



The Legalization of Hemp (Cannabis Sativa):

- The Agriculture Improvement Act of 2018 (2018 Farm Bill) is the law that makes hemp production, consumption, and distribution legal under federal law and establishes a framework of shared oversight by federal, state, and Indian tribe authorities. The 2018 Farm Bill permits and protects the interstate transfer of hemp products for commercial or other purposes, and it requires compliance with a state, tribal, or U.S. Department of Agriculture (USDA) plan for hemp production. The law also makes hemp eligible for valuable financial protections available to other agricultural commodities, such as crop financing and insurance. Implementation of regulations require rule making by the USDA, the drafting or revising of state and tribal laws, and the development and approval of hemp production plans.
- From title 7 – Agriculture chapter 38 U.S. Federal code 1639 defines hemp as: “The term “hemp” means the plant **Cannabis sativa** L. and any part of that plant, including the seeds thereof and **all** derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

Understanding the Medical Benefits of Hemp “CBD”:

- As general knowledge around medicinal cannabis gradually increases, this is something that’s becoming more commonly understood. What you may not realize, however, is the fact that the human body actually produces its own endogenous cannabinoids: natural equivalents of the compounds found in the cannabis plant, such as THC (tetrahydrocannabinol) and CBD (cannabidiol) for many positive health regulation functions within the human body.
- These endogenous cannabinoids, or endocannabinoids (‘endo’ means ‘from within’), tap into what has been termed the endocannabinoid system (ECS), which plays an essential role in the body’s ability to interact with the cannabis plant, and, in turn, the effectiveness of cannabis as medicine.
- With its widespread effects and therapeutic potential, the ECS is a considerable target of medical research, and much more remains to be uncovered. First identified in the late 1980s, the ECS is one of the most crucial physiologic systems at play in establishing and maintaining human health, and is responsible for modulating every other body system from the bones to the central nervous system.
- The presence and operation of the ECS across multiple bodily systems tells us a lot about why such a broad and diverse range of medical conditions and illnesses respond positively to medicinal cannabis and cannabinoid treatment — from epilepsy to cancer.
- CBD is safe for all ages: The World Health Organization (WHO) declared CBD safe for human use: “CBD is generally well tolerated with a good safety profile. Reported adverse effects may be as a result of drug-drug interactions between CBD and patients’ existing medications.”

- In a 25-study review of nearly a thousand patients, researchers noted that administration of CBD was “well tolerated with mild side effects.” In one clinical trial, CBD was shown to be safe while demonstrating a “markedly superior side-effect profile.” Other research has reported that participants “tolerated CBD very well” and exhibited “no signs of toxicity or serious side effects.”
- CBD is non-addictive and counters the effects of THC: According to the WHO’s report, “CBD exhibits no effects indicative of any abuse or dependence potential.” Moreover, it is a non-habit-forming substance, and in fact, CBD actually can help to reduce or eliminate addictions such as tobacco and opioids.
- Investigating the potential benefits of CBD, several studies have found that CBD does not cause changes in food intake, does not affect heart rate, blood pressure, or body temperature, does not affect gastrointestinal or psychological functions, and is well tolerated in chronic use, including when high-potency CBD doses are being consumed.
- Customers often prefer full-spectrum hemp products. They are non-intoxicating but do have trace amounts of THC in them (under 0.3%) which is the limit of federal law. These products do not need an age limit for purchase just as any other dietary supplement or product in a grocery store, or over the counter drug store. Hemp products contain all of the naturally occurring cannabinoids that exist within the hemp plant. Full-spectrum products also contain components like terpenes. While these products do contain trace amounts of THC, the total amount is not enough to induce any psychoactive effects as the level is so low. Much like poppy seed bagels have trace amounts of opium, same for hemp and its various non-intoxicating cannabinoid products. It would be akin to an age restriction on the purchase of poppy seed bagels.
- Full-spectrum hemp-derived CBD products contain less than 0.3% THC (federal law). However, there are benefits to the product containing all the naturally occurring cannabinoids found in the hemp plant because the product will produce something that is referred to as an “entourage effect.” The entourage effect refers to the general effectiveness of the product due to the synergistic nature in which the cannabinoids and terpenes interact with one another.

Delta 8 THC Vs. Delta 9 THC :

- Federal Court recently upheld that hemp derived Delta-8 THC is indeed part of the definition of hemp extract in federal law and therefore legal. (AK Futures LLC v. Boyd Street Distro, LLC, No. 21-56133 (9th Cir. May 19, 2022). Also, the DEA has confirmed that Delta-8 made from hemp materials are not subject to the Controlled Substances Act or defined as marijuana in Federal code.
- “Delta-8 creates more of an in-your-body sensation and physical relaxation. With less psychoactivity than Delta-9, Delta-8 produces a clear high without the anxiety often associated with Delta-9. It can help people feel more in tune with themselves, more present in the mind, and it heightens the senses.”
- Delta-8 THC can be found in small amounts in hemp and other forms of the cannabis plant, although not in the quantities as Delta-9 THC. However, the cannabinoid can be refined from CBD, which is abundantly produced by many varieties of legal hemp.

Economic Benefits of the Entire Virginia Hemp Industry:

- Delta-8 and CBD products in Virginia produced by Virginia businesses are derived from Virginia hemp grown by Virginia farmers, processed by Virginia businesses. All stores retailing Delta-8 products in Virginia currently have a 21 and over policy for purchasing the products. Prohibiting Delta-8 in Virginia does nothing to stop the black market, out of state sales, or mail order sales, and would increase demand in all those other markets only to hurt Virginia farmers, Virginia businesses, and job creation in the Commonwealth.
- Hemp seed/grain is incredibly nutritious - Three tablespoons of hemp seeds (one serving) provide 7.5 grams of Omega-6 fatty acids and 3 grams of Omega-3 as well as 0.6 grams of Super Omega-6 Gamma Linolenic Acid (GLA) and 0.3 g Super Omega-3 Stearidonic Acid (SDA). Along with flax oil and flax seeds, hemp seeds are one of the best vegetarian and vegan sources of Omega-3 and Omega-6 fatty acids. Along with protein, fiber, and iron, hemp seeds are also a great source of a host of other vital nutrients, including magnesium, thiamin, phosphorus, zinc, copper, manganese, and Vitamin E. Virginia can be a leader in exporting hemp seed/grain for human and animal consumption.
- Hemp fiber and hurd biomass can be used for hundreds of marketable uses such as textiles, building materials, animal bedding, car parts, fuel additives, ect. Virginia can be a leader in manufacturing products made from hemp fiber and hurd.
- Hemp derived products currently create thousands of jobs and bring in millions of dollars in tax revenue to the Commonwealth general fund and help fund localities.
- Hemp retail stores help to fill vacant retail spaces which create jobs and pay property taxes throughout the Commonwealth.

VHC Policy Recommendations & Summary:

Safe and non-intoxicating cannabinoids (CBD, CBN, CBG, ect.) derived from hemp are legal via the 2018 farm bill and those federally protected products should not be restricted for sale to only adults 21 and over. VDACS currently regulates these products, and they should continue to be sold like all other foods and dietary supplements on the store shelves with the same regulations that they receive. Delta-8 is less intoxicating than Delta-9 (marijuana) products, but they should be restricted to only adults 21 and over. All hemp derived products should be retailed as they are now in various retail stores, but Delta-8 and other intoxicating cannabis products should require a license to sell much like alcohol and tobacco products are currently retailed.

Trademark infringement hemp products and blatantly mislabeled hemp products should be removed from the store shelves. These products are inherently counterfeit and usually found containing intoxicating cannabinoids. Any products containing THC should never be marketed to children, and the shapes of gummies or candies should also not appeal to children.

Virginia needs clear and simple regulations to address some of the issues currently surrounding hemp derived products such as keeping intoxicating hemp products like Delta-8 out of the hands of children and teenagers; however we all need to be careful to not “throw the baby out with the bathwater”. In creating these simple regulations, we must be mindful to not hinder the growth of the entire Virginia hemp industry by hurting Virginia small businesses and Virginia hemp farmers with unnecessary red tape and restrictions. We all should want to increase jobs and tax revenue by making Virginia a great state to do hemp business in and we should make it clear that hemp farmers and hemp businesses are welcome here in the Commonwealth. We need a clear and fair static free market regulatory framework that works for all Virginians.

Articles for Reference:

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