



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 2, 2023

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 508 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products – Letter of Concern

Dear Chair Feldman and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of concern for Senate Bill (SB) 508 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products. SB 508 will permit a person to sell a consumable product that includes hemp or a hemp product that they produce. The hemp or hemp product is required to: (1) be tested by an independent laboratory; (2) meet applicable safety standards; and (3) not exceed the total tetrahydrocannabinol (THC) concentration of 1% on a dry weight basis.

If enacted, this bill will permit individuals to market and sell consumable products that contain other hemp-derived ingredients which contain THC and cannabidiol (CBD). The U.S. Food and Drug Administration (FDA) considers hulled hemp seed, hemp seed protein powder, and hemp seed oil as generally recognized as safe for human consumption. However, these other hemp-derived ingredients are not. According to the FDA, THC and CBD are not approved for food use or as food additives. In January 2023, the FDA concluded that a new regulatory pathway for CBD is needed to balance desire for access with regulatory oversight to manage risks.¹ The FDA noted the potential for harm to the liver, interactions with medications, and concerns surrounding CBD exposure for vulnerable populations such as children and those who are pregnant.¹ Cannabis or cannabis-derived compounds classified as hemp under the Agricultural Improvement Act of 2018 are subject to the same authorities and requirements as FDA-regulated products containing any other substance.

MDH is concerned that the addition of THC and CBD, hemp-derived or other, into foods or beverages is not permitted under federal law and believes that such products as defined in SB 508 will be considered adulterated and not allowed to be used, sold, or served as food. Persons who produce food or beverages infused with hemp or hemp products, other than those that are generally recognized as safe, may not offer them for sale in Maryland without risking losing their state of Maryland food license.

¹ <https://www.fda.gov/news-events/press-announcements/fda-concludes-existing-regulatory-frameworks-foods-and-supplements-are-not-appropriate-cannabidiol>

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary