

# U.S. Hemp Roundtable

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## VIA EMAIL

June 18, 2021

Sara Tindall-Woodman, Esq.  
Department of Business Regulation  
560 Jefferson Blvd, Suite 204  
Warwick, RI 02886  
Via Email: [Sara.K.TindallWoodman@dbr.ri.gov](mailto:Sara.K.TindallWoodman@dbr.ri.gov)

## Re: Proposed Amendments to Rhode Island Industrial Hemp Program Regulations; Request for Extension of Comment Period

Dear Ms. Tindall-Woodman:

The U.S. Hemp Roundtable appreciates the opportunity to comment on the Proposed Amendments to Rhode Island's Industrial Hemp Program Regulations ("the Proposed Amendments"). The Roundtable is the industry's leading national business advocacy organization that represents over 80 companies and organizations from across the country – at each link of the hemp supply and sales chain – and includes the ex officio membership of the industry's major grassroots organizations.

We strongly urge the Department of Business Regulation to extend the comment period to allow for more extensive and robust stakeholder comments. Presumably, the Proposed Amendments will apply to all hemp-derived consumable CBD products sold in Rhode Island, regardless of where the products are manufactured. While we understand the comment period opened on May 19, 2021, unfortunately we did not receive notice of the Proposed Amendments or the June 2, 2021 Public Hearing until June 17. Our members would greatly appreciate the opportunity to provide more detailed comments prior to the regulations being finalized. We also request a meeting with the department to further discuss the many ways the Roundtable and the U.S. Hemp Authority<sup>1</sup> – our partner organization – have elevated industry standards to ensure consumers receive safe, compliant hemp-derived CBD products, and how an alternative framework would better serve both the industry and consumers.

Briefly, the Roundtable has serious concerns about several aspects of the Proposed Amendments. As a whole, the proposal appears to treat consumable CBD products in a manner akin to controlled substances, placing onerous requirements on distributors and retailers – who will likely choose not to sell these products altogether – and imposing packaging and labeling requirements that are completely out of the line with existing state requirements for hemp-derived CBD products, as well as federal requirements for hemp- and CBD-containing foods and dietary supplements. For example, the Application Process

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<sup>1</sup> The U.S. Hemp Authority® Certification Program is our industry's initiative to provide high standards, best practices, and self-regulation, giving consumers and retailers confidence in hemp and CBD products, <https://ushempauthority.org/>.

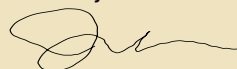
requirements for Distributors and Retailers under Section 1.7 requires, among other things, these entities to provide the names and addresses of “any person or entity partnering or providing consulting services regarding the distribution or sale of hemp-derived CBD products,” along with documentation of purchase agreements and recall procedures, and how the retailer’s or distributor’s activities will comply with applicable zoning ordinances. Moreover, Section 1.10 would require “all officers, directors, owners, shareholders, managers, members, and agents of” a licensee to apply for a “registration identification card” and submit to a national criminal background check before engaging in the distribution or sale of products. There is no state in the country that requires this type of information from companies prior to distributing or selling hemp-derived CBD products. Coupled with the 21-and-over sales restriction that will be implemented under the Proposed Amendments, retail sales of hemp-derived consumable CBD products will likely come to a halt in Rhode Island, hurting hemp farmers as well as consumers in the state.

With regard to individual product requirements, under Section 1.9.D. it appears that potency and contaminant testing of hemp-derived CBD products can only be performed by approved testing facilities, rather than one of the many highly qualified, trusted, and accredited hemp-product testing labs found throughout the country. The Proposed Amendments also impose onerous packaging requirements for CBD products under Section 1.11.G. that no other state requires, including requirements that containers or packages be “opaque,” “of a neutral color,” and child-resistant, and also disclose the type of extraction method and solvents used – among several other labeling and packaging requirements and prohibitions that are more appropriate for adult use cannabis products, rather than hemp-derived CBD products.

In closing, the Proposed Amendments will severely restrict the ability of retailers and distributors to market safe, beneficial hemp-derived CBD products, and consumers in Rhode Island will ultimately pay the price. Again, we strongly urge the Department of Business Regulation to extend the comment period to allow for additional stakeholder comments, and consider aligning its approach more closely with states such as Florida, New York, and Texas, which have all adopted or will soon adopt reasonable regulatory frameworks for the sale of hemp-derived CBD products that are working well to protect consumers, while also supporting these states’ economies and the hemp farming industry.

Thank you for your consideration. We look forward to meeting with the department to further discuss our concerns and potential changes to the Proposed Amendments prior to adoption.

Sincerely,



Jonathan Miller  
General Counsel  
U.S. Hemp Roundtable

# 2021 U.S. HEMP ROUNDTABLE

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