



March 3, 2023

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

RE: House Bill 1204– Hemp Farming Program – Refined Hemp and Hemp Extract Products – Requirements – Letter of Information

Dear Chair Wilson:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for House Bill 1204 – Refined Hemp and Hemp Extract Products – Requirements (HB 1204).

HB 1204 as introduced would codify a standard for hemp products that would allow hemp producers to manufacture highly intoxicating tetrahydrocannabinol (THC) consumable products and directly conflict with the THC limits established for human consumption in the Senate and House cannabis legalization bills (HB 556/SB516 - Cannabis Reform).

The Commission, in its report submitted to the General Assembly required under Chapters 511 & 512 of 2022 wrote extensively about the regulatory and public health challenges of using the “0.3% dry weight basis” standard on finished products intended for human consumption, including:

...using the percentage of THC on a dry weight basis is a poor system to determine potency for finished products. “Low THC” is relative depending upon the type of product. No more than 0.3% delta-9-THC by dry weight, meaning in dried plant material, is a very small amount of THC. However, in foods and beverages, which weigh more than dried plant material, 0.3% can be a lot of THC, and therefore, can be quite intoxicating. Exhibit 2 shows the weight in grams of standard food products, and suggests what amount of THC would be allowed with that serving size if a 0.3% standard was used uniformly. For additional context, Exhibit 2 shows examples of edible products approved by the Commission and calculates these products’ potency using the same percent of THC standard. For reference, the current per serving and per package potency limits for edibles in Maryland’s medical cannabis program is 10 milligrams (mg) and 100 mg THC, respectively. For further context, there is only one adult-use state that allows more than 150 mg THC for edible packages.

Exhibit 2: Actual and Projected Product Potency: Finished Food Products on a 0.3% dry-weight THC Basis

	Product	Weight (g)	Potential THC Content (mg)	Actual mg THC	Actual % of THC
Approved MMCC Products	MMCC Gummy #1	50	150	100	0.20%
	MMCC Gummy #2	7.1	21.3	10	0.14%
	MMCC Chocolates #1	45	135	100	0.22%
	MMCC Chocolates #2	36.8	110.4	100	0.27%
	MMCC Discos #1	45	135	100	0.22%
Standard Product Sizes	Fun Size Candy Bar	17	51		
	Standard Size Candy Bar	50	150		
	Sharing Size Candy Bar	93	279		
	Fruit Snacks Pouch	26	78		
	Potato Chip Snack Bag	28	84		

As shown above, allowing finished products to be up to 0.3% THC by dry weight can significantly increase the potency of a given product. Given that a relatively small amount of THC is often considered to have an intoxicating effect, using the dry-weight standard on a finished product, regardless of the type of THC, is clearly imperfect and outside of the legislative intent of either State or federal law.

Further, as introduced, HB 1204 would codify pathways for intoxicating compounds other than delta-9-THC, including delta-8- and delta-10-THC through the “Refined Hemp” definition used. This definition could also be applied to entirely synthetic compounds, which the Commission cautioned against in its legislative report and would present further conflict with HB556/SB516.

Lastly, while HB 1204 considers some level of product testing and labeling standards, the Commission believes that these standards are insufficient and lack clear enforcement mechanisms. Broadly, the proposed framework in HB 1204 would be in direct conflict with HB556/SB516, where the intent is to identify, and regulate intoxicating products using a milligram of THC standard, rather than a percent of product weight.

I hope you and the committee find this information useful. If you would like to discuss this further please contact Andrew Garrison, MPA, Deputy Director, Office of Policy and Government Affairs at andrew.garrison@maryland.gov or (443) 844-6114.

Sincerely,

A handwritten signature in blue ink that reads "Will Tilburg". The signature is written in a cursive style and is followed by a long, horizontal, sweeping underline.

Will Tilburg, JD, MPH
Executive Director
Maryland Medical Cannabis Commission

Attachment:

[Maryland Medical Cannabis Commission Study on Hemp-Derived Non-Delta-9-Tetrahydrocannabinol Products](#)

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