

SB 984 Intoxicating Cannabinoid Control Act Talkers

1. The ICCA's purpose is to address the proliferation of unregulated intoxicating THC products, like Delta-8, sold at unlicensed retailers, including c-stores and gas stations, as well as online. To protect the health and safety of Missourians, especially children, Missourians and law enforcement leaders want these THC products to be safely grown, processed, and sold pursuant to Article XIV.
2. Article XIV's regulatory framework to solve this problem exists, is paid for (no new taxes), and, most importantly, works very well to keep these products away from children in safe packaging, is taxed, is lab tested and by law has to be Missouri-grown, processed and sold.
3. These intoxicating THC products flooding retailers are often packaged in bright colors, deliberately marketed to children, and virtually indistinguishable from non-medicated candies and snacks. Instead of the strict packaging and testing requirements under Article, XIV, the QR codes on front of these products mislead customers, often with fraudulent generic lab reports. There are now nearly daily reports of children and teens, including Missouri students as young as elementary school aged, requiring hospitalization after consuming these unregulated intoxicating THC products. Their parents have no idea what's in these products.
4. The ICCA addresses this public safety issue by requiring intoxicating cannabinoids be grown, processed and dispensed pursuant to Article XIV, which Missourians have twice voted for to regulate intoxicating THC products.
5. The 2018 Farm Bill was enacted to legalize hemp for agricultural and industrial uses, not legalize psychoactive substances. Delta-8 THC is banned in 17 states and severely restricted in 7 more, consistent with the farm bill's intent and the distinction between non-intoxicating and intoxicating cannabis. The ICCA provides a less restrictive approach.

6. The ICCA does NOT regulate hemp, including CBD, because it is a non-intoxicating cannabinoid. Per the Farm Bill, it can and should be sold anywhere because it is not intoxicating.
7. The c-stores and head shops oppose this legislation and have circulated “self regulation” legislative language to effectively codify the status quo, which law enforcement opposes. The language would create a huge loophole by mandating that retailers selling these THC products submit to DHSS’ regulations, yet remain unlicensed and unaccountable. Without a license as leverage, agencies are powerless to ensure compliance with a program’s regulations.
8. Article XIV, Section 2, Part 4 provides DHSS authority to issue additional comprehensive licenses based on increased population and/or market demand, which they continue to do. Thus, the appropriate body to lobby is DHSS not the legislature.
9. Opponents have also suggested empowering ATC or Dep. of Agriculture to regulate these intoxicating THC products. This would require the legislature to raise taxes to create a parallel duplicate bureaucracy to regulate hemp-synthesized intoxicants, which are pharmacologically marijuana.
10. Law enforcement, hospitals and Missouri Poison Control are among a large coalition supporting the ICCA, as drafted.

Groups Supporting Intoxicating Cannabinoid Control Act (ICCA)

1. Missouri Police Chief's Association
2. Missouri Prosecuting Attorney's Association
3. Missouri Poison Control Center
4. Law Enforcement Legislative Coalition
5. Jefferson County Sheriffs
6. The American Trade Association of Cannabis & Hemp (ATACH)
7. Midwest Natural Fiber (Hemp Fiber Association)
8. Missouri Department of Health and Senior Services
9. Missouri Hospital Association
10. SSM Health
11. Cardinal Glennon Hospitals
12. St. Louis Children's Hospital
13. BJC Health Systems

THE PROBLEM:



DO WE WANT MISSOURI MINORS AND CHILDREN TO ACCESS THC PRODUCTS THAT GET YOU HIGH???

In Missouri, every intoxicating product, from liquor to cannabis to tobacco, is regulated, tested, taxed and restricted to minors, except for hemp-synthesized intoxicants (HSI).

In cities and counties all across Missouri, hemp-synthesized intoxicating products are:

- A threat to Missourian's health and safety
- Untested and unknown if safe for human consumption
- Packaged/branded to be attractive to minors and children
- Increasingly accessible and purchased by minors
- Manufactured outside Missouri and often overseas, including China
- Avoiding the same liquor or cannabis taxes
- Made to look like candy, no warning labels or child resistant closures
- Increasingly causing hospitalizations* (Missouri Poison Center and FDA/CDC stats)**

* Reference: <https://missouripoisoncenter.org/rise-of-delta-8-poisoning-in-children/>

** Reference: <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>

These hemp-synthesized intoxicating products often:

- Go by names like delta-8 THC, delta 9 THC, THCP, HHC, THC-O and many others
- Are readily available in thousands of unregulated retail stores or via online order for home delivery
- Are a far cry from an agricultural product or crop
- Mimic products sold in licensed, regulated marijuana dispensaries
- Are moderately to extremely psychoactive with unregulated products offered anywhere from 100mg – 5000mg THC per package
 - Adult dose typically 5-10mg per serving
 - Children under 6 can be high with 2.5mg of THC and have THC toxicity at doses of 1.5mg/kg
 - Child exposures typically show consumption of entire package as kids think its candy

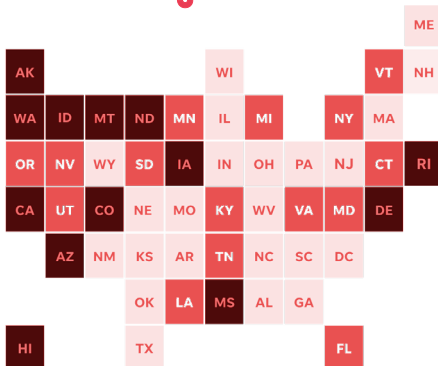
LET'S BE CLEAR:

Hemp-synthesized intoxicants are completely unlike hemp fiber (made from industrial hemp) and CBD (extracted from hemp flower,) neither of which are psychoactive

HEMP SYNTHESIZED INTOXICANTS ARE THC AND CAN DEFINITELY GET YOU HIGH!!!!

- The most common way to create a hemp synthesized intoxicant product is by using a chemical conversion process and chemicals like hydrochloric acid in unregulated labs.
- It's this chemical conversion that allows hemp derived intoxicant products to have the psychoactivity levels of marijuana-based THC products.

A Majority of States Have Banned or Regulated these Intoxicating Products:



Unregulated Regulated Banned

SOURCE: American Trade Association of Cannabis and Hemp



OUR MO COMMON-SENSE SOLUTION to Regulating these Intoxicants:

SB 984 and HB 1781, the Intoxicating Cannabinoid Control Act, would bring common sense regulation to hemp-synthesized intoxicants, just like MO does with other intoxicating products.

Unlike many states that have outright banned these intoxicating products, Missouri would still allow their sale. However, these psychoactive products would have to be tested, taxed, and no longer sold or marketed to Missouri minors and children. The DHSS would be the agency regulating these products as with all other THC to ensure the health and safety of Missourians. Non-intoxicating hemp products, like industrial hemp and CBD, would remain unregulated.

CURRENTLY	INTOXICATING CANNABINOID CONTROL ACT
Untested	Lab tested
Unregulated	Regulated
Available to Missouri minors	Restricted to those 21 years and older
Grown, manufactured outside MO and over-seas	Must be properly labeled, including country of origin
Non-intoxicating CBD, Industrial Hemp unregulated	Non-intoxicating CBD, Industrial Hemp re-main unregulated
Untaxed	Taxed the same as intoxicating cannabis
Marketed to Missouri children	Can't be marketed to kids and can't look like candies or other non-intoxicating products

THE PROOF:

HIGH DOSE THC & CANDY LOOKALIKE PRODUCTS PURCHASED AT MO QUICK MART 01.17.24





alcobacco
Vapor & Smoke Shop
Coushattas

Alcobacco

Store 001
120 E Dunklin St
Jefferson City
Cole
65101
info@alcobacco.com

Receipt of Purchase(Exc Tax) 02/07/2024 2:26:46 pm

Staff Device Manager Till1

PRODUCT	PRICE	QTY	TOTAL
Bic EZ Reach Lighter	\$2.59	1	\$2.59
Misc			\$12.99
Total Qty			2

Sub Total	\$15.58
Tax	\$1.22
Total	\$16.80

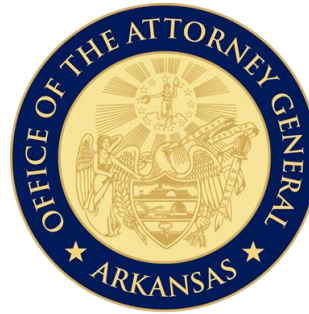
PAYMENT BY TENDER	AMOUNT
VISA **** * 1981	\$16.80

TAX RATE	PERCENTAGE	TAX
Sales Tax	7.85%	\$1.22

Tax Number: 47-1688096

All sales are final. No returns.





SENT VIA ELECTRONIC MAIL ONLY

March 20, 2024

The Honorable Glenn "GT" Thompson
Chairman
Committee On Agriculture
United States House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

The Honorable David Scott
Ranking Member
Committee On Agriculture
United States House of Representatives
1010 Longworth House Office Building
Washington, D.C. 20515

The Honorable Debbie Stabenow
Chair
Committee on Agriculture, Nutrition, & Forestry
United States Senate
328A Russell Senate Office Building
Washington, D.C. 20510

The Honorable John Boozman
Ranking Member
Committee on Agriculture, Nutrition, & Forestry
United States Senate
328A Russell Senate Office Building
Washington, D.C. 20510

Re: The Five-Year Reauthorization of the Farm Bill

Dear Chairman Thompson, Chair Stabenow, Ranking Members Representative Scott, and Senator Boozman:

We, the attorneys general of Indiana, Arkansas, California, Colorado, Connecticut, District of Columbia, Georgia, Hawaii, Iowa, Kansas, Maryland, Minnesota, Missouri, North Carolina, North Dakota, Oregon, Pennsylvania, South Dakota, Tennessee, Commonwealth of Virginia, and Washington write to call your attention to a crisis issue impacting our states, our public safety, and our role as law enforcement officials. As Congress prepares to embark on a new five-year reauthorization of the Farm Bill, we strongly urge your committees to address the glaring vagueness created in the 2018 Farm Bill that has led to the proliferation of intoxicating hemp products¹ across the nation and challenges to the ability for states and localities to respond to the resulting health and safety crisis.²

The Agricultural Improvement Act of 2018 seemed clear at the time in its intentions—re-introducing industrial hemp as an agricultural commodity, while maintaining existing federal

¹ Intoxicating hemp products are produced, derived from hemp-created CBD. They can be available in forms that claim to be non-intoxicating hemp, while still containing tangible quantities of delta-8, delta-9, or other known intoxicating cannabinoids. Others are simply sold as intoxicants. All are products which both the Drug Enforcement Administration and the Food and Drug Administration consider to be illegal, subject to the Federal Analogue Act if not for protections granted by the 2018 Farm Bill.

² Ind. Att'y Gen. Op. 2023-1, <https://www.in.gov/attorneygeneral/files/Official-Opinion-2023-1.pdf>. Indiana Attorney General Todd Rokita details the problems discussed in this letter in his public opinion.

prohibitions on cannabis products and their use. Nevertheless, bad actors have exploited the 2018 Farm Bill's definition of hemp, its protection of derivatives of that plant, and a wrongly perceived federal pre-emption against state-level regulation of these products. Regardless of your Committees' intentions, the reality is that this law has unleashed on our states a flood of products that are nothing less than a more potent form of cannabis, often in candy form that is made attractive to youth and children—with staggering levels of potency, no regulation, no oversight, and a limited capability for our offices to rein them in.

The current law defining hemp has resulted in exploitation. Applied to foods, the 0.3% THC limit which distinguishes industrial hemp from cannabis, is inadequate to distinguish the potential for intoxication. The result that has been seen is excessively potent products that are manufactured under fewer controls than in states that have legalized cannabis. Because of the ambiguity created by the 2018 Farm Bill, a massive gray market worth an estimated \$28 billion has exploded, forcing cannabis-equivalent products into our economies regardless of states' intentions to legalize cannabis use, and dangerously undermining regulations and consumer protections in states where adult-use legal cannabis programs are already in place. Many states now face poisonings from poorly manufactured products, products with misleading labels, and consumption by individuals who are under the age of twenty-one. As hemp-based THC-infused products increase in popularity, particularly edibles, illicit suppliers have begun co-opting legitimate brand names and packaging to sell candy, snacks, and cereal that are intoxicating and confusing to consumers. These copycat hemp products place children at exceptional risk.


This year's anticipated reauthorization of the Farm Bill and the need for this reauthorization to make much-needed improvements to the statute established in 2018 comes at a critical time, as our states are being tested in our efforts to regulate these potentially dangerous products. These intoxicating hemp products, by virtue of their potential hazard to consumers, must be regulated by each state. The definition of hemp should be amended to clarify that there is no federal hemp intoxicants loophole, and the 2023 reauthorization should reaffirm that members of Congress do not intend to limit states in restrictions or regulations related to cannabinoids or any other derivatives of hemp which are deemed intoxicating.

We share your commitment to farmers and support an orderly market for industrial hemp and non-intoxicating hemp-derived products. The promise of the 2018 Farm Bill to create this agricultural commodity market, however, has failed. Instead, hemp-derived intoxicants have proliferated across our states, posing a significant threat to public health and safety, and benefiting unregulated, untaxed, and unaccountable market actors. It is our duty to protect our states and communities, yet the federal law lacks the clarity needed to act vigorously on their behalf. We urge Congress in the strongest possible terms to address this reckless policy.

Sincerely,



Todd Rokita
Attorney General



Tim Griffin
Attorney General of Arkansas



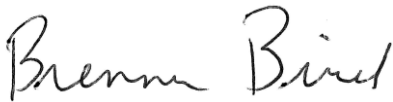
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Attorney General of Connecticut



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Attorney General of Iowa



Anthony G. Brown
Attorney General of Maryland



Andrew Bailey
Attorney General of Missouri



Drew H. Wrigley
Attorney General of North Dakota



Philip J. Weiser
Attorney General of Colorado



Brian Schwalb
Attorney General of the District of Columbia



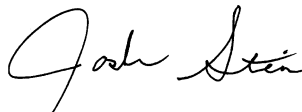
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Attorney General of Kansas



Keith Ellison
Attorney General of Minnesota



Josh Stein
Attorney General of North Carolina



Ellen F. Rosenblum
Attorney General of Oregon



Michelle A. Henry
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Marty Jackley
Attorney General of South Dakota



Jonathan Skrmetti
Attorney General of Tennessee



Jason Miyares
Attorney General of the Commonwealth of
Virginia



Bob Ferguson
Attorney General of Washington

EDITOR'S PICK

4 Sumner High School students hospitalized after eating possible marijuana edibles

From staff reports Feb 7, 2024 1



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ST. LOUIS — Four students from Sumner High School in north St. Louis were taken to a hospital Wednesday after eating edibles that school officials say may have contained THC, the psychoactive ingredient in marijuana.

Six other students were evaluated and released to their parents.

A student sneaked the edibles into school, according to a statement from St. Louis Public Schools. The students, all sophomores, reported feeling nauseous after eating them.

The students were taken to a hospital for "precautionary reasons," the district said.

All the students were doing "fine" by Wednesday afternoon, the district said.

School officials said a student purchased the edibles at a nearby convenience store.

Jack Cardetti, spokesman for the Missouri Cannabis Trade Association, said that while cannabis sales at state-licensed dispensaries are limited to people 21 and older, there is "no age limit" on unregulated products sold at gas stations and elsewhere.

Editor's note: This story was updated Thursday to clarify that while sales at state-licensed dispensaries are limited to people 21 or older, unregulated products sold at gas stations and other stores can be sold to anyone.

Riverview Gardens third graders ingested marijuana edibles

by: [Jeff Bernthal](#)
Posted: Mar 15, 2024 / 09:12 PM CDT
Updated: Mar 19, 2024 / 03:22 PM CDT



ST. LOUIS – St. Louis County Police and the Riverview Gardens School District are investigating after a Highland Elementary third grader thought he was sharing candy with classmates but instead shared marijuana edibles, police said.

Six third graders ingested the edibles during school on Thursday, according to officials. None of the children were said to have experienced severe medical illnesses.

Nicole Howard is the parent of one of the students who ingested two edibles. She reported that her daughter was still foggy on Friday after being unable to recognize her family on Thursday.

“She couldn’t remember anything,” Howard said. “She wasn’t really able to walk or anything.”

Howard said her child was in tears and thought she was being kidnapped.

“Somebody’s got to answer for it,” Erica Stevenson, Howard’s sister, said. “You know, I think we deserve an answer.”

The school district contacted the police and sent a letter to parents notifying them about the incident. A district spokesperson stated the edibles were noticed when a teacher collected candy at the start of class. St. Louis County Police say a child abuse hotline call was also made.

Police said the candy was described as Nerds Rope Bites and Mad Monkey Sour Strawberry Premium Gummies.

An official with the marijuana industry said there are no current restrictions prohibiting minors from purchasing those types of products, known as delta-8. The industry is backing efforts to pass

The letter to parents reads, in part:

“The school nurse conducted a visual assessment of all scholars in the classroom. She then conducted more thorough examinations of the scholars suspected of ingesting the gummies. The parents of the affected scholars were contacted and encouraged to take their children for additional medical evaluation. Thankfully, we do not believe that any children have suffered serious medical complications as a result of this incident.

“Parents, if you consume snacks, candies or other items meant for adult consumption, it is critical that you keep them stored away from children. We also ask that you monitor the items in your children’s bookbags to help ensure that they do not bring items to school that violate school policy and/or local law.”

Julie Weber is the director of the Missouri Poison Center at SSM Health Cardinal Glennon Children’s Hospital in Richmond Heights. The center is seeing an increase in the number of cases involving children ingesting edibles.

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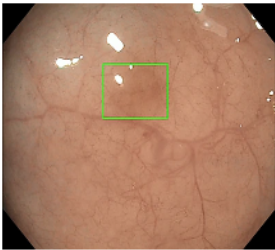


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HEALTH

'It can be very serious': Health officials see an uptick in delta-8 poisoning in children

Delta 8 is a legal psychoactive often called "weed-lite" and it has been linked to hundreds of reports to the National Poison Data System.



Author: Michelle Li

Published: 11:13 PM CST February 15, 2022

Updated: 12:57 PM CST February 16, 2022



ST. LOUIS — Federal health officials are now warning healthcare professionals about a rise in adverse events in kids from medicinal and recreational products made for adults.

Hundreds of reports into the National Poison Data system are related to delta-8 products and CBD, leaving the Centers for Disease Control and Prevention and the Food and Drug Administration to urge consumers to keep those products out of the reach of kids.

Some critics are going to their lawmakers asking for these products to follow stricter guidelines.

Delta-8 is gaining popularity in states that do not have recreational marijuana. It's cheaper for the consumer, and it is completely legal. Delta-8 is a cannabinoid that is usually extracted from hemp, rather than marijuana. Then it's mixed with chemicals to become a compound that can get you high.

It is legal under the 2018 federal Farm Bill, basically, as long as the THC comes from hemp and not marijuana, it can be purchased anywhere. There are no federal regulations setting a minimum age, though some stores ask that the purchaser is at least 18 years old. You can buy it online, and there are no guidelines about labeling and packaging.

You can buy delta-8 products that look like children's snacks. You often don't get nutritional information or an ingredient list, either.



Law Enforcement Legislative Coalition

13354 Manchester Rd Suite 210 Des Peres, MO 63131

Website: www.lelc.us

Email: lelcusinfo@gmail.com

Dear Missouri Law Makers,

Law enforcement across the state work tirelessly to enforce Missouri law and protect the health and safety of all Missourians. But our job becomes much more difficult when the right laws are not in place.

Most Missourians would be startled to learn that kids are now walking into gas stations across the state, purchasing intoxicating cannabinoids products, like delta 8, and getting high. Much worse is the fact that these intoxicating products are completely unregulated and produced by overseas companies that intentionally market them to kids. It becomes a serious public health and safety crisis when kids are buying intoxicating products because they look like candy.

By now, most states have either banned these products outright or have heavily regulated them. We ask all members of the General Assembly to give us the tools to keep these out of the hands of children by passing SB 984 and HB 1781. The legislation would:

- Regulate these products, just like Missouri does with every other intoxicating product, including tobacco, alcohol, beer, and marijuana.
- Ban the sale of these products to those under the age of 21.
- Mandate childproof packaging.
- Prohibit these from being marketed to Missouri children.
- Mandate that these products are lab tested.
- Place the Missouri Department of Health in charge of regulating these like we currently do for the other legal THC product in Missouri, marijuana.
- Ensure consumers know exactly what is in the product by enforcing proper labeling requirements.

Earlier this month, ten students at Sumner High School in St. Louis got high after purchasing these products at a nearby gas station. Four of those students had to be taken by ambulance to a hospital for medical reasons. Gratefully all ten have recovered. Every day that goes by without restricting the unregulated sale of these products opens the door to serious consequences.

The Senate Judiciary Committee passed SB 984 with a unanimous 7-0 vote last week, and the House Public Safety Committee is expected to vote as early as this week on HB 1781.

The gas station lobby and others are trying to dilute these regulations by amending the bills with vague and inconsistent language. While law enforcement is still dealing with an ongoing opioid crisis and continuous fentanyl overdose deaths, we cannot afford to allow one more thing to poison our youth. It's time to do your part to help protect the health and safety of Missourians, especially our children. Give us the tools we need to address this threat by passing robust regulation (like we did with marijuana).

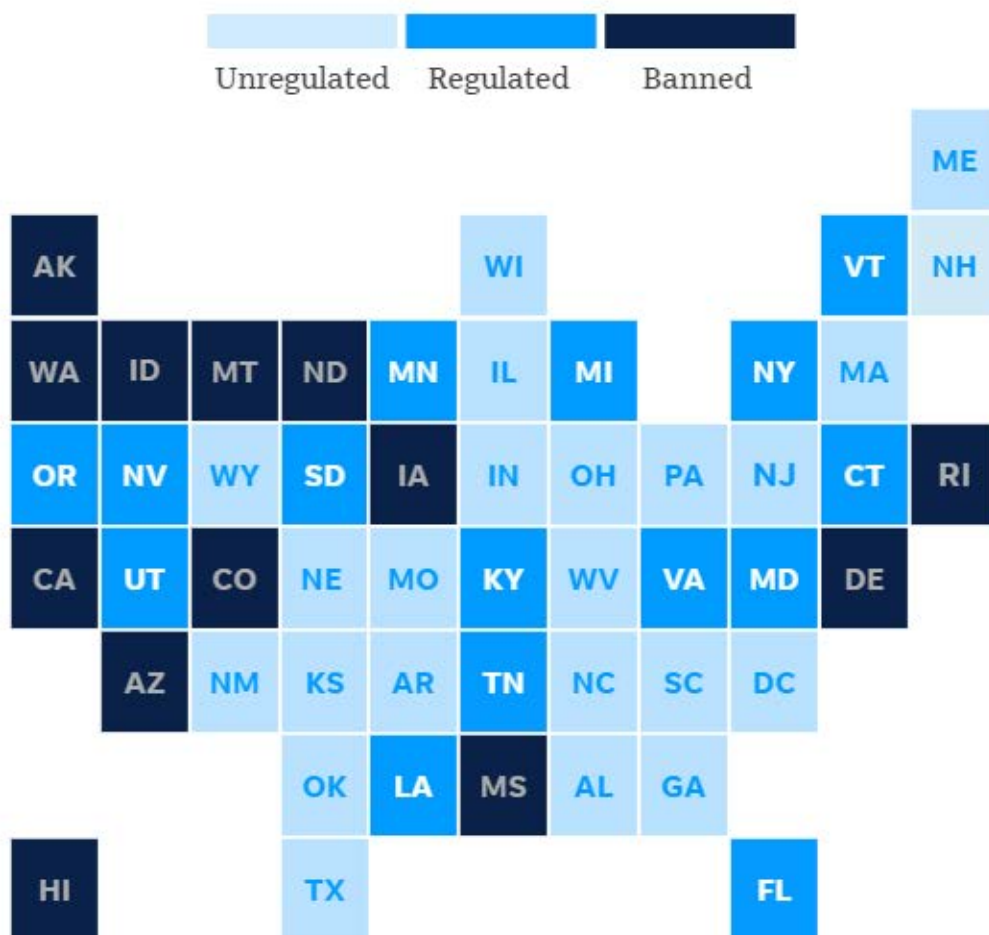
Thank you in advance for your attention to this important public safety issue.

Respectfully,

LELC Executive Board

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Mark Gaertner, Treasurer
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Rolla Police Chief Sean Fagan, South Central Representative
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How states regulate delta-8 across the US



Opinion: We Must Stop Companies from Preying on Missouri Kids with Intoxicating THC Products Sold in Gas Stations and Online

BY LT. COLONEL JASON LAW OF THE ST. LOUIS COUNTY POLICE DEPARTMENT. ON FEBRUARY 21, 2024

Earlier this month ten Sumner High School students consumed an intoxicating cannabinoid THC product they legally purchased at a nearby gas station. Thankfully all ten kids, including four that had to be taken to the hospital for medical reasons, have since recovered.

The saddest part of this entire situation is unlike half the states, Missouri has so far failed to ban or even regulate the sale and use of these intoxicating products.

As a law enforcement officer and prior commander of the bureau of drug enforcement who is sworn to protect the health and safety of Missourians, I appreciate that the state heavily regulates all other intoxicating products, including tobacco, liquor, beer and even now marijuana.

But in Missouri, pre-teens can and do purchase these products and get the same exact high as heavily regulated and age-gated marijuana. It should come as no surprise then that the out-of-state companies that produce and sell these products at gas stations and online purposefully market these to children by looking like candies. Even worse, we don't know what's in them because no testing or labeling is required, despite many of these using product grown and manufactured overseas, including China.



OPINION EDITORIAL

themissouritimes.com

Thankfully a coalition of Missouri Republicans and Democrats are taking action. Unlike other states, this proposed legislation wouldn't ban these products, but rather regulate them much like we do with the sale of marijuana. Missouri voters legalized marijuana in 2022, but only after voters were satisfied that stringent regulations would be in place.

On Monday, the Senate Judiciary Committee voted 7-0 to unanimously approve SB 984, the Intoxicating Cannabinoid Control Act. As early as next week, the House Public Safety Committee could vote on HB 1781. Both of these pieces of legislation would require the intoxicating products to be tested, labeled, and not marketed or sold to anyone under 21. Instead, these THC products would be regulated by the Missouri Department of Health, which currently regulates both medical and recreational marijuana in Missouri.

What the bills don't do is regulate CBD or industrial hemp fiber, which are products that Missouri farmers are actually growing and most importantly, aren't intoxicating and won't get Missouri kids high.

Law enforcement has a tough enough job protecting the public's health and safety without having Missouri kids getting high on products that are untested, unsafe, unregulated, but legal. It's never easy to put the genie back in the bottle. And we know that every month that goes by where Missouri doesn't join the majority of states that have already banned or regulated these intoxicants, it makes the jobs of our teachers, parents, and my fellow law enforcement officers that much more difficult! Let's put public safety first by regulating these products just like we do all other intoxicants before we have more tragedies on our hands.

This is Lt. Colonel Law's opinion and not an official statement of the St. Louis County Police Department.

State-Level Regulation of Intoxicating Hemp Products under the 2018 Farm Bill Framework

1. Congressional Intent and the 2018 Farm Bill:

The 2018 Farm Bill legalized hemp with a clear intent to distinguish non-intoxicating hemp for agricultural and industrial purposes from intoxicating substances. The Farm Bill (as well as ICCA) defines hemp as *Cannabis sativa* L. with a delta-9 THC concentration of 0.3% or less. Congressional records emphasize this distinction, aiming to promote hemp as an agricultural commodity without facilitating a market for intoxicating derivatives.

Mitch McConnell "Because hemp only has negligible levels of THC, which is the compound which produces the 'high' associated with marijuana, the two plants are actually quite different... This legislation only legalizes hemp with a THC concentration of 0.3 percent or less, far below the THC concentration in marijuana." (164 Cong. Rec. S4689-07, S4690)

- Congressman James Comer (R-KY) was glad to see "industrial hemp" de-scheduled.
- Senator Patrick Leahy (D-VT) highlighted the Farm Bill's potential to help Vermont farmers by legalizing hemp as an "agricultural commodity"
- Congressman Pete Sessions (R-TX) noted hemp's significance to *agriculture*.
- Congressman Peter Welch (D-VT) and Congresswoman Suzanne Bonamici (D-OR) emphasized the legislation's impact on local agriculture and its bipartisan nature.

2. State Authority to Regulate:

The [Farm Bill](#) explicitly allows states to enact more stringent regulations than federal law on hemp production and sale, affirming state authority to address public health and safety concerns.

(A) NO PREEMPTION

Nothing in this subsection preempts or limits any law of a State or Indian tribe that-

- (i) regulates the production of hemp; and
- (ii) is more stringent than this subchapter.

The only activity the Farm Act expressly preempts is state-imposed restrictions on the interstate transportation and shipment of industrial hemp.

States are encouraged to leverage their regulatory authority to address public health and safety concerns associated with intoxicating derivatives.

3. Federal Agency Interpretation:

DEA [Clarification](#) on the 2018 Farm Bill regarding tetrahydrocannabinols, from the Interim Final Rule published on August 21, 2020:

"The [2018 Farm Bill] does not impact the control status of synthetically derived tetrahydrocannabinols (for Controlled Substance Code Number 7370) because the statutory definition of 'hemp' is limited to materials that are derived from the plant *Cannabis sativa* L. For synthetically derived tetrahydrocannabinols, the concentration of Δ^9 -THC is not a determining

factor in whether the material is a controlled substance. All synthetically derived tetrahydrocannabinols remain schedule I controlled substances."

" In addition, the definition of hemp does not automatically exempt any product derived from a hemp plant, regardless of the $\Delta 9$ -THC content of the derivative."

FDA/FTC Warnings: The FDA/FTC has issued multiple [warnings](#) against companies selling products contain Delta-8 THC products. The FDA warned against products that may appeal to children, noting the absence of regulatory approval for Delta-8 THC as a food additive and highlighting serious concerns of product safety. The FTC raised issues regarding marketing practices that pose health risks, especially to children, stressing the necessity of regulatory measures to prevent deceptive marketing and to ensure product safety.

4. **Clarifications on the Bill's Scope.**

The bill will NOT:

- Ban anything.
- Affect legitimate hemp producers complying with legal THC limits.
- Affect hemp farmers' USDA licenses.
- Regulate or ban the sale of non-intoxicating hemp cannabinoids such as CBD, CBN, and CBG.
- Impose restrictions on hemp-based materials for textiles, construction, etc.

The bill simply brings intoxicating products into the existing regulatory framework to ensure consumer safety, without hindering the hemp industry's growth or the availability of non-intoxicating hemp products.

The definition of hemp and related compounds ICCA is verbatim from the 2018 Farm Bill, ensuring consistency with federal guidelines and reinforcing the distinction between non-intoxicating hemp and intoxicating derivatives.

The legislative intent behind the 2018 Farm Bill, including state authority to regulate, along with clarifications from the DEA, and statements from the FDA and FTC, support state regulation of intoxicating hemp-derived products. This approach is aligned with the ICCA purpose, to safeguard public health and safety by leveraging existing regulatory framework, while recognizing the agricultural value of non-intoxicating hemp. It reinforces the state's authority to implement stricter measures against intoxicating cannabinoids, ensuring consumer protection and adherence to federal guidelines.