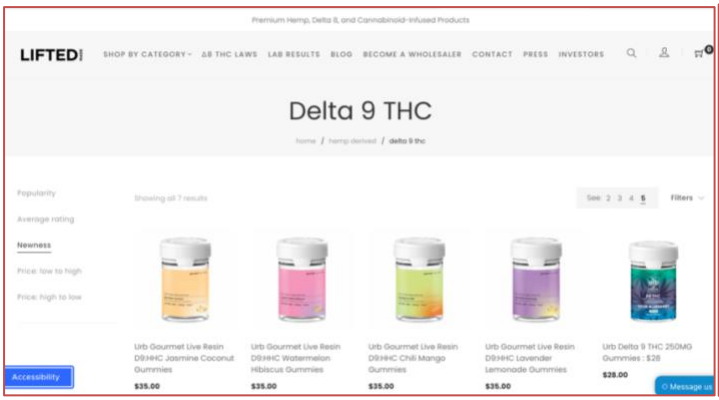


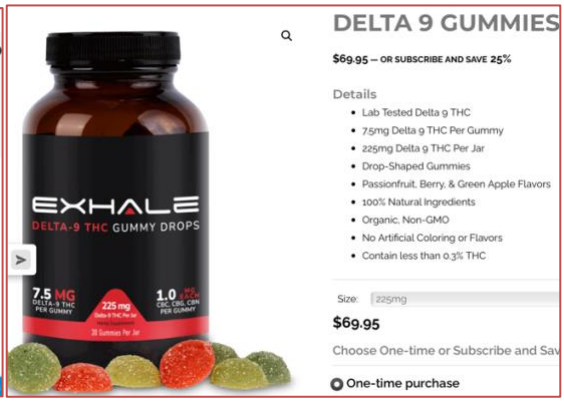
Examples of flavors and multiple means of ingestion



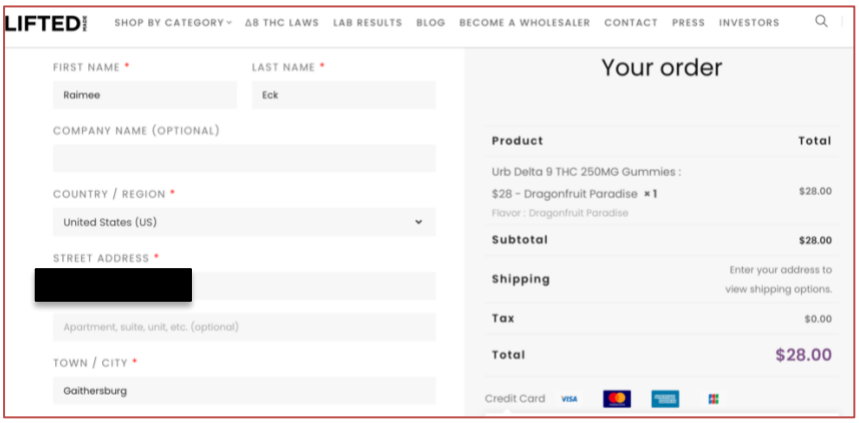
Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

Companies selling legal delta-9 THC products online

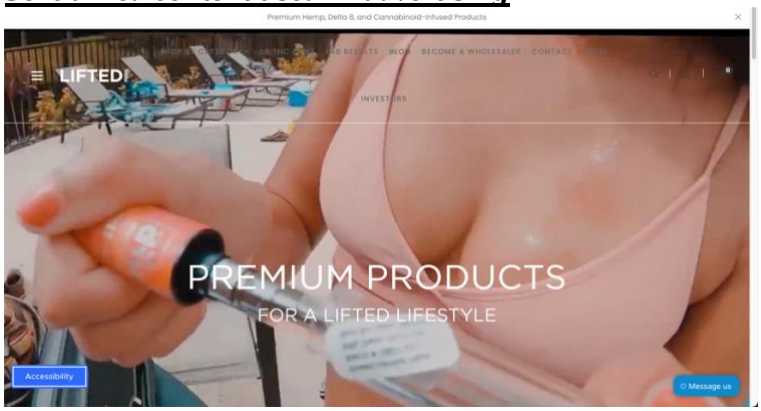


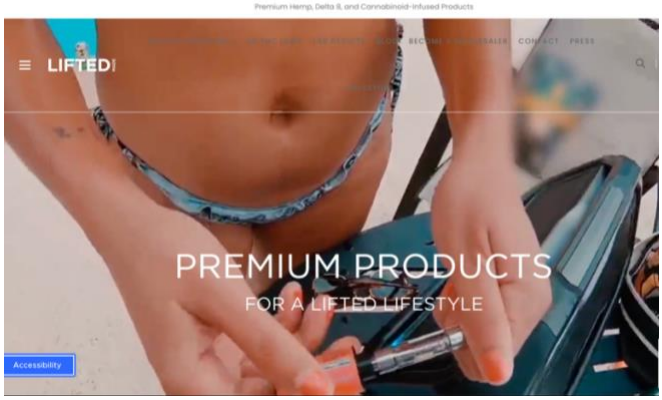


No taxes applied at checkout



Sexualized content used in advertising





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.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

SB788-MdPHA-FWA.pdf
Uploaded by: Raimee Eck
Position: FWA

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

SB 788 Cannabis – Regulations – Revisions

Hearing Date: 3/3/22

Committee: Finance

Position: Favorable with amendments

Chairperson Kelley and members of the Finance Committee: The Maryland Public Health Association (MdPHA) would like to offer testimony regarding SB 788, 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 psychedelic 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.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

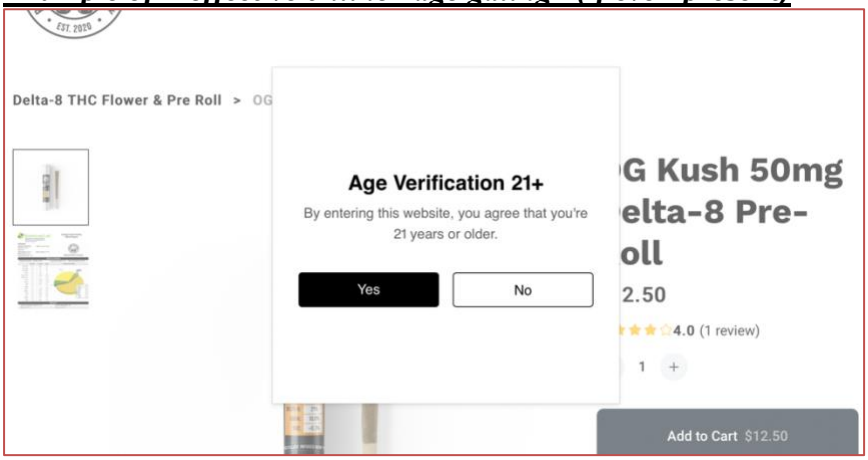
MdPHA urges support of SB788 and the accompanying amendments, with the following considerations:

- Consider an immediate injunction of 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

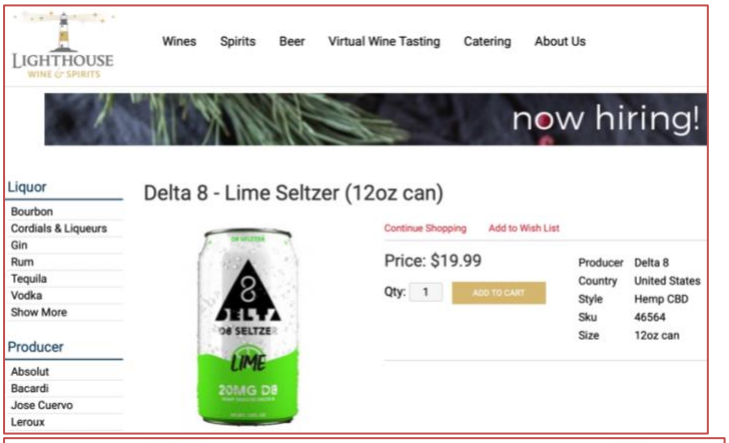
We have also included a number of online product examples that illustrate some of the concerns we have expressed.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

Example of ineffective online "age gating" (if even present)

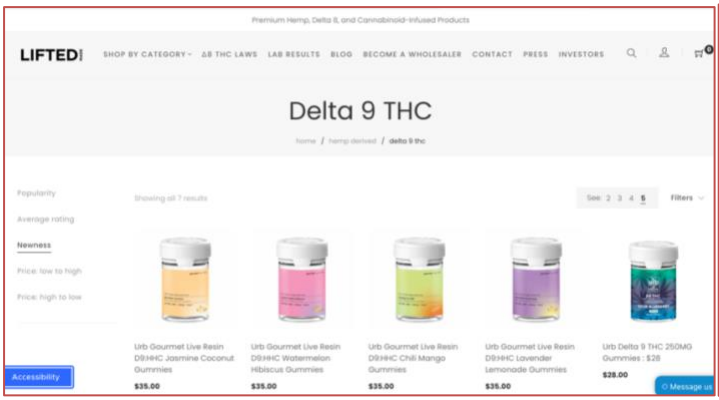


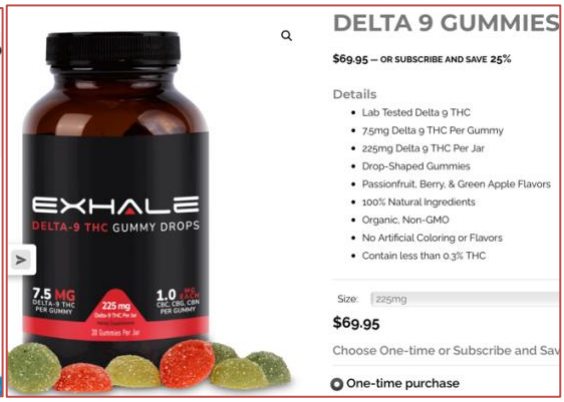
Examples of flavors and multiple means of ingestion



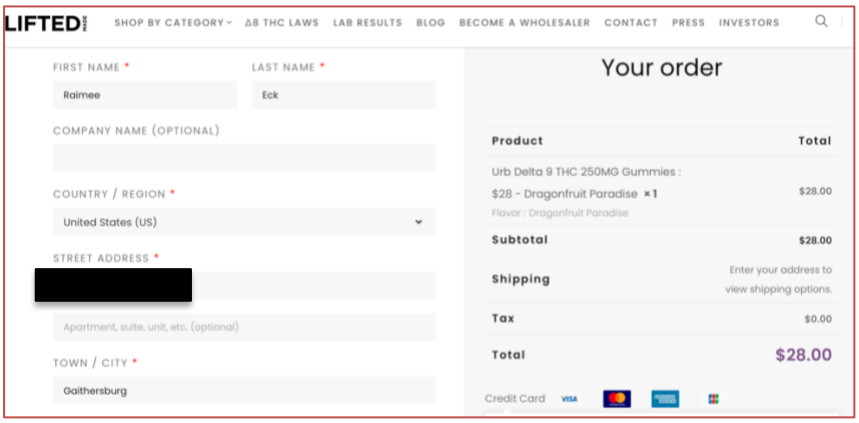
Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

Companies selling legal delta-9 THC products online

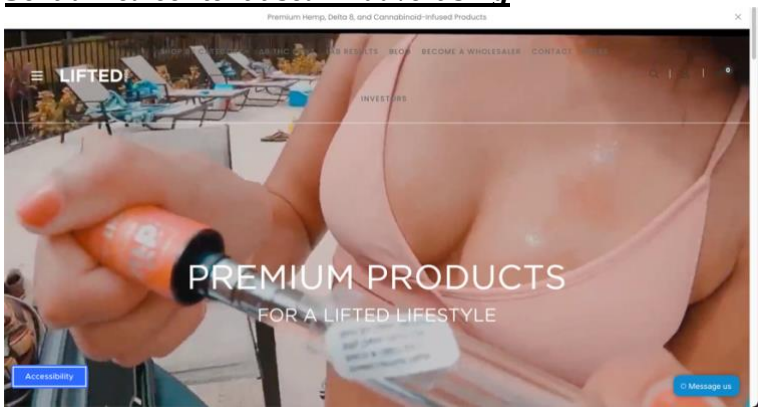


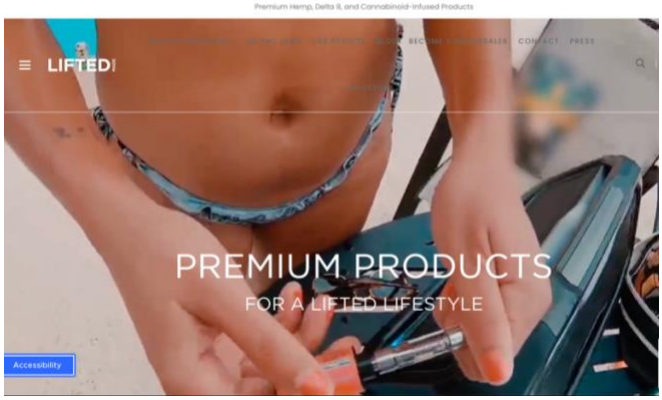


No taxes applied at checkout



Sexualized content used in advertising





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.

Maryland Public Health Association (MdPHA)
PO Box 7045 · 6801 Oak Hall Ln · Columbia, MD 21045-9998
GetInfo@MdPHA.org www.mdpha.org 443.475.0242

16 - SB 788 - MMCC - LOSWA.docx.pdf
Uploaded by: State of Maryland (MD)
Position: FWA

2022 SESSION
POSITION PAPER

BILL NO: SB 788
COMMITTEE: Senate Finance Committee
POSITION: Support with Amendments

TITLE: Cannabis – Regulations – Revisions

BILL ANALYSIS: Senate Bill (SB) 788, as introduced, amends the definitions for "hemp product" and "marijuana," and establishes a definition for "medical cannabis." The amended definition for "hemp product" expressly excludes products containing 0.3% or greater delta-8 tetrahydrocannabinol (THC), a THC isomer that produces a similar psychoactive effect or "high" to delta-9 THC. Conversely, the definition of "marijuana" is expanded to expressly include products containing 0.3% or greater delta-8 THC. The bill also defines "medical cannabis" to include products that contain 0.3% or greater delta-8 THC. By establishing a medical cannabis definition that includes delta-8, medical cannabis licensees will be expressly authorized to cultivate, produce, and dispense products containing delta-8, if they meet testing, packaging, and labeling standards established by the Maryland Medical Cannabis Commission.

POSITION AND RATIONALE: The Maryland Medical Cannabis Commission (the Commission) supports SB 788 with the sponsor's amendments to (1) eliminate changes to the definition of "hemp product" in Agriculture Article, §14-101 and "marijuana" in Criminal Law Article, §5-101, (2) amend the proposed definition of "medical cannabis" to align with the Commission's regulatory definition in Code of Maryland Regulations (COMAR) 10.62.01.01., and (3) require the Commission, in consultation with the Maryland Department of Agriculture, to study and make recommendations to the General Assembly on how to classify and regulate hemp-derived tetrahydrocannabinols.

Background

The passage of the federal Agriculture and Nutrition Improvement Act ("2018 Federal Farm Bill") legalized *Cannabis sativa L.* plants that contain less than 0.3% delta-9 THC. According to the 2018 Farm Bill, and Agriculture Article §14-101, Annotated Code of Maryland, any product derived from these plants is lawful as long as delta-9 THC does not exceed the 0.3% threshold. Neither the 2018 Farm Bill nor Maryland law address other THC isomers, including delta-8,

delta-10, delta-6a10a, and THC-O-acetate, that provide a similar psychoactive effect or "high" to delta-9.

Initially, this regulatory gap did not present an issue, because delta-8 and the other THC isomers only occur naturally in the cannabis plant in very trace amounts. However, manufacturers have identified cost-effective ways to chemically convert cannabidiol (CBD), which is not psychoactive, into delta-8, delta-10, and other psychoactive THC isomers. In order to convert CBD to delta-8 and other THC isomers, manufacturers must dissolve the CBD in a solvent, mix the solvent with acid, maintain the mixture at least 100 degrees Celsius, and stir the mixture for 24 to 48 hours.

The Problem

No quality control standards or testing requirements

There are currently no health and safety standards for receipt, storage, processing, handling, testing, or transport of these products, and no regulatory oversight to ensure product safety and quality. Absent manufacturing standards, harmful solvents and acids like Heptane, Hexane, Cyclohexane, Toluene, Sulfuric acid, Hydrochloric acid, and p-Toluene sulfonic acid are commonly used in the production of delta-8. These methods can be hazardous to the people performing the reaction, as well as the end-user.

Since there are no testing requirements, mandatory warnings, or labeling standards for these products, consumers – which include youth as there are no age restrictions - are unaware of any health and safety risks. Compounding matters, analyses performed by independent laboratories indicate that few certificates of analysis for CBD and other hemp-derived products are accurate, and that package labels often grossly misstate the amount of CBD, delta-8 THC, delta-9 THC, and other THC isomers that are present in a product. In 2021, Virginia Commonwealth University analyzed dozens of delta-8 products and found "an alarming lack of safety standards, accurate labeling, and quality control." Products they evaluated commonly were, "two, three, 10 times more concentrated with delta-8 than what the package claims."

Health and Safety Concerns

The U.S. Food and Drug Administration (FDA) and U.S. Centers for Disease Control and Prevention issued public health advisories on delta-8 in September 2021, citing the increased availability of these products and the potential for adverse events due to insufficient labeling of products containing THC and CBD. The FDA also expressed concern about the marketing of these products, including online marketing that is appealing to children, and contamination of products due to unsafe methods of manufacturing (e.g., use of dangerous solvents and acids).

The National Industrial Hemp Council and U.S. Hemp Authority have also issued warnings about the unknown safety profile and health risks of unregulated delta-8 THC. During the past year, there has been a sharp increase in the number of poison control calls, emergency department visits, and pediatric ICU admissions related to delta-8 products. The nation's poison control centers released data showing 660 exposure cases of delta-8 products between January 1, 2021, and July 31, 2021 (prior to January 1, 2021, there had only been one exposure case reported in the United States). Of these, nearly 40% of reported exposures involved pediatric patients and 20% required hospitalization.

Regulatory Landscape

Absent federal regulation or clarification as to whether delta-8 and other THC isomers created through chemical processes are lawful under federal law, a growing number of states have taken steps to prohibit or regulate hemp-derived products containing delta-8 or other THC isomers. Since 2019, at least 21 states have laws specifically governing delta-8 and/or other THC isomers. Of these, 15 states have banned the manufacture and sale of products containing more than trace amounts of delta-8 or other THC isomers. The remaining jurisdictions have required these products to meet the regulatory requirements of medical or adult-use cannabis, including, health and safety standards, product testing, and age restrictions.

Proposed Amendments

The Commission understands that the General Assembly is currently considering whether and how to legalize the use and possession of *Cannabis sativa L.* plants that contain greater than 0.3% delta-9 THC. Under House Bill 837, which was passed by the House of Delegates last week, the Commission will be responsible for studying various public health issues associated with cannabis use and making recommendations to the General Assembly. The Commission has the resources to perform a similar study and make recommendations to the General Assembly on the classification and regulation of other THC isomers. In fact, through the Cannabis Regulations Association, the Commission is already working closely with federal and State officials on developing best practices for classifying and regulating comparable products derived from cannabis and hemp.

For these reasons, the Commission requests a favorable report with amendments.

For more information, please contact William Tilburg, Executive Director, at (410) 487-8069 or at william.tilburg@maryland.gov.

This position does not necessarily reflect the position of the Maryland Department of Health or Office of the Governor.

Testimony in Favor of Senate Bill 833_with amendme
Uploaded by: Thomas Higdon
Position: FWA

Testimony <u>in Favor of Senate Bill 833, with amendments</u> Cannabis - Legalization and Regulation

TO: Chair Senator Delores G. Kelley and Vice Chair Senator Brian J. Feldman, and Members of the Finance Committee; and Chair Senator Guy Guzzone and Vice Chair Senator Jim Rosapepe, and Members of the Budget and Taxation Committee

FROM: Thomas Higdon, on behalf of The People's Commission to Decriminalize Maryland

I live in Reisterstown in the 10th district. I am survivor of addiction and the "war on drugs." Currently, I chair the Drug Policy work group of The People's Commission to Decriminalize Maryland. The Commission is grateful to Senator Feldman for sponsoring SB 833, which addresses many important issues that are neglected in the bill passed by the House (HB 827). However, the Commission believes that there are several areas where SB 833 can be improved, and we encourage the following changes:

1. Currently, the bill only vacates past convictions and dismisses charges for possession of cannabis under two (2) ounces. We recommend that the bill be amended to address convictions and charges for all possession, regardless of amount, as well as cultivation, and distribution.

2. Currently, the bill directs only 25% of cannabis revenue to the Community Investment and Repair Fund. Given the decades of harm caused by cannabis prohibition, we recommend the bill be amended to increase this to least 60%.

3. Currently, the bill does not allow a defendant to seek a new trial for any crime if the conviction was based on evidence discovered after a search in which probable cause was based on the presence of cannabis/odor/paraphernalia. Given how often cannabis has been used as a pretext for an otherwise unconstitutional search, we believe this must be addressed in any legalization framework.

4. Currently, the bill makes it a civil offense to use cannabis in public places where tobacco, a substance with at least 70 known chemicals to cause cancer, can be smoked. This means that cannabis will remain a pretext for police to harass people from marginalized communities. We recommend that the bill be amended to allow smoking in any public space where tobacco is allowed, subject to local restrictions.

As a person in recovery, I have seen and experienced the devastating impact of prohibition policies. It is now clear that every harm we traditionally associate with drug use is actually caused, or exacerbated, by these prohibition policies. Cannabis legalizations represents a once in a generation opportunity to begin undoing these harms and restoring our communities. For these reasons, the Peoples Commission to Decriminalize Maryland urge this committee to support SB 833, with amendments.

Hemp Industry update 220216(3).pdf
Uploaded by: Barry Pritchard
Position: UNF

MD Hemp Industry Primer
The implications of HB1078 and SB788
February 18, 2022

Barry F. Pritchard
SunX Analytical, LLC

SunX Analytical (SA) background:

SA is the first legal cannabis company in MD as we were the first registered applicant as an Independent Testing Laboratory for the MMCC. Once we set up the first functioning ITL, we sold our interest and started the first industrial hemp operation in MD. We are the only fully vertical hemp CBD Company in MD providing testing, extraction and formulation services to most of the region's hemp farming operations. We have been instrumental in providing guidance for the PA, DE and MD Departments of Agriculture on regulatory issues and have been the trusted testing partner for the University of Maryland hemp pilot program Principal Investigators. Our operation has been awarded the highest grant amounts for both 2017 and 2020 from the Rural MD Council to support the hemp industry. We have worked tirelessly to maintain a clear delineation between the MMC industry and ours. Our vision has been to guide the industry through its early years of CBD production with the goal of raising public awareness to the overall value of hemp while showing the way for the adoption of it as a potentially valuable rotational crop to be harvested for seed oil and fiber.

Hemp Industry Status:

There has been a steep decline in industry revenues nationally and in MD. There continues to be a serious oversupply of CBD source hemp plant material and a subsequent fall in raw material prices by some 90%. Hemp farming has dwindled in MD: from 250 acres in 2019 to 50 acres at most in 2022. Until the FDA provides guidance, CBD sales, while solid, are flat. Most CBD-only retail shops have closed.

The industry has seen a revival in sales from d8THC infused consumer products. d8 is an intoxicant with about 40% the effectiveness of d9THC. It is very popular, available to the general public and affordable (about 1/3 the cost of d9). The growth in revenue has predominantly been garnered by "CBD" and other retailers, including gas stations. I am unaware of any d8 manufacturers, save for SunX that uses MD hemp as a source material.

Technical Issues:

delta 8 THC is a minor component of hemp flower, about 0.03% with d9 at 0.3%. d8 is consumed as a vaped concentrate, an additive to gummies and tinctures and as infused hemp flower.
Due to the cost, little d8 is isolated from hemp flower. The vast majority of d8 is produced by a chemical conversion of CBD using toxic reagents. Herein is the legal conundrum, isolated d8 is certainly covered by the 2018 Farm Bill, while a chemically produced one may not be.

Medicinal value: Like that of medical cannabis.

Health Crisis:

As a minor producer of d8 consumer products, we are keenly aware of the market pressures associated with consumer products manufacturing. We have witnessed d8 prices fall to a point that production quality is further impacted. Our technical analyses of many d8 concentrates have shown little confirmation of the claimed purity. Most of the d8 on the market is being produced in unregulated environments with no oversight.

- There is a crisis; we have yet to determine its affects.

Observations:

The d8 crowd has shown little interest in MD farming as is evidenced by the fact that the overwhelming amount of d8 consumed in MD is manufactured elsewhere. Therefore, the argument that the restriction of d8 will kill the hemp industry MD is disingenuous. The restriction, as written in HB1078, will devastate the retailers with little effect of the farms.

The MMC industry has little interest in d8, save for their concern over competitive products to their monopoly. D8 is available now through the MMCC dispensaries. Sales are minimal. Their goal is likely to eliminate the public's option for a potentially competitive product.

- This is a direct attack on the hemp industry and, if approved, would set the precedent for its control of any future hemp compound that demonstrates commercial viability, even CBD.

Solutions:

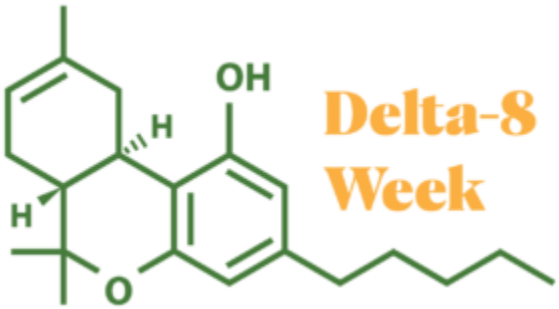
A potential solution to this issue is to empower a non-government organization, such as the MD Hemp Coalition, or the MD Dept of Health to regulate the manufacture of d8 Products. Under these circumstances, the Dept of Ag would oversee the hemp production as defined in the US 2018 Farm Bill, then pass the responsibility of consumer products off to some other regulatory body. These approved products would be subject to the appropriate cGMP practices that company's like SunX currently employ. A regulatory model has been established in Louisiana following a similar model. See below.

As a protected industry in MD, whereby d8 source plant materials were required to be grown by MD hemp farms, our vision could yet be achieved.

For the record, the MD hemp industry has shown great success at self-regulation. With minimal funding, the Dept of Ag has done its level best to provide guidance through an ever changing and wildly conflicting set of State and Federal rules. SunX has played a key role by providing affordable, timely and reliable regulatory results and advise to MD's hemp industry. Our sense is, if afforded the opportunity, the hemp community would devise and institute a functional program to ensure the delivery of safe and well-characterized hemp derived products for the citizens of Maryland.

Cajun case study: How Louisiana is taking a different approach to regulating D-8

Published February 11, 2022 | By Omar Sacirbey



Editor's note: This week Hemp Industry Daily *is highlighting stories and analysis on the delta-8 THC phenomenon. Today, a look at Louisiana's unique approach to the isomer. Read more in the special D-8 February issue of MJBizMagazine.*

While many states responded to the delta-8 THC phenomenon by banning the cannabinoid, other markets sought to tame it by regulating D-8 products, mandating testing and enforcing other compliance standards.

In Louisiana, regulators and stakeholders hope this approach will reduce safety hazards and clear up confusion over which cannabinoid products can and can't be sold in the state.

'Consumable' hemp regulations

The updated law, which went into effect in August, changes "industrial hemp" to "consumable hemp," defined as "any product derived from industrial hemp that contains any cannabinoids and is intended for consumption or topical use."

In response, the Louisiana Department of Health opened applications in August for licenses to make foods containing cannabinoids such as CBD and delta-8 THC.

"We considered it a huge step forward for cannabis in Louisiana," said David Reich, chief marketing officer for Crescent Canna, a New Orleans-based maker of CBD and D-8 products. "Prior to the law going into effect, Louisiana had a framework in place only for registering hemp-derived CBD products. Other cannabinoids were prohibited."

Competitor or compliment?

While consumers are still learning the difference between D8 and D9, Louisiana's licensed medical marijuana businesses don't necessarily see delta-8 THC as competition.

"I do not think that delta-8 and other artificial cannabinoids are having a real impact on the legal cannabis market. The biggest concern, nationwide, is the illicit natural cannabis market. The main appeal for artificial cannabinoids like delta-8 are for people who don't have access to either the legal or illicit

market, and that is a very small demographic, so it does not pose a threat," said Chanda Macias, CEO of Ilera Holistic?Healthcare, one of Louisiana's two licensed medical marijuana producers.

Macias doesn't believe the new delta-8 law will take cannabis patients away from the state's medical market.

"In Louisiana, the legal cannabis market is just getting started. Our main challenge is expanding awareness and thereby expanding the patient market," she said. "As much as we are educating Louisianans about the benefits of cannabis, there's an even greater lack of awareness around delta-8—even if it may technically be more readily available."

Macias welcomed the safety testing mandated by the new cannabis law.

"Any legal, artificial or synthetic cannabinoids should be tested to the same standard that natural cannabinoids are," she said.

Omar Sacirbey can be reached at omars@mjbizdaily.com.

MHC-SB788-OPPOSED.pdf
Uploaded by: Kevin Atticks
Position: UNF

MARYLAND HEMP COALITION

March 3, 2022

Senate Finance Committee
Senator Delores G. Kelley, Chair
Senator Brian J. Feldman, Vice Chair

Bill #	**SB788**
Position	**OPPOSE**

Dear Chair Kelley, Vice Chair Feldman, and Members of the Committee,

Thank you for the opportunity to provide testimony on behalf of the Maryland Hemp Coalition. The coalition supports efforts to regulate Delta-8, but strongly opposes Senate Bill 788 due to its broader implications on the hemp industry. The proposed bill to prohibit hemp extracts curbs research into the therapeutic and industrial uses of hemp. Further, the bill, as written, makes it difficult for all hemp farmers to even produce their crop.

Ultimately, Senate Bill 788 will harm an industry that is still in its infancy. The use of hemp is greater than delta-8 and other extracts. UMD Eastern Shore has recognized this fact along with the crop's potential as a "cash crop" in the state of Maryland. UMD, Salisbury State, and other universities have created research programs to discover how hemp may be cultivated and used to benefit Marylanders. A restriction on the cultivation of hemp would strain these programs, making it difficult for universities to study hemp's potential effects and uses. Furthermore, the bill will negatively affect a growing agricultural industry with farms operating throughout in the state. As proposed, the bill makes hemp production challenging as it adds restrictions to all parts of the plant, the seeds, and the resins extracted; these restrictions are not limited to Delta-8, and will restrict all other naturally produced cannabinol derivatives.

The bill essentially prohibits the growth, research, and development of hemp plants in Maryland.

Although the Maryland Hemp Coalition is opposed to legislation that prohibits the growth and research of parts of the hemp plant, *we recognize that there is a need to reasonably regulate access to products containing Delta-8*. In this respect, we believe that Delta-8 is best regulated in stores rather than on farms. We welcome the opportunity to help craft reasonable regulations.

We would like to thank the committee for hearing our concerns, and we urge you to oppose the restriction of hemp plants as proposed in Senate Bill 788.

Sincerely,

Kevin Atticks, DCD

GROW & FORTIFY
VALUE-ADDED AGRICULTURE

1783 Forest Drive #343 • Annapolis MD 21401 • 410-252-9463 • info@growandfortify.com

South_Mtn_MicroFARM_SB0788_Testimony.pdf
Uploaded by: Levi Sellers
Position: UNF

SOUTH MOUNTAIN MICROFARM
south.mtn.microfarm@gmail.com 6138 Clevelandtown Road, Boonsboro, MD 21713

March 1, 2022

Senate Finance Committee
Senator Delores G. Kelley, Chair
Senator Brian J. Feldman, Vice Chair

Subject: Strong Opposition S.B. 788 Cannabis - Regulation - Revisions

Dear Chair Kelley, Vice Chair Feldman, and Members of the Committee,

My name is Levi Sellers. I hold a seat on the MD Ag. Commission, I am an advising member of the Maryland Hemp Coalition and also an owner/operator of my families farm South Mountain MicroFARM, a state licensed hemp farm located just outside the town of Boonsboro in Washington County. Our mission is to provide products that not only improve the health of our customers, but also the community and eco-systems that surround us.

Before I begin I would like to also mention that I do not sell, produce, or consume hemp-derived delta-8 products, but I am familiar with existing research from the 1990's that highlights it's therapeutic value (https://pubmed.ncbi.nlm.nih.gov/7776837).

I strongly oppose SB0788, as I feel it will further the confusion between hemp and marijuana. I am in agreement that there is a need for appropriate regulations in regards to hemp derived delta-8 products and consumer safety, but this bill raises concerns.

The bill currently:

- Blurs the definition of hemp and marijuana
- Limits research
- Opens the door for a potential "Conflict of Interest"

Both the **Farm Bill and Agricultural Improvement Act of 2018** laid out a clear intention from Congress to establish a fundamental difference between hemp and marijuana.

The plain language the 2018 Farm Bill **defined "hemp"** as:

> The plant "Cannabis sativa L. and any part of the plant, including the seeds thereof and **all derivatives, extracts, cannabinoids, isomers**, acids, salts, and salts of **isomers**, whether **growing or not**, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis" [7 U.S.C. 1639*o*(1)]

The Agricultural Improvement Act of 2018 **amended the Control Substance Act** (CSA) in two ways:

1. CSA definition of "marihuana" to **exclude hemp**
2. **All tetrahydrocannabinols in hemp** are removed from the CSA's definition of "tetrahydrocannabinols"
   - "Tetrahydrocannabinols, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946

These actions by Congress exhibit a **clear intent** to:

- Establish a **difference between "hemp"**, a federally recognized agricultural commodity **and "marijuana"**, which is still recognized federally as a Schedule 1 Controlled Substance
- **Exclude hemp-derived compounds**, like all other derivatives, extracts, cannabinoids and isomers of the plant, from the CSA control

SB0788 blurs this clarity by altering the state definition of "marijuana" to include delta-8 tetrahydrocannabinol (delta-8), a "derivative extract isomer of hemp" (as defined by Shawn Hauser of Vicente Sederberg LLP). While also attempting to include hemp derived delta-8 under the Maryland Controlled Dangerous Substances Act, which Congress removed from the CSA, federally.

Delta-8 has been further **defined** by Rick Trojan (President of the Hemp Industry Association) as a:

- **Naturally occurring** cannabinoid found in hemp just like CBG, CBC, CBN and others
- Cannabinoid of the tetrahydrocannabinol (THC) "family" of compounds commonly derived from the cannabis plant, including hemp as defined by the 2018 Farm Bill
- Double bond **isomer** of delta-9 THC

The US Justice Department reinforces this definition and the above statements in a letter from the Drug Enforcement Agency dated Sept. 2021, which is attached below for your review.

SB0788 also attempts to "alter the definition of "hemp product" for purposes of certain provisions of law governing hemp research… to exclude certain products made through a process that includes the use of hemp". This wordage brings up red flags:

- Why **limit** credible Universities the ability to **research** a cannabinoid already discovered to have therapeutic value since the 1990's?
- Why take **steps back** beyond the 2014 Farm Bill that allowed for state run pilot programs to research hemp?
- Why **exclude products** "made through a process **that includes the use of hemp**"?

Another concern I have is that this is an effort, by a separately defined industry, to gain control over the hemp-derived cannabinoid industry. I base this on the intentions loosely worded in the bill to include in the definition of "medical cannabis", "any other naturally produced cannabinol derivate, whether produced directly or indirectly by extraction"; therefore placing the regulatory control of a federally recognized agricultural commodity, under the Maryland Medical Cannabis Commission (MMCC). This opens the door for a potential **"conflict of interest"**.

With this concerning overreach the regulation of even the very well known cannabinoid CBD (excluded from the CSA) could become regulated by the MMCC.

Is this truly about public safety?

I find that hard to believe given the fact that:

- The **Maryland hemp industry was never consulted** for input on this topic before a consideration for regulatory control was given to a federally-defined separate industry

If public health and safety is the main concern, why not consult the industry to be regulated for their input on how to handle the matter?

All of these issues could be resolved if the FDA would step up to the task that was granted to them by Congress. An entire **industry waits for its voice to be heard and the opportunity to collaborate** with legislators to address concerns.

The **Maryland hemp industry and responsible retailers agree that meaningful legislation and appropriate regulations are needed to ensure consumer safety**. A plan has been drafted by vested parties in the Maryland hemp industry with goals such as:

- Establish a Hemp Advisory Council to provide advice and expertise to the Maryland Department of Agriculture (MDA) with respect to plans, policies, and procedures applicable to the administration of the state hemp program. Allowing for the MDA to remain regulatory control over these agricultural products, as intended by Congress.
- Define or redefine specific terms that allow for a clarified understanding of hemp extracts, hemp extract products, and hemp-derived cannabinoids.
- Set age restrictions for hemp extracts, hemp extract products and retail establishments
- Establish guidelines, standards and regulation for hemp extract and hemp extract products in regards to:
  - Licensing
  - Distribution
  - Labeling
  - Production/processing
  - Purity/potency testing
  - Inspections
  - Reporting
  - Enforcement/violations
- Align with neighboring states to encourage interstate commerce while bolstering the regional economy and the developing hemp industry
- Clarify and distinguish the difference between hemp and medical cannabis (marijuana)

The solutions stated above could be an answer to the concerns that SB0788 aims to solve, while also helping to improve upon a struggling industry in its infancy and providing opportunities for the Maryland agricultural community attempting to survive the struggles of COVID-19.

Given the opportunity to collaborate, I believe that myself along with the associations representing the interests of the Maryland hemp industry could assist in crafting reasonable regulations.

For these reasons I urge that you oppose Senate Bill 788. Thank you for your time and consideration.

Sincerely,

Matthew W. “Levi” Sellers

U.S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

September 15, 2021

Donna C. Yeatman, R.Ph.
Executive Secretary
Alabama Board of Pharmacy
111 Village Street
Birmingham, Alabama 35242

Dear Dr. Yeatman:

This is in response to your letter dated August 19, 2021, in which you request the control status of delta-8-tetrahydrocannabinol (Δ^8-THC) under the Controlled Substances Act (CSA). The Drug Enforcement Administration (DEA) reviewed the CSA and its implementing regulations with regard to the control status of this substance.

Δ^8-THC is a tetrahydrocannabinol substance contained in the plant *Cannabis sativa L*. and also can be produced synthetically from non-cannabis materials. The CSA classifies tetrahydrocannabinols as controlled in schedule I. 21 U.S.C. 812, Schedule I(c)(17); 21 CFR § 1308.11(d)(31). Subject to limited exceptions, for the purposes of the CSA, the term "tetrahydrocannabinols" means those "naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant." 21 CFR § 1308.11(d)(31). Thus, Δ^8-THC synthetically produced from non-cannabis materials is controlled under the CSA as a "tetrahydrocannabinol."

The CSA, however, excludes from control "tetrahydrocannabinols in hemp (as defined under section 1639*o* of Title 7)." Hemp, in turn, is defined as "the plant *Cannabis sativa L*. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol [(Δ^9-THC)] concentration of not more than 0.3 percent on a dry weight basis." 7 U.S.C. 1639*o*(1).

Accordingly, cannabinoids extracted from the cannabis plant that have a Δ^9-THC concentration of not more than 0.3 percent on a dry weight basis meet the definition of "hemp" and thus are not controlled under the CSA. Conversely, naturally derived cannabinoids having a Δ^9-THC concentration more than 0.3 percent on a dry weight basis is controlled in schedule I under the CSA as tetrahydrocannabinols.[1]

[1] The Agricultural Improvement Act of 2018 (AIA), Pub. L. 115-334, § 12619, amended the CSA to remove "tetrahydrocannabinols in hemp" from control. See 21 U.S.C. § 812, Schedule I(c)(17). As noted, however, "hemp" is defined to "mean the *plant* Cannabis sativa L. and *any part of that plant*, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis." 7 U.S.C. 1639o (emphasis added). Thus, only tetrahydrocannabinol in or derived from the cannabis plant—not synthetic tetrahydrocannabinol—is subject to being excluded from control as a "tetrahydrocannabinol[] in hemp."

If you have any further questions, please contact the Drug and Chemical Evaluation Section at DPE@usdoj.gov or (571) 362-3249.

Sincerely,

Terrence L. Boos, Ph.D., Chief
Drug & Chemical Evaluation Section
Diversion Control Division

cc: Birmingham Office