

# U.S. Hemp Roundtable

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

February 19, 2021

Representative Donna Baringer  
Missouri House  
Missouri State Capitol  
Jefferson City, MO 65101

## **RE: Roundtable Request for Amendments to H.B. 669**

Rep. Baringer:

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 Missouri and provide consumers with access to beneficial hemp products. We support the underlying purpose of the hemp-related sections of H.B. 669 -- 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 Missouri 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:

- **Clarification of Hemp Product Labeling Requirements**

- Section 4 requires a dealer of a food product purporting to include CBD oil to disclose on the label "the factual basis upon which that representation is made." It is unclear how a dealer demonstrates that factual basis. Clarification is needed to help dealers comply with this requirement that would be unique to Missouri.
- Several items included in Section 5(1)'s labeling requirements are not found in any other state's laws. For example, no other state requires identifying whether the CBD is a concentrate or extract or the amount of THC per serving. State-specific labeling requirements cause confusion and increase the costs of compliance among manufacturers, packers, and retailers, and costs of enforcement.
- Section 5(1)(a) and (b) should be amended to allow the identification of the hemp product's manufacturer, packer, or distributor" instead of the "processor" and packer. 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.

- Section 5(1)(h) should be amended to only apply to dietary supplements since such statements are more appropriate for supplements than for other products, like topicals.
- Section 5(1)(i)'s warning should be removed since there is no reason to prevent consumers under twenty-one from accessing hemp products.

- **Clarification of Dangerous Non-Cannabidiol Substances**

- Section 6 prevents a dealer from preparing, distributing, selling, or exposing for sale any CBD oil product that has been mixed or packed with or containing a “dangerous non-cannabidiol substance” or a “poisonous or otherwise deleterious non-cannabidiol ingredient”. It is unclear what substances these provisions refer to. This section should be removed or amended to ensure the hemp industry can comply with its requirements.

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,



Jonathan Miller  
General Counsel  
U.S. Hemp Roundtable

# 2021 U.S. HEMP ROUNDTABLE

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