

To Whom This May Concern,

Thank you for the opportunity to comment. I know you all are facing a very difficult task in trying to regulate hemp industry and I appreciate the opportunity to voice my concerns on the matter. My name is Barbara Biddle, owner of District Hemp Botanicals and I'm also here as a representative of the Virginia Hemp Coalition. I've been operating in Virginia as a retailer since 2017, with locations in Manassas and Leesburg VA, as well as a location in DC. My business works with both local and national manufacturers to provide quality, lab-tested products to tens of thousands of customers both locally and nationally. I'm also a mother to two boys, ages 3 and 6, so I understand the intention behind these new regulations. That being said, I have a number of concerns that I would like to bring to the task force's attention and I'll try to keep it as concise as possible and will include more details in my written response.

First, my main concern is the timing at which enforcement of the new regulations may begin. From a retailer's perspective, there are many moving parts as far as implementation, a lot of which are beyond our control. We've already made our manufacturers aware of the necessary label changes needed to be compliant, however they will need anywhere from 1-3 months to be able to make those necessary changes. From designing the new label, to ordering the new labels and compliant packaging to repackaging their current inventory and then getting that product to us. Another consideration is the inability to package certain edibles in child-proof packaging, for example, honey and drinks. There are unique elements to these specific edibles that can help boost the bioavailability of cannabinoids compared to generic gummies and capsules, and I fear that little consideration is being taken into these nuances. On another note, the childproof packaging will also severely limit those with arthritis and pain issues from accessing certain products that are most effective for them. **I strongly encourage allowing up to 6-12 months for companies to make these changes and retailers to sell through products before taking any punitive action against otherwise law-abiding businesses. Some other fixes include allowing retailers to provide edible products in a complimentary "child proof bag" that can fit multiple products as a fix.**

Second, I have deep concerns about the interpretation of the law as it applies to the legal state of hemp isomers and derivatives. A lot of the controversy stems from what seems to be a lack of education around the process of which these compounds are manufactured and misconceptions around the term "synthetic". In a letter dated September 15th of this year from the the DEA's Drug and Chemical Evaluation Section states that only cannabinoids extracted from non-compliant cannabis or synthesized from non-cannabis materials are controlled substances. The letter also clarified a frequent point of confusion in discussions of Delta-8 (and the other 130+ hemp cannabinoids): namely, that the use of chemical synthesis to produce these natural compounds is not relevant to their control status. The term "synthesis," which has varied meanings in scientific literature and no established meaning in the law, along with the DEA's definition of "synthetic THC's" (a class of man-made THC analogs not found in the plant), have led many to think that Delta-8 was illegal because it is primarily produced from CBD through a process called chemical synthesis. If intoxicating hemp derivatives such as HHC are considered "synthetic" due to the manufacturing process, household products such as

margarine that are found at your local grocery store would also be considered “synthetic” due to the fact that they are both produced using a chemical process called “Hydrogenation.” Isomerization, the process utilized to make d8 and d10 is also very similar in nature. These cannabinoids are naturally occurring, utilize starting material from the cannabis plant and are very different from how compounds such as JWH-018, one of the active ingredients in K2 and Spice (of which is not naturally occurring and don’t utilize any parts of the plant in their production). Also, there is no method to determine whether or not D8 was made through the process of isomerization or if it was made from naturally occurring D8, making enforcement very difficult. These isomers and derivatives are often used therapeutically for ailments such as sleep and pain and I believe personal and political biases are getting in the way of providing Virginians with access to potentially life-saving compounds. **I ask that more time and consideration be made before moving forward with enforcement. I also think that it’s very important that a study into the economic impact is absolutely critical before any actions are made. If a regulatory structure is to be adapted, I recommend creating a structure that treats intoxicating compounds derived by hemp similar to how the state treats beer and wine vs hard liquor. General retailers should be allowed to sell these products with simple licensing requirements and age restrictions. I highly advise not adapting the regulations from CO, OR and NY mentioned earlier during the meeting. These states were once safe havens for hemp businesses but have adapted some of the most restrictive regulations in the entire country. In fact, the number of acres registered for hemp farming fell from 90,000 acres in 2020 to 4,000 acres in 2022 shortly after new regulations implemented. Many companies are opting to relocate to states that are more friendly to hemp businesses. If the intention is to help support the hemp industry, utilizing those structures would have the opposite effect.**

Third, the age restrictions on full-spectrum products may be detrimental to college students who rely on hemp products as an alternative to intoxicating and habit-forming pharmaceuticals. I completely understand the need to keep intoxicating products out of the reach of children, however, college-aged individuals are adults and deserve access to CBD as a treatment method without parental consent. I worry that a blanket regulation may inadvertently cause more harm than good and create a vacuum effect, causing more young adults to be forced to use potentially harmful substances by restricting access. It also seems arbitrary and short-sighted to restrict access to non-intoxicating hemp products but allow 18-21 year olds to access high-THC products without an adult present via the medical dispensaries. **I suggest a recommendation to the administration that this rule be struck altogether or implementing a way for adults aged 18-21 to access these products with at least a doctor’s note, similar to state medical marijuana regulations.**

In summary,

<https://albop.com/odoardu/2021/10/ALBOP-synthetic-delta8-THC-21-7520-signed.pdf>