



Comment Title: The Budget Act (HB 30) takes several good steps, but could be improved

Commenter: Tom Intorcio, Virginia Catholic Conference

The Budget Act ([HB 30](#)) takes several good steps to address the problem of Delta 8 and other synthetics, but could go further to protect children from the harm caused by the proliferation of high-potency THC products currently on the market. On the positive side, the Act includes provisions to:

- Ban edibles in the form of child-tempting shapes.
- Ban the sale of substances for consumption or inhalation containing THC that bear the likeness of Rice Krispies, Lucky Charms, Skittles, or other name brands that are trademarked.
- Make it a fraudulent act to sell THC substances without 21-and over-labeling and childproof packaging.

At the same time, we are concerned that the new law:

- 1) Does not go far enough to protect children from the harms posed by high potency THC in Delta 8 edibles, vapes, and other synthetic products; and
- 2) The “personal residence” exemption for marijuana possession poses an increased second-hand smoke risk to residents in multifamily units, and the exemption’s ambiguity could lead to increased criminal activity.

Children’s safety should come first.

At least [fourteen states](#) have banned Delta 8: Alaska, Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Kentucky, Mississippi, Montana, New York, Rhode Island, Vermont and Utah. The General Assembly should consider doing this as well. Some of these states include those that have legalized commercial sales of Delta 9 THC. On a related note, the [FDA](#) has not evaluated or approved any THC drug for use in a medical setting.

Vape stores and drug paraphernalia shops are already selling products that combine Delta 8 with other forms of THC, such as Delta 9. Even before this new law went into effect on July 1, the special interests marketing these products have sold them as “cannabis-infused”.

The push for commercialization of these drugs undermines everyone’s safety. It does not make sense that distilled spirits are carefully sold in ABC stores, where locally authorized, but gaps in the Code allow for the sale of high potency THC at gas stations or convenience stores.

Those who will develop addiction, psychosis, schizophrenia, or other [impairment](#) from mass-marketed, high potency THC will continue to pose a danger to themselves and the public. Sadly, we know from

states like California and Colorado that some children will suffer poisoning from accidentally ingesting THC-infused edibles such as brownies, cookies, and candy.

That may be why a growing number of states are identifying Delta 8 and other synthetics as an underlying cause of the mounting national mental health crisis.

We know that the proliferation of Delta 8 has led to a significant increase in [poisonings](#) of children in Virginia, and has likely increased the number of fatal crashes.

Increasing the home possession limit by one pound could lead to an increase in secondhand smoke issues and criminal activity.

HB 30 amended the Virginia ABC and Cannabis Control Authority provisions in the Code to allow homeowners and tenants to possess up to an additional pound of marijuana without incurring even a misdemeanor, on top of the four plants they could already possess.

Some may contend that the four-plant-per-household limit will be enough to prevent abuse. However, a single marijuana plant can produce 17.5 ounces of raw marijuana—more than one pound each. In addition, the new misdemeanor possession provision ([§ 4.1-1100](#)) creates a potential loophole because while homeowners or tenants will be able to grow four plants at any one time, under this provision, they could possess up to an additional pound of high potency THC product. That means a tenant or homeowner could easily possess over five pounds of THC. This loophole undermines the four-plant limit and further endangers children. [Children](#), seniors, and people with disabilities (among others) will particularly suffer from more [secondhand smoke](#) in apartments and other multifamily structures.

This ambiguous provision could further open the door to illegal grow houses in Virginia. A grow house is a dwelling that is often structurally altered to create a marijuana growing facility. Grow houses require large amounts of water for cultivation and electricity for temperature control—as well as to maximize the size, potency and yield of marijuana plants. The impact this could have on other tenants in an apartment building, or even other residents in a neighborhood, could be significant.

Expanding possession limits in the home could provide legal cover to criminal enterprises seeking to engage in drug dealing and other illicit activities. In [Colorado](#) and [California](#), [cartels](#) and [organized crime](#) have acquired property in residential neighborhoods (or farms) to grow high potency marijuana that they then sell in states where marijuana is illegal.

Despite the new law, a homeowner or tenant could purchase high potency THC products on the illicit market in the form of shatter, vapes, and edibles. But with the new law allowing possession of up to a pound in the home, the public's perception may be that once a homeowner or tenant were to bring quantities into their residence, whether legally or illegally, all of the THC would then be viewed as legally acquired through this personal residence exemption. Once again, this language creates more ambiguity, which will likely lead to more poisonings of children in the home, more driving while high, fatal crashes, and potentially more crime that is associated with large quantities of high potency THC.

In conclusion, we recommend that the General Assembly and the Administration reform the laws governing high-potency THC to protect children and improve the public safety and health of all Virginians.