



WMDA/CAR Service Station
and Automotive Repair Association

Chair Heather Bagnall and members of Health and Judiciary Committee

RE: HB1523 - 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 is not opposed to intent of this bill to regulate these products even though some of the languages are ambiguous and open to diverse interpretation. Amendments we are asking for,

- Page 8 lines 31-33 and Page 11 lines 27-29 should stay in bill – page 8- In a prosecution for a violation of this section, it is a defense that the defendant relied in good faith on the representation of a manufacturer, processor, packer, or distributor of a kratom product. Page 11 -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. Most retailers have no idea about these products or what they are in.
- Fines of \$5,000 and 90 days in jail should be removed for first offence.
- Maryland Health Department must start a robust campaign to educate retailers. I know WMDA in cooperation with MHD and ATCC will participate to inform our members.

Retailers that I represent do not manufacture any of these products and rely on labeling on products when bought, unknowingly buying a product from wholesaler should not land you with a \$5,000 and 90 days in jail. **WMDA has advocated for a Directory that would put Retailers, ATCC and Maryland Health Department on same page, to benefit all including consumers. Directory for Vape, ESD, and any product that has, KRATOM, TIANEPTINE, PHENIBUT or any other additive that is regulated. Maryland does it for tobacco.**

WMDA is favorable with amendments on HB1523.

Kirk McCauley, 301-775-0221 or kmccauley@wmdacar.com