



Public Comments on Intoxicating Hemp Regulation

Task Force to Analyze Industrial Hemp Extracts and Other Substances Containing Tetrahydrocannabinol Intended for Human Consumption

Submitted by Lauren Niehaus
On behalf of Trulieve, Inc.

Thank you for the opportunity to comment on the Report of the Task Force to Analyze and Make Recommendations Regarding Whether Any Statutory or Regulatory Modifications are Necessary to Ensure the Safe and Responsible Manufacture and Sale of Industrial Hemp Extracts and Other Substances Containing Tetrahydrocannabinol that are Intended for Human Consumption in the Commonwealth. We greatly appreciate the Task Force's work drafting these recommendations to protect public health and responsibly regulate intoxicating hemp products in Virginia.

Trulieve is an industry leading, vertically integrated cannabis company and multi-state operator in the U.S. operating in 11 states, with leading market positions in Arizona, Florida, and Pennsylvania. Our experience in numerous programs has given us great visibility into the issue of intoxicating hemp, which has been impacting all states since the passage of the federal 2018 Farm Bill that legalized hemp across the country. **Broadly, we believe that non-intoxicating hemp should be regulated like food and dietary supplements; whereas, all intoxicating cannabis products should be regulated and sold through the state's medical and future adult-use cannabis systems.**

We are very concerned about the rise of unregulated intoxicating hemp products in Virginia and elsewhere. Unfortunately, some companies have mistakenly interpreted the 2018 Farm Bill's removal of cannabis plants containing less 0.3% Delta-9 THC dry-weight by volume from the Controlled Substances Act as authorization to use derivatives from those plants as ingredients in food and dietary supplements. This misunderstanding of the law has led to numerous products that claim compliance while containing intoxicating quantities of THC or other unsafe ingredients derived from hemp plants. These products typically fall into two categories:

- Products that contain less than 0.3% Delta-9 THC but sufficient amounts to cause intoxication¹ and exceeds the amount of THC that would be permitted in most state cannabis programs (including Virginia's medical cannabis program).
- Products that contain intoxicating cannabinoids other than Delta-9 THC, such as Delta-8 THC, Delta-9 THC, or THC-O Acetate.

The 2018 Farm Bill preserved FDA authority to regulate food and dietary supplements containing ingredients derived from hemp ingredients. While the FDA has not adopted specific regulations governing hemp ingredients, there are many product safety laws already in place that

¹ For example, a Hershey bar weighs 43 grams and could contain as much as 129 milligrams of THC and still fall beneath the 0.3% standard that was only intended to apply to raw plant material.



apply to all consumable products whether they contain a hemp ingredient or not. Intoxicating hemp products clearly do not comply with federal product safety laws and best practices.

Unfortunately, federal regulators have failed to enforce existing laws against intoxicating hemp products and left the responsibility for states to address the public safety issues. We appreciate Virginia's proactive response by creating this Task Force, and support the Task Force's five recommendations to the legislature. Additionally, we recommend additional details that draw a clear line between intoxications and non-intoxicating hemp, regulating non-intoxicating hemp products as food while regulating intoxicating hemp products through the current medical cannabis program and future adult-use cannabis program.

We support the Task Force's recommendations on defining THC, coordinating enforcement, requiring a permit to sell certain hemp products, establishing civil penalties, and addressing sales in restaurants

The five recommendations by the Task Force are a good start to regulating hemp products for human consumption. Specifically:

- We agree that the definition of THC needs to include not just delta-9 THC but also delta-8 THC and other isomers, as all of these can cause intoxication in consumers and need to be regulated accordingly.
- We agree that there needs to be greater coordination among various agencies that touch cannabis regulation. This can be accomplished most effectively through a single consolidated agency that regulates all things cannabis, as there are many unusual intricacies to cannabis policy that are easier to concentrate in a single agency rather than spread throughout multiple entities that are regulating cannabis among many other topics.
- We support requiring a permit to sell certain hemp products, and make additional recommendations on the specifics of this structure below. Broadly, non-intoxicating hemp should be regulated like food and dietary supplements; whereas, all intoxicating cannabis products should be regulated and sold through the state's medical and future adult-use cannabis systems.
- We support civil penalties for violating the requirement to obtain a permit before selling certain hemp products, as this is a necessary enforcement mechanism for ensuring compliance.
- We support responsibly regulating the sale of edible hemp products in restaurants, as long as it is limited to non-intoxicating hemp products.



We recommend requiring Current Good Manufacturing Practices (cGMP) for all hemp products

Current Good Manufacturing Practices (cGMP) have been developed by the Food and Drug Administration and already apply to most food, beverage, drug, and dietary supplement manufacturers across the country. cGMP ensures that these manufacturers are following basic processing and sanitary requirements to safely make and package their products. cGMP is critical for consumable products containing hemp ingredients because most intoxicating cannabinoids derived from hemp are manufactured using chemical processes that produce unknown and unidentified by-products that have unknown safety profiles. The enforcement of existing cGMP requirements for consumable hemp products, whether intoxicating or non-intoxicating, would help address the potential health risks associated with these products.

Conclusion

Thank you for your consideration of our comments. Please let us know if you have any questions or would like additional information, which we would be happy to provide.

A handwritten signature in black ink, appearing to read "Lauren Niehaus".

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