



# DAVE YOST

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Chairman Frank Hoagland  
Senate Agriculture and Natural Resources Committee  
1 Capitol Square, 1<sup>st</sup> Floor  
Columbus, OH 43215

Dear Chairman Hoagland,

I write today to offer my support for Senate Bill 57, which would decriminalize hemp and license hemp cultivation.

Currently, Ohio law classifies hemp and hemp products in the same category as marijuana due to both deriving from the *Cannabis* family of plants. As a substantial number of witnesses have indicated, there are significant differences between hemp and marijuana, with the former having a wide variety of legal uses. With the passage of the federal 2018 Farm Bill, hemp was descheduled from the list of controlled substances and States were given the authority to create hemp licensing programs. I support this needed clarification in Ohio law.

Current language in SB 57 requires quantification of the amount of delta-9 tetrahydrocannabinol (THC) present in hemp, to ensure that it is less than 0.3% by weight. Throughout Ohio, law enforcement agencies rely on the Ohio Bureau of Criminal Identification and Investigation (BCI) to assist them in ascertaining whether a controlled substance is present in the course of investigations and subsequent prosecutions.

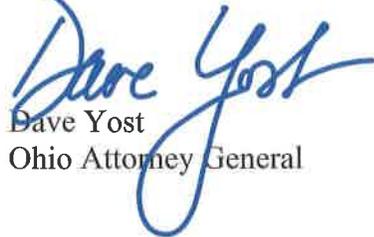
While I am not advocating that BCI perform this function, it is important to note that under Ohio Revised Code § 2925.51, a laboratory report by BCI, another law enforcement agency, or an institution of higher education, is prima-facie evidence that the substance is what is described. This allows a prosecutor to prove a crime occurred with an affidavit from the analyst saving the prosecutor from having to call an expert to introduce the evidence.

If the testing of hemp for purposes of criminal prosecutions as proposed in substitute SB 57, is to be conducted by BCI, it is necessary to amend the bill to include an appropriation for equipment for this additional testing. BCI is not currently set up to quantify the concentration of THC in a sample. If BCI is to be the primary entity for testing THC levels for criminal prosecution, then it is necessary to include language in the bill which provides the needed funding to support Ohio's law enforcement. However, in the absence of an appropriation, I still urge this committee to pass SB 57.

Ongoing funds will not be necessary to support the staff and equipment necessary to handle the potential influx of hemp requiring testing since the bill allows for lab costs to be charged. BCI stands ready to assist law enforcement agencies across the state, but without proper funding they cannot efficiently and effectively carry out that mission.

I commend Senator Brian Hill and Senator Stephen Huffman for their leadership on this issue and for bringing this bill before the committee. I am happy to discuss this issue with you or any members of the committee at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Dave Yost". The signature is fluid and cursive, with a large initial "D" and "Y".

Dave Yost  
Ohio Attorney General