



WMDA/CAR Service Station and Automotive Repair Association

Chair: Pamela Beidle and members of Senate Finance

RE: SB820- Alcohol, Tobacco, and Cannabis Commission - Unauthorized Consumable Products - Enforcement and Seizure

Position: Favorable with Amendments:

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations, convenience stores, and repair facilities across the state as a non- profit trade group established in 1937.

WMDA does not oppose the bill as to what it does to ban and seize products. We are opposed to removing language that offers defense to unknowingly retailer, along with heavy fine and jail time. Language in SB280 is ambiguous and must be interpreted by inspectors, language that can be interpreted in diverse ways.

Amendments requested:

- **Page 8, lines 31-33 – In a prosecution for a violation of this section, it is a defense that the defendant relied in good faith on the representations of a manufacturer, processor, packer, or distributor of a kratom product.**
remove brackets.
- **Page 11, lines 27-29 - In a prosecution for a violation of this section, it is a defense that the defendant relied in good faith on the representations of a manufacturer, processor, packer, or distributor of a phenibut product.**
remove brackets.
- **Page 5 Lines 25-27 (E) A RETAILER THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000. Given the language this is excessive. Same in Page 10 line 24-26 These should be removed, replace with \$1, 000 fine for first offence.**

WMDA fully supports a Directory that puts Retailers, ATCC Enforcement and Maryland Department of Health on same page, working together. Retailers get caught in the middle of what is legal and what is not, this would not only put the law in black and white, but registration fees would pay for program. We do it now for tobacco, but not for products that mixed by? and packaged by? makes no sense. VA and PA have opted for a directory in some form, and it is time we did the same.

Heath Department should be required to do a robust campaign to make retailers aware, as most have no idea about what these products are or what form they are in.

WMDA/CAR asks Favorable with Amendments vote on SB820.

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