

U.S. Hemp Roundtable

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250 West Main Street, Suite 2800, Lexington, KY 40507

February 19, 2021

Senator Jarrett Keohokalole
Hawaii State Senate
Hawaii State Capitol
Honolulu, HI 96813

RE: Roundtable Request for Amendments to S.B. 317

Senator Keohokalole:

The U.S. Hemp Roundtable, the hemp industry's leading national advocacy organization, is very grateful for your efforts to promote the hemp industry within Hawaii and provide consumers with access to beneficial hemp products. We support the underlying purpose of the bill -- that reasonable labeling and packaging requirements for hemp products can promote consumer awareness and safety.

However, we strongly oppose the provision in the bill that would impose age restrictions on the purchase of hemp products like CBD. Unlike most products that have age restrictions, hemp and CBD are not intoxicating, and should not be treated as if they were controlled substances. That's why of the dozens of states that have explicitly sanctioned the retail sale of hemp-derived CBD, only two states have age restrictions -- and even those states struggle to enforce the restrictions because enforcement creates moral hazards by diverting resources and attention from real health issues that actually impose health risks and/or criminal activity. Burdening retail stores with the responsibility of needlessly seeking identification for proof of age is improper and costly and creates an undue burden on small businesses. Additionally, age restrictions would serve to further limit markets for hemp products, dealing yet another blow to Hawaiian hemp farmers, who have been struggling due to sharp declines in hemp biomass prices.

Further, we ask that you consider the following amendments to the labeling requirements that would be imposed by your legislation:

- Hemp product labels should list the name and business address of the "manufacturer, packer, or distributor" instead of the "hemp processor". Processing can be a proprietary part of the manufacturing process. In many instances, requiring the processor to be identified on a product label would mean revealing proprietary business information. Additionally, while there may be multiple businesses involved in the manufacture of a company, the manufacturer, packer, or distributor oftentimes bears responsibility for the product or is best positioned to handle consumer inquiries. Our suggested edit would protect potentially proprietary information, avoid confusion among consumers and enforcement officials, and reduce the risk of disparate treatment.
- The statement that a product has not been evaluated by the FDA should only apply to dietary supplements since such statements are more appropriate for supplements than for other products, like topicals.
- The requirement that a label confirm that a hemp product has been tested pursuant to department rules should be removed because it is unclear what type of statement would be required and because this requirement is unique to Hawaii. Unique labeling and packing requirements increase manufacturing, retail, and enforcement costs, which are oftentimes passed on to farmers.

The Roundtable again thanks you for your support of the hemp industry and respectfully requests you amend your legislation as outlined above. Should you have any questions or wish to discuss any of these points, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Miller', with a long horizontal flourish extending to the right.

Jonathan Miller
General Counsel
U.S. Hemp Roundtable

2021 U.S. HEMP ROUNDTABLE

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