

Testimony Regarding Proposed THC Cap in HB354

Having been in the industry for 15 years, and experiencing firsthand the transition from Medical to Recreational/Adult-Use in both California and Colorado, I like to think I've seen a few of the ways things can go wrong, and right. First and foremost, the goal must be to provide Citizens of our state with access to Safe, Tested, and unadulterated Cannabis. As we've seen demonstrated time and time again, if access isn't provided then 'entrepreneurial minded' individuals will fill that gap themselves. For that to be possible the industry must be able to support itself, and it must be unfettered to produce the type and quality of products available in other markets.

One of the most alarming aspects of both HB354 and HB86 was the establishment of a potency cap on THC at 50% for infused/extracted cannabis products. While the idea of protecting consumers from over consumption is admirable, this is not the way to do so. Properly made concentrates are of a high degree of purity, which by nature means that cannabinoids (namely THC) will be well above this limit. An average 'crude' extract might test anywhere from 75% to 95% THC with the remainder being terpenes and other beneficial cannabis compounds. Reducing this potency is not as simple as adjusting a knob or turning a dial on the extraction equipment, what comes out of the machine is what comes out of the machine, and with proper methodology it is clean, safe, and pure.

The only method of reducing overall potency requires the addition of non-thc compounds, which eliminate products suitability for consumption either in cartridges or as a direct use concentrate. Terpenes can only be so high in concentration before the vapor becomes harsh or dangerous, above 12%-15% total concentration is unpalatable. Other cutting or diluting agents that have been used are either not proven to be safe or proven to be unsafe. Why are we mandating the adulteration of a safe, proven product with unspecified and untested additives and adulterants?

For your reference, in most states your standard 1 gram cannabis vape will contain ~.9g of THC Distillate or Decarboxylated Diamonds/Isolate. The remaining 8-10% would be terpenes. This is widely sold in every other legal market in the US. The current 70% cap in the Ohio MMJ program is already barely tenable, with most producers relying on the allowable 10% variance to ride the line as close to 77% as possible, even so the increased dilution levels required increases device leaking and lowers product quality to an unacceptable level.

Requiring a cap on final product potency will force producers in our state to cut or adulterate their products with fillers, creating a less safe final product that customers find undesirable. Meanwhile the black market, and our neighbors across the border in Michigan, have no such restrictions, and will continue to produce or import the high-purity products that have proven to be so popular in every other state in the US. Ohio processors cannot compete with MI products or the black market if you mandate the unsafe adulteration of their products.

Voters were asked, and they responded, 90% is the minimum that was on the ballot for Issue 2. Legally mandating the adulteration of infused cannabis products is anti-consumer, anti-business, and against the will of the people.

Further, the limits should be moved upwards on medical cannabis products as well to match where they should be set for Adult-Use.

Lastly, this idea of limiting edibles to a total content of 100mg THC is well meaning, but ultimately flawed. A 'standardized dose' is wonderful, most states use 10mg as a reference point, however everyone's cannabinoid tolerance and ability to process eaten THC is different. Some, like myself, would be floored at 5mg. Others, folks I know personally, can consume 250mg without blinking an eye. Setting a low limit, and capping it, unfairly penalizes users who

poorly process D9 or those with high consumption needs such as cancer patients or those with chronic pain to the low tolerance levels of the average first time consumer. It also, as with the potency cap on concentrates, drives business to the black market or MI. If we're not able to meet the demand, someone else will.

With regards to safety: Safety of edible products can and should be handled with clear labeling requirements, and easily determined dosing standards or methods that already exist in the market, such as mandated dose metering or precision metered hardware to prevent inadvertent over consumption. All edible items should be prominently labelled with total THC Content, THC Content Per Dose, and Number of Doses.