

Elfreth_FAV_SB508.docx.pdf

Uploaded by: Sarah Elfreth

Position: FAV

SENATOR SARAH ELFRETH
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Budget and Taxation Committee

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Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on
Program Open Space/Agricultural
Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 2, 2023

Testimony in Favor of SB0508
Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products

Chairman Feldman, Vice-Chair Kagan, and members of the Education, Energy, and Environment Committee:

Senate Bill 508 will encourage individuals to explore different uses for hemp as a commodity and provide a more cost-effective form of remediation for hemp farmers. This will allow hemp farmers to develop and sell various forms of their agricultural product without risking severe financial loss through current remediation guidelines.

Hemp is an incredibly diverse product and can be used for a variety of purposes. Described as an agriculture gold mine, hemp can be used as an alternative commodity for items like home insulation, fabric, cosmetics, vegan dairy products, eco friendly technology, and sustainable plastics¹ With more than \$688 million in sales across the United States, Maryland should be on the forefront of exploring and expanding the uses of hemp.

As amended, SB508 creates three hemp licenses to be managed by the Department of Agriculture: a producer license that allows a person to plant, cultivate, grow, harvest and dry hemp; a research license that allows a person to explore medical and public health benefits of hemp; and an industrial license that allows a person to utilize hemp as an agricultural crop for grain, fiber content, and bio-products. To receive an industrial license, a licensee must sign a declaration that they will not sell their product for consumption.

¹<https://www.usatoday.com/story/sponsor-story/generation-hemp/2022/01/07/7-surprising-uses-industrial-hemp/9104429002/>

These hemp products can only be created if hemp farmers are able to sell their product. Current law defines Hemp as the plant *Cannabis Sativa L.*, and any part of that plant, with a Delta-9 THC concentration below .3%. Before a producer can sell their hemp product, they must ensure that the THC concentration is below .3%. Often, it is difficult for hemp farmers to guarantee their product will be below .3% when it is harvested.

After discussions with the MMCC and MDA, we are limiting the provisions of this bill to “non consumable” hemp products - including topical products - to ensure that we are separate and apart from the cannabis legalization legislation. This amendment will create clean differences between the legislation and ensure that we are in compliance with USDA requirements.

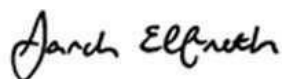
If a farmer harvests hemp that is above .3%, current remediation options² are costly for farmers and do not reflect best practices. First, non-compliant hemp can be remediated by separating and destroying non-compliant flowers from the stalks, leaves, and seeds. Second, non-compliant hemp can be remediated through shredding the entire plant and creating what is called “biomass.” This biomass may be sold if the THC concentration level is below .3%. If neither of these options are viable, the farmer must burn or otherwise destroy their entire field. These remediation tactics can often result in severe financial losses for hemp farmers whose products are too degraded to sell due to the remediation process.

Other States, such as Tennessee and Montana, have off-site remediation authorization – but there are concerns from MDA as to how such ability would interact with Federal Law and what is allowed by the USDA. We have met with them and are working through this issue to try and find a solution to alleviate this pressure on our farmers.

SB508 takes a commonsense approach to increase the availability and adaptability of hemp while also protecting farmers who work diligently to produce and cultivate federally compliant hemp.

Once again, I respectfully request a favorable report of Senate Bill 508.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Sarah Elfreth

² Maryland Department of Agriculture, *Remediation and Disposal Guidelines for Hemp Growing Facilities: U.S. Domestic Hemp Production Program*. Maryland Hemp Farming Program (Jan. 15, 2021)

SB 508

Uploaded by: Abigail Diehl

Position: FWA

Senate Bill 508 – Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products

March 2, 2023

Favorable with amendments

Hello 🌻

My name is Abigail Diehl, born and raised in Maryland for over 40 years and have been a local Annapolis resident for nearly half my life.

I have been working in the Maryland Medical Cannabis Industry since the application process in 2015. As well, I have worked with farmers throughout Maryland my whole life as my family owns a produce market, Diehl's Produce, in Severna Park.

As a serial entrepreneur, I have founded and operated multiple businesses in the area, including but not limited to Diehl's Produce (Eastport), Sunny C's LLC, and our newest venture, West Street Strategies. We are always doing our best to support Maryland in every way possible.

We are in FULL support of SB0508 with the amendment recommending

"A consumable Hemp Product may not contain more than 1.75 mg of thc per serving or 4.75 mg of thc per package."

This makes it possible for real hemp farmers (not D8 processors) to make quality consumable products that can actually help people.


Perfect example is my dog's pet tincture!! Which we desperately need PLEASE 🙏🙏🙏
Long story short.... My pup, Marco, went completely paralyzed waste down last summer due to a buldging disk on his spine. After open back spine surgery, lots of prescription medications, 12 days post surgery, there was still no improvement at all. I finally give him his first dose of full spectrum cbd pet tincture and less than **2 hours later he stood up and started walking!!!!** I seriously cannot make this up!! It was an absolute miracle. Yes, he was stumbly, but he was walking!! I give him .75ml every day as he continues to get better and better and is now running, jumping, and climbing stairs.

All thanks to my farmer, Jennifer Sturmer from Hummingbird Farm Botanicals on Maryland's Eastern Shore, and her incredible full spectrum hemp oil that is naturally derived; NOT synthetic, not dangerous, and not getting anyone high. Only helping people and animals get healthy and maximize their quality of life!!

Regarding the thc limit: One pet tincture tested 52.598 mgs of cbd, 2.387 mgs of thc and 1.788 mgs of thca (acidic form that is non-intoxicating). This tincture lasts well over 2 months as he only needs .75ml per day. The total thc in the bottle is 4.18 mgs, well under the .3% federal limit. Hence, us recommending 4.75 mgs per package please. Honestly, so my dog (and all others) can have the medicine that helps him be able to walk. Please.

Along with Marco's incredible story; Warren Tewes is a retired dentist who has lived and worked most of his life here in Maryland. He's in his upper 60's (if I had to guess) and lives on Maryland's Eastern Shore with his wife, Liguori. Not long ago, he was taking 4,000 mgs of Advil every day; 2,000 in the morning and 2,000 in the afternoon. And chained to at least 5 ice packs

throughout the day because he was in so much pain.

He is now taking ONE 50mg Sunny C every morning and living his best life!! No more Advil or ice packs needed!! He now spends his afternoons out on the pier fishing instead of laying on the couch in pain. I receive cards, texts, and emails full of appreciation every few months from his whole family 

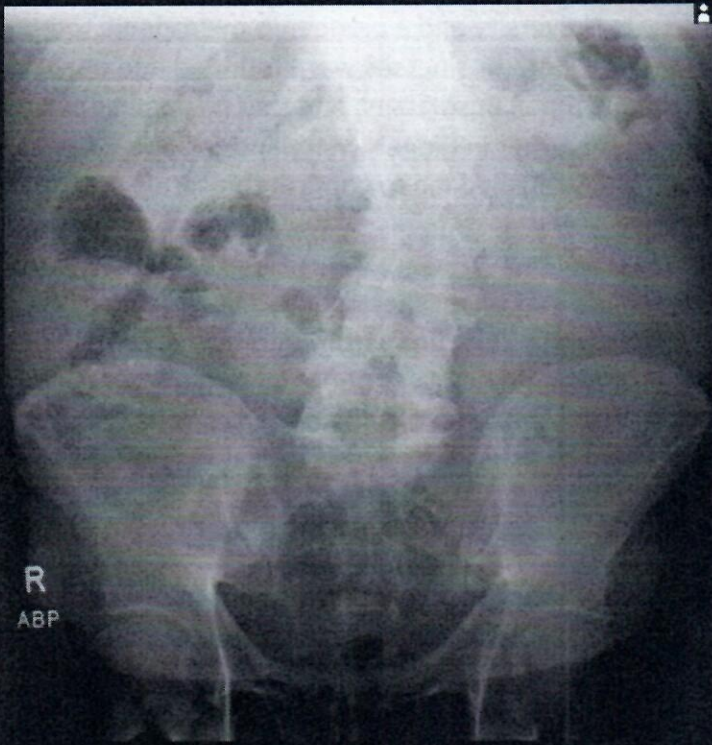
One 50 mg Sunny C has about 1.52 mg of thc, also well under the .3% federal limit.

If the thc limit is anything lower than 1.75 mg per piece or 4.75mg per package the option for this medicine will no longer be available. Warren would have no other choice but to go back on 4,000 mgs of Advil every day, immediately destroying his quality of life and most likely his liver. Picture of his spine....

4:47



Copy of A-P Spine.JPG



R
ABP

[OBJ]

Please help us fix this so Marco and Warren can both live their healthiest lives?
I know I sound super cheesy but I can't explain how much my dog, friends, and family mean to me. This goes for all Maryland residents across the state that need relief without getting intoxicated or addicted to pain pills.

My Dad is now able to walk up the stairs with both legs instead of one step at a time (due to his bad knee)... first time in over 2 years because he finally started taking Sunny C's every day!! Plus, his cancer is stable as of now... I'm not going to take credit for that one. However, numbers don't lie and I'm thrilled regardless the reason!!

Sunny C's are a full spectrum cbd chew made from some of the highest quality hemp in the country, testing over 37% cbd. Grown hydroponically in greenhouses on Maryland's eastern shore by Jennifer Sturmer, a graduate of Tufts University and a pioneer in hydroponic tomato farming for the past 38+ years here in Maryland. Both businesses were founded and operated by two different local Woman Owned Maryland Small Businesses; one that has been operating in Annapolis Maryland for over 10 years, and the other in Ridgely Maryland for over 38 years. All Sunny C's are third party tested with a MMCC certified lab to confirm they are a safe and consistent product.

We have testimonials from Warren, Tara (a middle-aged teacher with debilitating arthritis), and plenty of others that have found relief, while staying functional, from our products. The naturally derived full spectrum oil that goes into Sunny C's gives people a safe alternative for a better quality a life. Please do not take this away from people who need it, especially those who are already relying on it.

Please feel free to reach out with any questions or concerns!!
Thank you so much for your time and consideration!! Really appreciate you and everything you do!!

Cheers,
Abigail Diehl
(443)569-2003

Support with Amendments of SB 508 - Hemp Farming P

Uploaded by: Colby Ferguson

Position: FWA



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

March 2, 2023

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

Re: **Support with Amendments of SB 508 - Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products**

On behalf of our Farm Bureau member families in Maryland, I submit this written testimony in support with amendments of SB 508. This bill alters the definitions of "hemp" and "hemp product" in provisions of law relating to the Hemp Farming Program. It also authorizes a person that produces hemp or a hemp product in accordance with the Program to include the hemp or hemp product in consumable products for sale by the person if the product is tested by an independent testing laboratory to ensure the product meets applicable safety standards and the delta-9-tetrahydrocannabinol concentration of the hemp product does not exceed 1% on a dry weight basis.

The bill looks to address some of the issues within the hemp industry, but stops short of truly addressing the concerns of both the hemp growers and the industrial hemp farmers.

MDFB requests amendments to the bill. Amendment 1 is to create a limited farm cannabis license that would be administered through the ATC. This license would be separate from the recreational marijuana licenses as this license would be limited to farms that produce hemp in the 0.3% to 1% delta-9 on a dry weight basis. This license would also limit the amount of annual sales to be similar to the cottage food license. This fix would allow hemp growers to continue to operate while the US Congress works to amend the current federal hemp laws.

Amendment 2 is to expand the industrial hemp to allow for Hemp-derived fiber, grain, or topical products; hemp-derived feed products; and hemp-derived biofuels and bioplastics. There would need to be added language to the licensing regulations that MDA currently offers as well.

MARYLAND FARM BUREAU SUPPORTS SB 508 & REQUESTS A FAVORABLE REPORT AS AMENDED

A handwritten signature in black ink, appearing to read 'Colby Ferguson'.

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396

MHC_SB0508_Testimony.pdf

Uploaded by: Levi Sellers

Position: FWA



February 28, 2023

Education, Energy, and Environment Committee

Senator Brian J. Feldman, Chair

Senator Cheryl C. Kagan, Vice Chair

Subject: Favorable with Amendments - S.B. 0508 Hemp Farming Program

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

My name is Levi Sellers. I hold a seat on the MD Ag. Commission as a representative of the hemp industry, I am President of the Maryland Hemp Coalition and also an owner/operator of my family's farm South Mountain MicroFARM, a state licensed hemp farm located just outside the town of Boonsboro in Washington County. I am writing in favor of SB508 as amended and urge a favorable report.

SB0508 as written only supports a small portion of the hemp industry, but with the amendments attached to this letter it would support and is supported by all aspects of the hemp industry. The amendments will encourage individuals to explore different uses for hemp as a federally recognized agricultural commodity and provide more cost-effective forms of remediation for hemp farmers, allowing hemp farmers the ability to produce a profitable crop without the risk of severe financial loss through current remediation guidelines.

Hemp is a multifaceted agricultural crop that holds great potential for improving many critical aspects of the Maryland economy. Although its full potential is not currently utilized, hemp is providing greater opportunities to the vast agricultural community in Maryland, as well as the diverse community of small-business owners and entrepreneurs. Given Maryland's position within the Mid-Atlantic region, the network of interstate highways with access to most of the country within a 24 hour drive, strong agricultural foundation, and the close proximity to a national port, Marylanders have a unique opportunity to lead the national hemp industry.

In 2020, there were 100 licensed hemp producers in the state of Maryland with 1243 acres of outdoor production and 582,996 sq. ft of indoor greenhouse space registered, according to data received from the MDA. By the end of the 2022 growing season there were only 44 active licensed hemp producers in MD with 33.78 acres of outdoor production and 34,495 sq. ft of indoor greenhouse space registered. That equates to a 56% decrease in MD licensed hemp producers and approximately a 97.2% decrease in acres of outdoor production and a 94% decrease in sq. ft of indoor greenhouse production.

It has been stated that this decline is directly related to more restrictive state hemp regulations than other parts of the country. The Maryland Hemp Coalition has been working with the Maryland

Department of Agriculture in collaboration with the USDA to improve these regulations, but it has been brought to our attention that some of these issues must be addressed legislatively.

As amended, SB0508 addresses some of these issues by creating three hemp licenses to be managed by the Department of Agriculture: a producer license that allows a person to plant, cultivate, grow, harvest and dry hemp; a research license that allows a person to explore medical and public health benefits of hemp; and an industrial license that allows a person to utilize hemp as an agricultural crop for grain, fiber content, and bio-products. To receive an industrial license, a licensee must sign a declaration that they will not harvest or sell their product for consumption. This will encourage individuals to explore different uses for hemp as a federally recognized agricultural commodity.

Hemp products can only be created if hemp farmers are able to sell their product. Current law defines Hemp as the plant *Cannabis Sativa L.*, and any part of that plant, with a Delta-9 THC concentration below 0.3%. Before a producer can sell their hemp product, they must ensure that the THC concentration is below 0.3%. Often, it is difficult for hemp farmers to guarantee their product will be below 0.3% when it is harvested.

If a farmer harvests hemp that is above 0.3%, current remediation options are costly for farmers and do not reflect best practices. First, non-compliant hemp can be remediated by separating and destroying non-compliant flowers from the stalks, leaves, and seeds. Second, non-compliant hemp can be remediated through shredding the entire plant and creating what is called "biomass." This biomass may be sold if the THC concentration level is below 0.3%. If neither of these options are viable, which research by the University of Maryland in collaboration with the Maryland Department of Agriculture proved them unsuccessful, the farmer must burn or otherwise destroy their entire field. These remediation tactics can often result in severe financial losses for hemp farmers whose products is too degraded to sell due to the remediation process.

As amended, SB0508 would allow hemp farmers to take their non-compliant hemp to a registered facility which will allow them to bring their hemp below 0.3% without destroying or otherwise degrading their product. Alternative remediation processes have been used in states like North Dakota, Montana, Kansas, Kentucky, Indiana, and Tennessee to help farmers avoid severe financial loss.

SB0508 as amended takes a commonsense approach to increase the availability and adaptability of hemp while also protecting farmers who work diligently to produce and cultivate federally compliant hemp. I have attached, to this letter, amendments to address these issues in a way that is supportive of all aspects of the Maryland Hemp Industry. Promoting the Maryland Hemp Industry in this way can serve as a model for the rest of the country and place Maryland as a leader of the national hemp industry.

For these reasons I urge a favorable report of SB0508 with amendments, as laid out in the attached document. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Sellers". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Matthew W. "Levi" Sellers

Hemp Industry Amendments to SB0508

Below are the amendments that the hemp industry is requesting to be added to the language of SB508. Amendments have been included to streamline and simplify certain aspects of the bill upon the requests by the MD Farm Bureau, Maryland Hemp Coalition, and the Maryland Healthy Alternatives Association.

Additions and Amendments to Hemp Industry Bill-SB0508

14-301.

- AMEND Page 3, lines 20-21: **(II) ACIDIC FORMS OF CANNABINOIDS EXTRACTED PROCESSED IN A COMMERCIAL KITCHEN FROM THE PLANT CANNABIS SATIVA L., INCLUDING:**
- ADD Page 3, below line 23:
 - (III) HEMP-DERIVED FIBER, GRAIN, OR TOPICAL PRODUCTS;**
 - (IV) HEMP-DERIVED FEED PRODUCTS; AND**
 - (V) HEMP-DERIVED BIO-FUELS AND BIO-PLASTICS**

Add into the bill this section with **RED-BOLD** additions:

14-306.

(a) The Department shall establish a procedure for licensing the production of hemp in accordance with the plan established under § 14-305 of this subtitle.

(B) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH THE FOLLOWING LICENSES:

(1) A PRODUCER LICENSE THAT ALLOWS A PERSON TO PLANT, CULTIVATE, GROW, HARVEST, AND DRY HEMP;

(2) A RESEARCH LICENSE THAT ALLOWS A PERSON TO RESEARCH HEMP FOR THE PURPOSE OF BENEFITING THE HEMP INDUSTRY IN THE STATE, MEDICAL RESEARCH, OR PUBLIC HEALTH AND SAFETY; AND

(3) AN INDUSTRIAL LICENSE THAT ALLOWS A PERSON TO PLANT, CULTIVATE, GROW, HARVEST, DRY, AND PROCESS HEMP GROWN AS AN AGRICULTURAL CROP FOR GRAIN, FIBER CONTENT, AND BIO-PRODUCTS.

(C) THE DEPARTMENT SHALL REQUIRE AS A CONDITION TO RECEIVE AN INDUSTRIAL LICENSE UNDER THIS SECTION THAT A PERSON:

(1) SIGN A DECLARATION STATING THAT THE LICENSEE WILL HARVEST ONLY GRAIN, FIBER, BY-PRODUCT OF FIBER AND WILL NOT HARVEST OR DISTRIBUTE ANY FLORAL MATERIAL, EXTRACT, OR RESIN FROM A CROP; AND

(2) CONSENT TO PERIODIC VISUAL INSPECTIONS OF THE CROP BY THE DEPARTMENT TO ENSURE COMPLIANCE WITH THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) THE DEPARTMENT MAY NOT:

(I) REQUIRE A PERSON TO UNDERGO A BACKGROUND CHECK AS A CONDITION TO RECEIVE AN INDUSTRIAL LICENSE; OR

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TEST OR SAMPLE THE CROP OF A HOLDER OF AN INDUSTRIAL LICENSE.

(2) THE DEPARTMENT MAY REQUIRE AN INSPECTION OF THE CROP OF AN INDUSTRIAL LICENSE HOLDER IF A VISUAL INSPECTION REVEALS CROP PRODUCTION THAT IS INCONSISTENT WITH THE LICENSE REQUIREMENTS UNDER THIS SECTION.

(3) (I) AN INDUSTRIAL LICENSE HOLDER, IF FOUND IN VIOLATION OF THE SIGNED DECLARATION, MAY NOT DESTROY THE HEMP CROP WITHOUT DEPARTMENT NOTIFICATION.

(II) IF AN INDUSTRIAL LICENSE HOLDER DESTROYS THE HEMP CROP IN VIOLATION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PERSON IS NO LONGER ELIGIBLE TO HOLD AN INDUSTRIAL LICENSE AND MAY BE SUBJECT TO PENALTIES UNDER § 14-309 OF THIS SUBTITLE.

[(b)] (e) The Department may set reasonable fees for the issuance and renewal of licenses and other services the Department provides under this subtitle.

[(c)] (f) The Department shall pay all funds collected under this section into the Fund.

14-309.

- AMEND Page 4, lines 21-22: (iv) Produce plants, or any part of a plant, that exceeds a delta-9-tetrahydrocannabinol concentration [~~of 0.3%~~] **1%** on a dry weight basis.
- ADD Page 5, below line 6: **(C) A PERSON TRANSPORTING HEMP THAT CONTAINS A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT EXCEEDS 0.3% ON A DRY WEIGHT BASIS IS NOT IN VIOLATION OF THIS SUBTITLE IF THE PERSON IS TRANSPORTING THE HEMP FROM A CULTIVATOR, A PRODUCER, OR AN EXTRACTOR TO A FACILITY FOR REMEDIATION.**

Carrington 2023 Testimony SB508 Hemp Farming Bill.

Uploaded by: Darrell Carrington

Position: UNF



CARRINGTON & ASSOCIATES, LLC

Integrity.Passion.Results

Since 2006

SB508 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products

UNFAVORABLE

Carrington & Associates, LLC, requests a UNFAVORABLE report for SB508. This bill alters the definition of "hemp" and "hemp product" in provisions of law relating to the Hemp Farming Program; and authorizing a person that produces hemp or a hemp product in accordance with the Program to include the hemp or hemp product in consumable products for sale by the person if the product is tested by an independent testing laboratory to ensure the product meets applicable safety standards and the delta-9-tetrahydrocannabinol concentration of the hemp product does not exceed 1% on a dry weight basis.

While we appreciate that farmers growing hemp would like to create new revenue streams for themselves, we strongly believe that the original intent of the hemp laws passed in Maryland was for farmers and educational institutions to come up with best practices for where in the state to grow and process hemp. We had videos showing auto parts, biofuel, paper, upholstery and other textile items. To our recollection, the thought of consumable products was never considered. Furthermore, those testifying in support of the original hemp bills, ensured the General Assembly that they could control the amount of THC in their products to under the limits established for hemp and would subject their products to independent testing labs.

As we move to create a stable cannabis market in Maryland, this bill, in our humble opinion, can be used to undermine those efforts. The black market will always find a way to survive, this bill could help it thrive. We ask that this Committee carefully considers the impact this bill could have on the legal cannabis industry.

For the stated reasons, we ask for a UNFAVORABLE report on SB508. Please feel free to contact Darrell Carrington, at darrell.carrington@verizon.net, if you would like any additional information.

1 - SB 508 - EEE - MDH - LOC.pdf

Uploaded by: State of Maryland (MD)

Position: UNF



DEPARTMENT OF HEALTH

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

March 2, 2023

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 508 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products – Letter of Concern

Dear Chair Feldman and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of concern for Senate Bill (SB) 508 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products. SB 508 will permit a person to sell a consumable product that includes hemp or a hemp product that they produce. The hemp or hemp product is required to: (1) be tested by an independent laboratory; (2) meet applicable safety standards; and (3) not exceed the total tetrahydrocannabinol (THC) concentration of 1% on a dry weight basis.

If enacted, this bill will permit individuals to market and sell consumable products that contain other hemp-derived ingredients which contain THC and cannabidiol (CBD). The U.S. Food and Drug Administration (FDA) considers hulled hemp seed, hemp seed protein powder, and hemp seed oil as generally recognized as safe for human consumption. However, these other hemp-derived ingredients are not. According to the FDA, THC and CBD are not approved for food use or as food additives. In January 2023, the FDA concluded that a new regulatory pathway for CBD is needed to balance desire for access with regulatory oversight to manage risks.¹ The FDA noted the potential for harm to the liver, interactions with medications, and concerns surrounding CBD exposure for vulnerable populations such as children and those who are pregnant.¹ Cannabis or cannabis-derived compounds classified as hemp under the Agricultural Improvement Act of 2018 are subject to the same authorities and requirements as FDA-regulated products containing any other substance.

MDH is concerned that the addition of THC and CBD, hemp-derived or other, into foods or beverages is not permitted under federal law and believes that such products as defined in SB 508 will be considered adulterated and not allowed to be used, sold, or served as food. Persons who produce food or beverages infused with hemp or hemp products, other than those that are generally recognized as safe, may not offer them for sale in Maryland without risking losing their state of Maryland food license.

¹ <https://www.fda.gov/news-events/press-announcements/fda-concludes-existing-regulatory-frameworks-foods-and-supplements-are-not-appropriate-cannabidiol>

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



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

SB0508 Hemp Farming Program - Use of Hemp and Hemp

Uploaded by: Andrew Garrison

Position: INFO



March 2, 2023

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 508 – Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products – Letter of Information

Dear Chair Feldman:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for Senate Bill 508 – Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products (SB 508).

SB 508 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 (SB 516/HB 556 - 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.

However, the Sponsor’s proposed amendments to SB 508 would clarify that the dry weight standard will not be applied to products intended for human consumption. The Commission believes that the legislation would be consistent with the recommendations made in its mandated report on hemp-derived THC products and the cannabis legalization bills. This report, in its entirety, is linked as an attachment to this letter for the Committee’s further reference. Other explicit authorizations provided in amendments considered include: (1) fiber, grain, or topical products; and (2) bio-fuels or bio-plastics. Again, providing that these products **are not intended for human consumption**, they would not present a public health or regulatory concern for the Commission.

Additionally, amendments to SB 508 in front of the Committee include additional licenses for: (1) Hemp production; (2) Hemp research; and (3) Industrial hemp. The Commission believes that further explicit authorization, and oversight to hemp farmers and producers would be beneficial to the State’s overall regulatory framework. Further, the Commission would welcome a research license to continue the understanding of the *Cannabis sativa L* plant.

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.

MDA SB 508 MDA LOI 030223.docx.pdf

Uploaded by: Rachel Jones

Position: INFO



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin Atticks, Acting Secretary

Steven A. Connelly, Deputy Secretary

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Maryland Department of Agriculture

Legislative Comment

Date: March 2, 2023

BILL NUMBER: SENATE BILL 508

SHORT TITLE: AGRICULTURE - HEMP FARMING PROGRAM - USE OF HEMP
AND HEMP PRODUCTS IN CONSUMABLE PRODUCTS

MDA POSITION: INFORMATION

The Maryland Department of Agriculture (MDA or the Department) has reviewed Senate Bill 508 and would like to provide the following information on the bill.

Senate Bill 508 would alter and amend the current Hemp Farming Program to include the use of Hemp and Hemp Products in Consumable Products. Agriculture Article Title 14 Subtitle 305 (C) Requires the Maryland Department of Agriculture (MDA) to submit to the USDA a plan for hemp production that is consistent with federal law.

The following provisions of SB 508 would cause MDA to be out of compliance with the USDA approved plan:

- Altering the definition of hemp to include a plant, or any part of a plant with Delta 9-Tetrahydrocannabinol (THC) concentration that does not exceed 1% on a dry weight basis.
- Allowing hemp products with a THC concentration greater than 1% to be included in consumable products for sale.

Without an approved USDA Hemp Plan, Maryland Hemp growers would not be able to take advantage of a wide range of USDA programs and services including risk management tools, federally subsidized crop insurance, conservation and/or research grants awarded by the National Institute of Food and Agriculture (NIFA), and National Organic Program accreditation.

Cannabis with a THC concentration greater than .3% THC would also be restricted from moving in interstate commerce. Additionally, this legislation would extend MDA's regulatory authority to cover hemp processors and hemp products, authority currently held by the Cannabis Commission.

Recommendations from MDA:

- Expand the number of licenses issued to cannabis growers to allow existing hemp farmers the option to grow cannabis when concentration levels exceed .3%
- Members of the General Assembly would benefit from advocating for changes of the definitions of hemp and cannabis, lifting restrictions that require remediation, and the transportation and sale of consumables to the Maryland Congressional Delegation.
- MDA will communicate the need for changes to the above regulations to the Maryland Congressional Delegation.
- MDA will confer with other states that have legislation similar to the proposed legislation and make further recommendations.

Thank you for your consideration. If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at Rachel.Jones2@maryland.gov or (667) 408-0134.