



AGRICULTURE AND
NATURAL RESOURCES
COMMITTEE

Witness Form

Today's Date 3/13/19

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Organization Representing: TDCANW Institute

Testifying on Bill Number: SB 57

Testimony: Verbal Written Both

Testifying As: Proponent Opponent Interested Party

Are you a Registered Lobbyist? Yes No

Special Requests: _____

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This document was prepared by TDCANN Institute with the collaboration of the experienced legislation and policy hemp experts at Grow Hemp Colorado in the best interest of Ohio public health and safety.

Ohio Senate Bill 57 Decriminalize Hemp and Hemp Cultivation

To amend sections 3719.01 and 3719.41, to enact sections 928.01, 928.02, 928.03, 928.04, 928.05, 928.06, and 928.99 of the Revised Code, and to amend the versions of sections 3719.01 and 3719.41 of the Revised Code that are scheduled to take effect on March 22, 2020, to decriminalize hemp and hemp products and to establish a hemp cultivation licensing program.

Mission: Provide Common Sense legislation and policy recommendations for SB 57. Provide assistance in bringing a value added commodity crop, manufacturing and products, in the best interest of public health and safety, to the Ohio marketplace. In alignment with the Senate's mission to reduce regulations by 30%, the Cannabis sativa L plant can be implemented by using the already existing, proven agriculture legislation and administrative codes in Ohio.

Mission: Fund program similar to other Agricultural commodity crops.

Proposed SB 57 - Recommended Amendments

Hemp for human consumption/cosmetics requires additional amendments to SB 57 for ORC Section **3715**, Pure Food and Drug Law. ***See additional information below***; ORC **3717** - Retail Food Establishments; Food Service Operations

Section 928.01

(A) "Cannabidiol" means the cannabidiol compound derived from hemp.

Problem: Historically Hemp has been defined by THC content of less than 0.3% THC. By adding this definition of cannabidiol, Ohio will be redefining the international nomenclature for cannabidiol.

Fact: Cannabidiol can come from the cannabis plant (both hemp and marijuana) as well as other sources. Attempting to define it this way may result in the legal limit access to this cannabinoid from any other source than Hemp.

Additionally, if one cannabinoid which can be found in the cannabis plant is defined, then they should all be define. (Currently, there are over 130 defined cannabinoids) Finally, a restricted definition for cannabidiol is not necessary, is harmful, incorrect and will have unforeseen consequences for Ohio's MJ medical program.

Solution: Leave the definition of Cannabidiol out of the hemp bill. Work with the The Ohio State University Agricultural School to develop clear definitions of cannabinoids. Other national academia resources are available. Cannabidiol can be defined with the chemical composition, if necessary; Add other cannabinoids to the defination.

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Section 928.01(D)"Hemp product" means any product made with hemp, including cosmetics, personal care products, dietary supplements for food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any product containing one or more cannabinoids derived from hemp, including cannabidiol.

1- Problem: Federal laws and regulations must change before we can add hemp to our animal feed supply chain.

Recommendation: Remove animal consumption; create law(rule) for animals that do not go into the food supply chain. (Domestic Pets)

2- Problem: FDA regulates dietary supplements for food intended for animal or human consumption. Hemp has not been defined as a dietary supplement.

Recommendation: Remove dietary supplement wording, as **hemp as foods** does not meet the requirement of defined dietary supplement.

3- Problem: Industrial uses of hemp and ingestion of hemp are defined under one definition. Due to different public health and safety policy/regulations, licencing and taxation, these two aspects of the industry should be separated out in legislation.

Recommendation:***Section 3715 of the ORC Pure Food And Drug Act; Food Drug and Cosmetics Law must be followed when adding **Hemp as foods/cosmetics** for human consumption and use: Industrial "Hemp products" are products such as rope, clothing, fiber, paper, paint, fuel, particleboard and any other products manufactured **not for human and animal consumption and cosmetics/lotions.**

One suggestion:(D) "Hemp product" means any product made with hemp from any part of the hemp plant, including but not limited to naturally occurring cannabinoids, concentrates, isolates, distillates, resins, flower, leaf, root, seed, cosmetics, personal care products, and food intended for human consumption or use; Industrial uses of "hemp product" include, but not limited to, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any product containing none, one or more cannabinoids derived from hemp, including cannabidiol. with a total THC delta9 concentration of 0.3% or less in a finished product.

Colorado definition: "INDUSTRIAL HEMP PRODUCT" MEANS A FINISHED PRODUCT CONTAINING INDUSTRIAL HEMP THAT:

- (I) IS A COSMETIC, FOOD, FOOD ADDITIVE, OR HERB;
- (II) IS FOR HUMAN USE OR CONSUMPTION;
- (III) CONTAINS ANY PART OF THE HEMP PLANT, INCLUDING NATURALLY OCCURRING CANNABINOIDS, COMPOUNDS, CONCENTRATES, EXTRACTS, ISOLATES, RESINS, OR DERIVATIVES; AND
- (IV) CONTAINS A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF NO MORE THAN THREE-TENTHS OF ONE PERCENT.
- (V) (4) (d) INDUSTRIAL HEMP PRODUCTS PRODUCED BY WHOLESALE FOOD MANUFACTURING FACILITIES REGISTERED IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL NOT BE DEEMED ADULTERATED, AS DEFINED IN SECTIONS 25-5-410 AND 25-5-416, UNLESS THE PRODUCTS MEET ONE OR MORE OF THE CRITERIA SET FORTH IN SECTION 25-5-410 OR 25-5-416

Section 928.01

4- Problem: Failure to include a specific THC delta 9 concentration level allowed in any hemp product intended for human consumption and use is not addressing public safety concerns and allow products that are over 0.3% to be sold legally. This would create a public safety concern on multiple levels for both consumers and law enforcement. Hemp Concentrates are well known to exceed much high than 0.3% **but they are not finished products**, they will be further formulated/diluted down in a finished products sold on the consumer market) **needs to be added into Chapter 3715**

Solution: Testing when it is finished product. See above language.

Section 928.02

(B) Except as authorized under division (A)(2) of this section, any person that wishes to cultivate hemp shall apply for and obtain a hemp cultivation license from the director in accordance with rules adopted under section 928.03 of the Revised Code. A hemp cultivation license is valid **FIVE YEARS** unless earlier suspended or revoked by the director.....

Problem/solution: This is not financially viable to keep the program running. Licences must be issued every 12 months for fiscal responsibility.

(C)The department, a university, or any person may, without a hemp cultivation license, do any of the following:

- (1) Possess, buy, or sell hemp or a hemp product;
- (2) **Process** hemp into a hemp product, including by the addition of one or more cannabinoids derived from hemp, including cannabidiol, to a product to produce a hemp product;

Problem: Public Health and Safety Issues.

Solution: Create licencing for hemp processing - specifically for - hemp extraction and hemp product manufacture - for **commercial distribution** for human and domestic animal consumption. **No licencing is necessary for one's personal use, research and development, or the industrial uses of hemp products.** Testing shall be required for commercial distribution of hemp products intended for human/animal consumption; Ohio Pure Food and Drug Act.

Section 928.02

(D) Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or cannabinoids derived from hemp, including cannabidiol, **to any product does not adulterate that product.**

Problem:Public Health and Safety Issue;Misbranding/Mislabeled under State law Requirement

Solution: Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or cannabinoids derived from hemp, including cannabidiol, **to any product intended for human consumption and use, is not an adulterated or misbranded product.**

Section 928.03

(B) The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the testing and labeling of hemp and hemp products.

Problem:/Solution: Unable to locate Chapter 119 for Labs; “All finished products must be tested by a state approved lab, per product batch and free from any adulterated ingredients, before being sold on the commercial market.” MJ/Hemp; Standardization.

This section was added under Colorado Criminal Code to protect the existing and future hemp industry, jobs, tax revenue, products and consumers.

b) HOUSE BILL 18-1295 (RIGHT TO TRY Bill??), ENACTED IN 2018, DOES NOT ALLOW AN ENTITY WITH FEDERAL DRUG ADMINISTRATION APPROVAL OR ITS AGENT TO INITIATE CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS TO PREVENT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID EXTRACTS OR RESTRICT THE NONPHARMACEUTICAL PRODUCTION, SALE, OR DISTRIBUTION OF NATURALLY OCCURRING CANNABINOID OR CANNABINOID EXTRACTS.

ADDITIONAL INFO/SUGGESTIONS FOR TO SB57

Due to the quick implementation of hemp legislation internationally, and the ever evolving research, the suggestion is to create industry **stakeholder working groups** to to remain current on international standards in SB 57:

- 1- Testing Standardizations
- 2- Rules and Regulations Hemp product cultivators, extractors, manufacturers and producers.

*****Suggestion: Hemp as Foods*****

Hemp Product, Hemp Product Manufacturing, Storage

All hemp product manufacture and hemp product producers, retail food establishment using hemp shall be required to be register and or licensed with the Dept of Ag; adhere to the Ohio Uniform food safety code – Section 3717 (retail food law) , Section 911 (Bakery Law), 913 (Cannery, Bottled Bev & Beg Extract law), 915(Cold Storage/Freezing Food), 901:3-6, 901:3-4 – further rules and relegations pertaining to Hemp Products and Hemp Manufacture can be defined in rule under the rule making authority granted. (928.07)

**Similar tax and licensing
Colorado Hemp as Foods Bill**

Suggested Additional Definitions for 928.01:

(E)Industrial Hemp Extractors – Registered/licensed companies and/or individuals which exclusively process industrial hemp into cannabinoid based extractions including but not limited to crude oil, distillates, resins and isolates, both solvent and non-solvent based which are *unfinished products not for sale on the commercial/retail market.

(F) Definition of industrial hemp unfinished products: Including but not limited to hemp extracts, concentrates, isolates which are over 0.3% thc delta 9 concentration total, not for consumer use or sale, and is used by a Registered/Licensed Industrial Hemp Product Manufacture in formulations for a finished Hemp as food product.

(G) Industrial Hemp Product Manufactures/Product Producers– registered/licensed companies and individuals which create a finished product(s) for commercial sale of human use and consumption product which are 0.3% thc (thc-a & Thc delta 9) concentrate or below. These Industrial Hemp Product Manufacturers and Hemp product producers do not perform any extractions.

Basic rules for Hemp extractors: (could be in law or rule)

- Additional rules and regulations will be determined through dept rule under the power granted to them under section? **(AG Dept)**
- All raw industrial hemp materials coming into to processing facility must be compliant hemp, 0.3% THC concentrate or below. **(Legislation)**
- **No more than 7 oz of 99% pure THC isolate can be on site at one time. (Legislation; Rulemaking groups to review for recommendations)**
- Every batch of extracts, concentrates, isolates, crude oil, resins, etc must be tested by a state approved MJ/Hemp lab before removed from extraction facility. **(Legislation)**

Isolated THC cannot be consumed, sold or transferred to any 3rd party and must be destroyed. (Legislation)

- THC can be destroyed with heat above temp of 475 degrees, conversion into another cannabinoid and/or mixed with soil into compost.
- Report of THC destruction and or conversion which must be done per month and reported
- No registrant will be subject to criminal or civil penalty unless out of compliance for finished a hemp product (over 0.3% THC delta 9 concentration and or with in the legal % allowance), which remain under the jurisdiction of local and state LE as marijuana.

Rule or Law

- All finished products must be tested by a state approved mmj/hemp lab, per product batch and free from any adulterated ingredients before being sold on the commercial market. **(Legislation)**
- Adulterated ingredients would include but are not limited to THC delta 9 over 0.3%, THC-A over 0.3%, heavy metals, pesticides, mold, mildew, residual solvents above the legally allowable limits for human consumption and use. **(Rule)**
- Must follow labeling requirements in accordance with ODA - Ohio Pure Food and Drug Act and rule making **(Legislation)**

Fact:

The Canadian Hemp program for industrial uses is a robust commodity crop program that has had limited difficulties implementing. Ohio policymakers should review.

HB 581 - Proposed New Mexico Hemp Bill

Taxation: Similar to grain(Levy), Licence fees similar to other value added product to the marketplace the Dept of Ag oversees and maintains compliance.

Hemp Seed/Clone**

**Please see attached statement form Ohio Seed Improvement Association received after completed after this document was finished.

In order to protect the Ohio farmer from predatory behavior within the industry, the suggestion of an approved cultivar list should be implemented. (Important to protect Ohio farmers)

Recommendation: Designate the Ohio Seed Improvement Association to oversee this program with appropriate allotted funding for this important project.

This aspect of the industry should be addressed in stakeholder working groups.

Recommendations: Both certified and non-certified seed should be allowed to be cultivated in Ohio.

1 -By default all AOSCA certified seed added to approved cultivar list

2 - Non-certified seed: Compliant seed label, must provide a state approved lab tests showing stability, viability(germination) of seed, consistent 0.3% Delta 9 THC concentrate or below.
Follow the Ohio State Seed Act. (Must Review)

Clones: Additional Information is needed; experts being consulted.

Montana requirements

Hemp Seed Info:

<https://www.fda.gov/downloads/Food/IngredientsPackagingLabeling/GRAS/NoticeInventory/UCM625546.pdf>

Remove Criminal Charges from Senate Bill 57; Sections 928.03; 928.05; 928.99

The 2018 Farm Bill states: "RESULT OF NEGLIGENT VIOLATION - A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any State government, Tribal government, or local government"

Section 928.03

(6) A requirement that the director shall not issue a hemp cultivation license to any person who has pleaded guilty to or been convicted of a felony relating to a controlled substance in the ten years immediately prior to the submission of the application for a license;

Problem: 2018 Farm Bill provides allowances for anyone with a drug felony who was operating under the 2014 farm bill to be excluded from this restriction.

Solution: Amend to include the exemption: "shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 (such as Colorado, or any other state)of the Agricultural Act of 2014 (7 U.S.C. 5940)" (Ohio does not want to limit the experienced hemp farmers from working in Ohio due to unnecessary restrictions if they are allowed to operate in other states)

Section 928.05

(B) If the director determines that a person negligently violated section 928.04 of the Revised Code three or more times in any five-year period, the director shall revoke the person's hemp cultivation license, if any, and shall refuse to issue a hemp cultivation license to that person for a period of five years beginning on the date that the director determines that the person committed the most recent violation.

(C) The director shall report a person who the director determines has violated section 928.04 of the Revised Code with a culpable mental state greater than negligence to the attorney general, the United States attorney general, and the applicable county prosecutor.

Problem: Creating a new class of misdemeanors for Ohio Farmers in Ohio Law. There is no definition for "reckless" which will be left open to interpretation and that is dangerous. . This attempt to create criminal penalties is in direct conflict with the 2018 Farm Bill Language and is more restrictive than the 2018 Federal Farm Bill language.

Solution: Can be addressed in rule not law; Remove criminal penalties

Section 928.99

(A) Whoever recklessly violates section 928.04 of the Revised Code is guilty of the following:

(1) For a first offense, a minor misdemeanor;

(2) For each subsequent offense, a misdemeanor of the fourth degree. The court shall order an offender who is convicted of or pleads guilty to a third or subsequent offense ineligible to receive a hemp cultivation license under this chapter. The court shall provide written notice of that order to the director of agriculture. On receipt of the notice, the director shall revoke any hemp cultivation license the offender holds and shall refuse to issue a hemp cultivation license to the offender beginning on the date of the court order. (B) The prosecuting attorney of the applicable county or the attorney general may prosecute an action under this section.

Problem: Creating a new class of misdemeanors for Ohio Farmers in Ohio Law. There is no definition for "reckless" which will be left open to interpretation and that is dangerous. This attempt to create criminal penalties is in direct conflict with the 2018 Farm Bill Language and is more restrictive than the 2018 Federal Farm Bill language.

Solution: Can be addressed in rule not law; Remove criminal penalties

HEMP SEED/CLONES OSIA RESPONSE TO TDCANN Institute RECOMMENDATIONS 2/28/19

Recommendation: Designate OSIA to oversee this program with appropriate allotted funding for this important project. (Funding to be used for assistance in launching and regulating the emerging Hemp project in Ohio by: expanding OSIA staff to establish a strain and variety database, Hemp library, funding annual for training OSU student interns and OSIA field inspector, traveling to regional field days, expanding OSIA Hemp herbarium, assisting Ohio Department of Agriculture (ODA) as needed to field inspect, audit and monitor field production of licensed commercial fiber, oil and grain and under glass medicinal Hemp producers as needed or requested, regulate Ohio certified Hemp seed production, provide training to the Ohio Crop Variety Review Board and serve as an educational resource to Ohio farmers, researchers, seed producers and the public).

Recommendations: Both certified and non-certified seed should be allowed to be cultivated in Ohio.

1 - By default all Association of Official Seed Certifying Agencies (AOSCA) eligible certified Industrial Hemp seed varieties are to be included on a State of Ohio approved cultivar or variety list for seed production by members of the Ohio Seed Improvement Association or other domestic or international certified seed agency growers. Certified seed will be available for sale to all licensed commercial industrial Hemp growers.

2 - Non-certified seed: A compliant seed label must be provided indicating that a state approved chemical lab test result has been obtained by a grower who submitted their seed sample for official lab testing. Results must verify that the branded, farmer saved, Landrace, or "Strain" seed planted for commercial production is in fact a fiber, grain or oil seed lot kind with a Delta 9 THC concentration of 0.3% or less. Such seed lots must also comply with State of Ohio Seed Law labeling requirements for a lab test report and label documenting that the seed has been tested for germination, pure seed, inert, other crop, weed seed percentages and any noxious weeds prior to being offered or advertised for sale. Other ODA Seed Law requirements such as an annual seed sales license and tonnage tax may also be applicable to entities who offer seed for sale.

Note: All Ohio Industrial Hemp certified seed and commercial fiber, grain and oil production fields grown by state licensed producers will likely be subject to ODA field sampling prior to harvest to confirm that a sample collected from such field production complies with the Industrial Hemp requirement of Delta 9 THC concentration of 0.3% or less.

Clones: Currently no finalized designated authority or third party North American standardized known Hemp clone regulatory genetics or labeling program are known. However, consideration of this need is work in progress. Additional Information is needed which may include the following: Clones are asexually reproduced crops and include vegetative reproduced mother plant cuttings grown for transplanting for under glass greenhouse, controlled environment chamber, hoop house or field production. From the individual producer or production firm information regarding the origin of the source material; genetic pedigree; name of the variety, brand, Landrace, or "Strain", from which mother plant sources were selected; origin of seed stock; breeding method and history; selection and maintenance procedure of clones; and documentation authorizing a license from a genetic originator allowing a producer to propagate clonal material from proprietary genetics. In addition, described

phenotypic plant traits; test and observation data versus other check varieties; production data; adaptation and maturity data; propagation method(s) such as tissue culture or cuttings; disease and insect tolerance ratings; DNA test patterns substantiating genetic distinction, uniformity and stability; and verifiable molecular marker information and all would be important documentation items. Lastly, if the clone was established from a certified seed variety, then the certification certificate, certification seed tag or an invoice showing the variety seed class and lot number must be furnished as proof of seed source.

Montana requirements: Would recommend replacing the Montana requirements and citing the Association of Official Seed Certifying Agency (AOSCA) "Standards for Certified Industrial Hemp Seed" which are slightly different.

Hemp Seed Info: This is a very good reference Canadian model of Hemp oil product requirements and having the traceability of variety(s) used in production. A varieties eligible list is referred to in both Section 1.3 page 5, and on page 8, Product Identity and Specifications indicating that "all cultivars comply with Health Canada's Healthy Environments and Consumer Safety Branch Industrial Hemp Regulations". I doubt if Canadian regulations would allow non-certified seed varieties for production, since farmer saved Hemp seed, "Strains" and Landraces can be and have not been distinct, uniform or stable and of questionable pedigree and origin. This relates to transparency of product traceability and food safety.

End of Comments.

John Armstrong, Sec./Mgr. OSIA

Industrial Hemp Standards

Standards for Certified Industrial Hemp Seed

I. APPLICATION OF GENETIC CERTIFICATION STANDARDS

A. The Genetic Certification Standards in Chapter 1 are basic.

B. The Genetic Standards are modified as follows:

1. All production of industrial hemp crops are subject to license application approval that may be required by regulatory authorities.
2. Only varieties of industrial hemp approved by regulatory authorities are eligible for certification.
3. The allowable area of an industrial hemp research area or production field may be determined by state or local agencies.
4. Growers may be required by regulatory agencies to obtain THC test results according to applicable regulations. Growers may be required to submit these results to the seed certifying agency before a crop certificate is issued.

II. LAND REQUIREMENTS

- A. Crops should not be planted on land where volunteer growth from a previous crop may cause contamination.
- B. Fields for Foundation and Registered classes of industrial hemp seed must not be planted on land which in the previous 5 years grew a crop of industrial hemp or tobacco.
- C. Crops for Certified seed must not be grown on land which in the preceding 3 years produced a crop of industrial hemp or tobacco.
- D. Weeds
 1. Fields may be refused certification due to excessive weeds.
 2. The presence of Broomrape (*Orobancha spp.*) in an industrial hemp field may be cause for declining certified status.

III. FIELD STANDARDS

A. CROP INSPECTION

1. It is the grower's responsibility to ensure that fields are inspected by an authorized inspector at least twice prior to swathing or harvesting, except in the case of Foundation and Registered monoecious type and unisexual female hybrids, in which 3 inspections are required.
2. A field that is cut, swathed or harvested prior to crop inspection is not eligible for certification.
3. Fields must be inspected at a stage of growth when varietal purity is best determined. Crops not inspected at the proper stage for best determining varietal purity may be cause for declining certified status.
 - a. First inspection must be made before female (pistillate) flowers of the inspected crop are receptive and after the formation of male (staminate) flowers, preferably before pollen is shed.
 - b. Second inspection must be made during the receptive stage of the female plants in the inspected field, normally within 3 weeks of first inspection.
 - c. If a third inspection is necessary, it must be made when off-type female flowers can be identified.

- d. Isolation areas will be inspected for volunteer Industrial Hemp plants and harmful contaminants on each inspection.

B. ISOLATION

1. Isolation areas must be kept free of Industrial Hemp plants. Under optimum conditions, not more than 3 plants per square meter of harmful contaminants (species that can cross pollinate with the inspected crop) are permitted within the required isolation distance(s) adjacent to the inspected crop. The conditions of each crop are assessed by the seed certifying agency which may alter this standard, usually by reducing the number of contaminant plants permitted per square yard, according to the contamination risks involved.
2. The required isolation must be in place prior to the time of flowering and crop inspection.
3. If Dioecious male plants start flowering before removal from field, all plants around them should be destroyed for a radius of 10 feet for Foundation and 6 feet for Registered seed crops.

**Table 1 –
Minimum Isolation Distances Required Between Inspected Industrial Hemp and Other Crops**

Inspected Crop	Other Crops	Isolation Distance Required
Dioecious type – Registered and Foundation	Different varieties of Industrial Hemp Non-certified crop of same kind	16-150 feet
	Lower certified class seed crop of same variety	646 feet
	Same class of certified seed of same variety	3 feet
Dioecious type – Certified	- Different varieties of Industrial Hemp - Non-certified crop of same kind	3230 feet
	- Lower certified class seed crop of same variety	646 feet
	- Same class of certified seed of same variety	3 feet
Monoecious type and Hybrids – Registered and Foundation	Dioecious variety of Industrial Hemp Non-certified crop of same kind	16-150 feet
	Different varieties of the same type of Industrial Hemp (Monoecious or Female Hybrid)	646 feet
	Lower certified class seed crop of same variety	3230 feet
	Same class of certified class of same variety	3 feet
Monoecious type and Hybrids – Certified	- Dioecious variety of Industrial Hemp - Non-certified crop of same kind	3230 feet
	- Different varieties of the same type of Industrial Hemp (Monoecious or Female Hybrid)	646 feet
	- Lower certified class seed crop of same variety	3230 feet
	- Same class of certified class of same variety	3 feet

INDUSTRIAL HEMP SEED STANDARDS

Standards for Each Class

Factor	Foundation	Registered	Certified
Pure seed (minimum)	98.0%	98.0%	98.0%
Inert matter (maximum)*	2.0%	2.0%	2.0%
Weed seeds (maximum)	0.10%	0.10%	0.10%
Total other crop seeds (maximum)	0.01%	0.03%	0.08%
Other varieties (maximum)	0.005%	0.01%	0.05%
Other kinds (maximum)**	0.01%	0.03%	0.07%
Germination (minimum)	80.0%	80.0%	80.0%

*Inert matter shall not include more than 0.5 per cent of material other than seed fragments of the variety under consideration.

**Other kinds shall not exceed 2 per lb. (454 grams) for Foundation; 6 for Registered; 10 for Certified.

Guidelines for the Production of Certified Industrial Hemp Seed

1. Definitions

- Industrial Hemp (*Cannabis sativa L.*) includes varieties of these kinds:
 - Dioecious type: with male and female flowers on separate plants.
 - Monoecious type: with male and female flowers on the same plant.
 - (Unisexual Female) Hybrids: with sterile male and fertile female flowers on the same plant.
- "Approved Cultivar" means any variety designated as eligible for production by Federal or local regulatory authorities
- "THC" means delta-nine ($\Delta 9$) tetrahydrocannabinol, which is the component of Industrial Hemp regulated by Federal or local regulatory authorities.
- Although traditionally a crop with a Dioecious plant type (similar to open pollinated corn), many Monoecious varieties of hemp (*Cannabis sativa L.*) have been developed. Hemp is sexually polymorphic and often produces many different ratios of intersexual plant types that can increase roguing requirements. Variety descriptions normally define these ratios.

2. Foundation Seed Production

Any means of processing or conditioning of seed from a Foundation production area which may contaminate the varietal purity of the seed is prohibited

Area of Foundation Fields

When unforeseen circumstances do not permit proper maintenance of the entire field, it is recommended that the area be reduced by destroying part of the field or by isolating a part to meet the requirements of a lower status of certified seed. The remainder of the field must meet the requirements for Foundation field production.

The area of a Foundation field includes the "walkways" provided within the field to facilitate effective roguing.

Table 2 - Maximum Impurity Standards

Crop	Maximum Impurity Standards per 10,000 plants in Foundation Industrial Hemp Seed Fields		
	Maximum Number of "Too Male" Monoecious Plants	Maximum Number of Dioecious Male Plants Shedding Pollen	Maximum Number of Other Impurities
Dioecious type	-	-	3
Monoecious type	500	1	3

C. REGISTERED AND CERTIFIED SEED STANDARDS

1. Maximum Impurity Standards

- a) Impurities should be removed prior to crop inspection.
- b) Any combination of impurities may be reason for declining certified status.
- c) An Industrial Hemp crop for certified status, unless otherwise specified by the Breeder, must not exceed the limits, as outlined in Table 2., of harmful contaminants (species that can cross pollinate with the inspected crop), plants of other varieties or distinct types foreign to the variety being inspected, weeds or other crops with seeds that are difficult to separate from Industrial Hemp seed (e.g. Hemp Nettle).
- d) Table 2 indicates the maximum number of impurities permitted by AOSCA in approximately 10,000 plants of the inspected crop. The inspector makes at least 6 counts (10,000 plants each) or the equivalent to determine the number of impurities. The resulting average of these counts must not exceed the maximum impurity standards in Table 2

Table 3. Maximum Impurity Standards

Inspected Crop	Maximum Impurity Standards per 10,000 plants in Registered and Certified Industrial Hemp Seed Crops		
	Maximum Number of "Too Male" Monoecious Plants	Maximum Number of Dioecious Male Plants Shedding Pollen	Maximum Number of Other Impurities
Dioecious type Registered and Certified	-	-	10
Monoecious type Registered	1000	2	10
Monoecious type and Hybrids Certified	-	100	10

3. Recommended Production Procedures

Field Planting

- a) Fields shall be planted to facilitate inspection, roguing and harvesting.
- b) Fields shall be planted in areas easily accessible for frequent maintenance and to provide the maximum protection from outside sources of contamination, such as roadways and building sites.
- c) Regulations for land requirements are minimum standards and caution is necessary in choosing land, as volunteer growth from previous crops may vary according to local conditions.
- d) The regulations for isolation are minimum standards. It is always to the grower's advantage to provide more isolation than required. When planting Foundation fields, specific requirements may influence the location and size of the field. It is a safeguard if adjacent crops are the same variety as the field and are inspected for certified status.

Roguing

- a) The field must be thoroughly and intensively rogued many times throughout the crop season.
- b) Off-type male flowers must be removed before the receptive stage of female flowers in the inspected crop.
- c) The numbers and kinds of plants removed should be recorded and described on the appropriate forms.
- d) All male flowers rogued from the crop must be removed from the production area and burial is recommended.
- e) Regrowth of rogued flowers or plants must be prevented.

Harvesting, Cleaning and Storing

- a) A seed grower should have access to the necessary equipment for harvesting and cleaning the seed from the field in such a manner as to ensure that the varietal purity of the seed is maintained.
- b) The seed should be stored, in compliance with Federal or local regulations, in a clean, cool, dry area.
- c) The seed containers should be labelled for identification.

It is recommended that not more than one variety of Industrial Hemp be grown under the management of one grower.

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Fact Sheet for Hemp Foods Bill 2019

MAIN Goal: Add a new definition of Hemp Food Product in our State Pure Foods and Drugs Law, make not adulterated and not mislabeled,

Treat hemp like corn or carrots

- Create new Hemp Product Definition and add into our State Foods, Drugs & Cosmetic Act
- Will define what is a hemp food and clarify that hemp foods are not adulterated or mislabeled- *(Both FDA and DEA has made it clear that CBD is schedule 1 drug and all producers and distributors are in violation of 2 federal laws: 1) CSA and 2) Federal Foods and Drugs Act)*
- State Health and Ag Department will be required to regulated Hemp foods under law, providing regulatory consumer safety protection.
- New definition will protect our in-state Hemp Industry from Federal Government (FDA & DEA) intervention inside our state harming famers, processor, consumers, tax revenues and jobs.
- New definition will prevent and eliminate any future concern that big pharma will create a monopoly on any future distribution, possession, use of CBD and other cannabinoids. They (FDA & DEA) treat them as drugs, we (the State) treat them as food
- Example: CBD in hemp is like beta carotene in Carrots and must be regulated and treated in same way
- Hemp Foods bill definition into our State foods and drug act will protect a thriving and growing hemp industry, processors, manufactures and consumers from expected DEA, FDA, Big Pharma intervention in the near future.

- Without the hemp foods definition Hemp, all parts of the plant, cannabinoids, farmers, manufacture, processor and consumer have zero legal protection under federal or state law.
- The overall economic impact if the Hemp Foods bill and new definition does not get added it is most certain that the enormous value of CBD products will be impacted 100% with the June 2018 approval of CBD product by FDA.
- The hemp foods definition will secure the current and scaling growth & production of hemp food products with and without cannabinoids (like CBD) indefinitely with in our state.
- Provided local counties with legal guidance and direction on how the State Health Department regulated and defined Hemp Foods (currently this is non existent)