

## AGE RESTRICTIONS ON INGESTIBLE CBD AND HEMP EXTRACT PRODUCTS ARE INAPPROPRIATE AND BAD FOR NEW YORK FARMERS, BUSINESSES & CONSUMERS

### **Hemp extract products like CBD are not intoxicating and should not be treated like marijuana or alcohol.**

Hemp-derived CBD and extract products do not produce an intoxicating “high.” Hemp is an agricultural commodity that by federal statutory definition does not contain more than a 0.3% concentration of the potentially intoxicating component THC. The World Health Organization reports that “no public health problems have been associated” with pure CBD, there are “no case reports of abuse or dependence,” and it “has been found to be generally well tolerated with a good safety profile.” Since U.S. federal and state laws no longer treat hemp or its derivatives like CBD as controlled substances, retail stores, distributors, and independent salespersons should not be required to do so either.

### **Only 2 states have age restrictions for these products, and regulators there struggle to enforce them given much more important priorities.**

Among the 49 states that have legalized hemp, and the dozens that have explicitly permitted the retail sale of CBD and hemp extract products, only Louisiana and Rhode Island have enacted age restrictions, and in both states, implementation has proven to be difficult. The Rhode Island Department of Business Regulation is currently not enforcing the age restrictions, and the Louisiana Office of Alcohol and Tobacco reports that these restrictions have challenged regulators given their many responsibilities that involve actual criminal activity. Indeed, any such enforcement activities are fiscally irresponsible, and divert attention and resources from real health issues.

### **Age restrictions and accompanying display mandates create an undue burden on businesses, serve no meaningful public purpose, and send a harmful message, thereby undermining the viability of the entire hemp market.**

Burdening New York retail stores, spas and offices that typically engage in sale of CBD and hemp extract products with the responsibility of seeking identification for proof of age is improper, costly and will dramatically decrease sales and revenue. So too is dictating the manner and/or location of where these safe and legal wellness items must be displayed, and it sends an inaccurate and inappropriate message to consumers: that these safe and legal wellness products are dangerous or should be associated with a vice of some sort. The 2018 U.S. Farm Bill created new legal markets for farmers and small businesses, and mischaracterizing or otherwise demonizing these markets not only stifles these opportunities but also deprives consumers seeking to improve their quality of life. Many, if not most, retailers will choose not to carry CBD and hemp extract products if age restrictions force them to display products separately, require the purchaser to verify his/her age, and/or prohibit purchasers from using self-checkout lanes. Additionally, such barriers will undermine industry diversity and inclusion and threaten market sustainability. If this occurs, New York’s hemp CBD market will be a shadow of its potential.

### **Stockpiling CBD and hemp extract products to produce intoxication is a straw man myth.**

The notion that minors will purchase multiple CBD products that contain zero-to-trace amounts of THC in an effort to achieve some type of intoxication is unrealistic. “Stockpiling” such products to obtain significant amounts of THC would be cost prohibitive, and this would not appear to be playing out in the states that permit the sale of CBD and hemp extracts without age restrictions. Further, there are plenty of examples of products with trace amounts of intoxicating substances that are currently available for retail purchase by persons of any age: kombucha, catnip, garlic, kava kava, valerian root, melatonin, and various cactuses.

### **New York farmers will bear the ultimate price for the imposition of age restrictions.**

New York State is home to over 700 hemp farmers. Due to regulatory uncertainty at the federal and state level, exacerbated by the COVID-19 pandemic, New York hemp farmers have been struggling due to sharp declines in hemp biomass prices. Age restrictions would serve to further limit markets for CBD and hemp extract products, dealing yet another blow to New York agriculture.

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