

Chairman Wilkin, Vice Chair Reineke, Ranking Member DeMora and members of the Senate General Government Committee, I am grateful for the opportunity to provide proponent testimony in favor of Senate Bill 326 (SB 326) today. My name is Vince Morber, and I am just now beginning my 15th year as Chief of Police for the City of Barberton, having served the Barberton Police Department for over 30 years.

SB 326 is a great start to addressing a public health crisis that has been brewing for years. Since the 2018 Farm Bill passed, we have seen a growing onslaught of THC-laden “hemp” products popping up in retailers all over Barberton and Summit County. These products are sold in forms and packaging that mimic foods attractive to children. The presence of these lookalikes is no coincidence. This industry was created to allow for non-intoxicating hemp products, and it has purposely exploited this privilege to do and sell whatever it wants, free of any regulations or consequences, exactly like a run-of-the-mill drug dealer would if given the opportunity.

I have read that these so-called “hemp” products are just “diet weed.” Not so. These products are highly intoxicating and include large amounts of delta 9 THC, the same drug found in marijuana, as well as new synthetic designer drugs that are many times more potent. One example is THCP, which is 33 times more potent than the THC in marijuana. Uninhibited by potency caps, Big “Hemp” is serving as a front for illegal marijuana, and is now engaged in a potency race, openly advertising the intoxicating potential of its new, untested designer drugs near schools and on billboards throughout our communities. I thought we had prohibited this years ago.

Some argue that these products shouldn’t be banned because there are so many gas stations, convenience stores, and head shops already selling them. I would remind this committee that these new synthetic “hemp” drugs are just the next iteration in a long line of unregulated designer synthetic drugs that include Salvia, Bath Salts, K2, and Spice – all of which, are now, prohibited in Ohio. No one was concerned about gas stations or convenience stores losing money when we outlawed K2, Spice, and bath salts. Synthetic cannabinoids like Delta 8 and THCP are only back on the menu now because we didn’t realize people could, or would, make them out of things they found in non-intoxicating hemp plants.

The worst part is that, while the Ohio legislature didn’t intend to legalize “hemp” derived designer drugs, these products have made the enforcement of existing marijuana laws difficult if not impossible. Products sold at retailers are always described as “hemp,” forcing law enforcement to decide whether to send them in for testing. The products are never labeled properly, meaning we rarely know which designer form of THC to test for. Additionally, BCI and independent lab testing can take months to deliver results, and those results can be inconclusive if the product contains a new designer drug. We can’t even ascertain the origin of these products, and at this point, there is nothing stopping a gas station from smuggling in marijuana products from Michigan and just selling them as “hemp” – which is a probable occurrence.

This lack of traceability *alone* should scare us. Just this year, a Secret Shopper Study was conducted in Delaware on intoxicating “hemp” products found at smoke shops, gas stations, CBD and vape stores: 83.3% violated the Farm Bill’s potency caps, 63.3% contained synthetic cannabinoids, 23.3% contained the harmful contaminants that were tested for, 100% had label issues, and several even contained psilocybin – the illegal psychedelic compound in magic mushrooms.¹ Despite its words, this industry has shown us its true colors through its actions without enforcement from Health Departments, law enforcement, or any other regulator.

While I am encouraged to see SB 326 impose real criminal penalties for the sale of intoxicating “hemp,” I would also make the following recommendations: ban synthetic cannabinoids (again); clarify that any “hemp” product that is intoxicating is prohibited from sale; ensure all hemp products undergo a standard battery of lab tests to ensure they meet state-mandated potency caps; require retailers to maintain onsite records of compliance to aid law enforcement in the field; and provision for law enforcement to have access to laboratories able to provide the quick turnaround needed for timely enforcement actions to be carried out. The State has spoken and is working diligently to regulate the use of legal marijuana. It shouldn’t be the regulatory wild west or whack-a-hemp-mole. Ohio is better than this, and our children and citizens are worth it. It’s time to rein in intoxicating “hemp” like we reined in bath salts, K2, and Spice.

Thank you again for your time and consideration to this very important matter.

¹ <https://mjbizdaily.com/psilocybin-among-contaminants-found-in-delaware-intoxicating-hemp-products/>