



March 2, 2023

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

RE: Senate Bill 508 – Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products – Letter of Information

Dear Chair Feldman:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for Senate Bill 508 – Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products (SB 508).

SB 508 as introduced would codify a standard for hemp products that would allow hemp producers to manufacture highly intoxicating tetrahydrocannabinol (THC) consumable products and directly conflict with the THC limits established for human consumption in the Senate and House cannabis legalization bills (SB 516/HB 556 - Cannabis Reform).

The Commission, in its report submitted to the General Assembly required under Chapters 511 & 512 of 2022 wrote extensively about the regulatory and public health challenges of using the “0.3% dry weight basis” standard on finished products intended for human consumption, including:

...using the percentage of THC on a dry weight basis is a poor system to determine potency for finished products. “Low THC” is relative depending upon the type of product. No more than 0.3% delta-9-THC by dry weight, meaning in dried plant material, is a very small amount of THC. However, in foods and beverages, which weigh more than dried plant material, 0.3% can be a lot of THC, and therefore, can be quite intoxicating. Exhibit 2 shows the weight in grams of standard food products, and suggests what amount of THC would be allowed with that serving size if a 0.3% standard was used uniformly. For additional context, Exhibit 2 shows examples of edible products approved by the Commission and calculates these products’ potency using the same percent of THC standard. For reference, the current per serving and per package potency limits for edibles in Maryland’s medical cannabis program is 10 milligrams (mg) and 100 mg THC, respectively. For further context, there is only one adult-use state that allows more than 150 mg THC for edible packages.

Exhibit 2: Actual and Projected Product Potency: Finished Food Products on a 0.3% dry-weight THC Basis

	Product	Weight (g)	Potential THC Content (mg)	Actual mg THC	Actual % of THC
Approved MMCC Products	MMCC Gummy #1	50	150	100	0.20%
	MMCC Gummy #2	7.1	21.3	10	0.14%
	MMCC Chocolates #1	45	135	100	0.22%
	MMCC Chocolates #2	36.8	110.4	100	0.27%
	MMCC Discos #1	45	135	100	0.22%
Standard Product Sizes	Fun Size Candy Bar	17	51		
	Standard Size Candy Bar	50	150		
	Sharing Size Candy Bar	93	279		
	Fruit Snacks Pouch	26	78		
	Potato Chip Snack Bag	28	84		

As shown above, allowing finished products to be up to 0.3% THC by dry weight can significantly increase the potency of a given product. Given that a relatively small amount of THC is often considered to have an intoxicating effect, using the dry-weight standard on a finished product, regardless of the type of THC, is clearly imperfect and outside of the legislative intent of either State or federal law.

However, the Sponsor’s proposed amendments to SB 508 would clarify that the dry weight standard will not be applied to products intended for human consumption. The Commission believes that the legislation would be consistent with the recommendations made in its mandated report on hemp-derived THC products and the cannabis legalization bills. This report, in its entirety, is linked as an attachment to this letter for the Committee’s further reference. Other explicit authorizations provided in amendments considered include: (1) fiber, grain, or topical products; and (2) bio-fuels or bio-plastics. Again, providing that these products **are not intended for human consumption**, they would not present a public health or regulatory concern for the Commission.

Additionally, amendments to SB 508 in front of the Committee include additional licenses for: (1) Hemp production; (2) Hemp research; and (3) Industrial hemp. The Commission believes that further explicit authorization, and oversight to hemp farmers and producers would be beneficial to the State’s overall regulatory framework. Further, the Commission would welcome a research license to continue the understanding of the *Cannabis sativa L* plant.

I hope you and the committee find this information useful. If you would like to discuss this further please contact Andrew Garrison, MPA, Deputy Director, Office of Policy and Government Affairs at andrew.garrison@maryland.gov or (443) 844-6114.

Sincerely,

A handwritten signature in blue ink that reads "Will Tilburg". The signature is written in a cursive style and is followed by a long, horizontal flourish.

Will Tilburg, JD, MPH
Executive Director
Maryland Medical Cannabis Commission

Attachment:

[Maryland Medical Cannabis Commission Study on Hemp-Derived Non-Delta-9-Tetrahydrocannabinol Products](#)

This position does not necessarily reflect the position of the Maryland Department of Health or the Office of the Governor.