

U.S. Hemp Roundtable

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Washington, DC 20001

January 27, 2023

Mark Ferrandino
Executive Director
State Licensing Authority
Colorado Department of Revenue

Re: Task Force Report on Senate Bill 22-205: Intoxicating Hemp and Tetrahydrocannabinol Products

Dear Director Ferrandino:

The U.S. Hemp Roundtable, the hemp industry's national advocacy organization, applauds the work of your Task Force in developing its recommendations to the Colorado General Assembly, pursuant to Senate Bill 22-205, concerning Intoxicating Hemp and Tetrahydrocannabinol Products. Governor Jared Polis, his office, and his administration, performed an excellent job in bringing together both sides of the debate – hemp and marijuana interests – to develop a compromise which, while neither side would claim is perfect, brings Colorado closer to a policy solution concerning the appropriate regulation of intoxicating hemp products. We express deep gratitude to all of the members of the Task Force, whose hard and long work was reflected in the final product.

While the Task Force recommendations were directed to an audience in Denver, they likely will have a national impact. Just as the state was critical to the rebirth of the U.S. hemp industry, state regulators across the country will be looking at Colorado for guidance as they develop their own standards. We are hopeful the Food and Drug Administration will take notice as well as it continues to deliberate the regulation of hemp-derived cannabinoid products. The Roundtable and the U.S. hemp industry therefore has a vested interest in the ultimate product of your discussions.

Accordingly, as Colorado's legislature considers whether to implement all or part of the Task Force's recommendations, we offer the following comments that reflect how many in the U.S. hemp industry outside of Colorado would approach these issues:

- As the issue of intoxicating cannabinoids has arisen over the past few years, the Roundtable has shared its strong position that there should be different regulatory standards for non-intoxicating hemp products and intoxicating adult use cannabis. Drawing the line between the two should be a matter of science, and until the science is clear, the line should be drawn in a commonsense manner that reflects the current state of non-intoxicating products in the marketplace. We are advocating for legislation in Congress that would establish a federal commission that brings together industry, government and scientific experts to help craft this intoxication line. Until there is

consensus on this issue, we believe that the standard recommended by your Task Force – 2.5 mg/total THC/serving – is the best approach as it maintains consumer access to popular hemp products.

- We also strongly agree with the Task Force’s decision not to include any THC container limits for hemp products that are below the 2.5 mg/serving level. Given the wide variety of product types, the absence of evidence of abuse of multi-serving tincture and capsule products, and the waste that would occur by forcing consumers to purchase additional packages, container limits serve no purpose in protecting public health and safety.
- We take no formal opinion on the issue of requiring a 15:1 CBD to THC ratio for non-intoxicating hemp products. We have some members that support this approach, others who oppose it, and still others who don’t find any scientific value in developing such a ratio. We do ask that any final ratio developed by the legislature be based on scientific research.
- We agree with the suggestion that non-intoxicating products should not be marketed for intoxication. However, we support state efforts such as in Colorado, that require transparency and disclose THC amounts in hemp products – consumers need to understand what they are purchasing. Drawing this balance carefully will be critical in any legislation.
- Like the Task Force, we have been deeply dismayed about the proliferation of unregulated intoxicating products being marketed as hemp. As you are well aware, federal agencies have issued warnings about the dangers of these products, particularly unregulated delta-8 THC products. However, we do not share the view of the Task Force majority that intoxicating hemp-derived cannabinoids should be completely prohibited and potentially criminalized. Some higher delta-9 THC hemp products would be ideally regulated and marketed in the current Colorado dispensary system. In regard to others, such as delta-8 products, we believe that the proposal offered by Task Force Member Kyle Ray was an excellent step in the right direction to provide consumer protections and ensure that only safe intoxicating products enter the marketplace. As contemplated in that proposal, we support stricter regulation of delta-8 THC and similar products. For example, in Kentucky we are advocating for regulations that would prohibit the sale of delta-8 THC to those under 21, require products to be a locked case or maintained behind the counter, require products to be sold in child-resistant packaging, prohibit products that may be attractive to children, and impose mandatory labeling requirements including warning statements, among other requirements. We urge Colorado to consider similar restrictions.
- Finally, while we agree that state agencies should have sufficient authority to regulate synthetic cannabinoids, we believe cannabinoids that are not derived from the cannabis plant and are purely synthetic should be prohibited, rather than subject to an approval process. These products pose a threat to the U.S. hemp industry and the cannabis industry as a whole, and should not be marketed under the guise of hemp or cannabis if they are lab-created or not derived in any way from the cannabis plant.

We appreciate your consideration and welcome the opportunity to discuss our comments with any Colorado official.

Sincerely,



Jonathan Miller
General Counsel
US Hemp Roundtable

2022 U.S. HEMP ROUNDTABLE

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