



May 7, 2025

Chairman Jim Thomas
Committee on Judiciary
Ohio House of Representatives
77 South High Street, 13th Floor
Columbus, OH 43215

Re: Testimony Opposing HB 198

Chair Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the Committee:

Good morning – Thank you for the opportunity to be here today to discuss concerns with HB 198 and offer insight as the Ohio General Assembly weighs its options for regulating intoxicating products derived from hemp.

My name is Cory Harris. I am a principal at the Vogel Group, a top Washington-based lobby firm representing more than 200 clients from across all sectors, all business types, and from across the globe. In my role at Vogel Group, I lead our firm's agriculture practice group, where I leverage a lifetime of experience in the sector to help clients navigate the complex nuances of agricultural policy.

For more than two years now, I've represented the American Trade Association for Cannabis and Hemp, or "ATACH" in its efforts to address and close the loophole created in the 2018 Farm Bill that inadvertently opened the flood gate on a massive gray market for intoxicating, cannabis-equivalent products marketed under the guise of "hemp". In this time, ATACH has become the leading voice of this effort on Capitol Hill, and a trusted resource for lawmakers as they navigate the challenging dynamics, science, and nomenclature of this issue.

ATACH is a 501c(6) trade association registered in Washington, DC, which represents state-regulated cannabis and hemp businesses across the country. ATACH was founded 11 years ago to support businesses engaged in state-licensed medical and adult-use production and sale of marijuana and hemp products, and more importantly, to advocate for consumer safety around these products. ATACH serves as a founding member and retains a seat on the board of ASTM International's D37 committee, which is focused on cannabis and hemp standards. ATACH is situated at the forefront of cannabis policy discussions because of its advocacy for better regulations and stringent standards and because of its role as a bridge between policymakers, the regulated cannabis industry, and its regulators.

In my remarks this morning, I intend to focus on three key areas: 1) How we got here and what you're witnessing; 2) what these products are and what they are not; 3) how this bill, HB 198, falls short of what seems to be the General Assembly's intent to gain control of the unregulated intoxicating hemp products that have proliferated across the state. In respect of the committee's time please note I have attached additional information, resources, and studies to my testimony, however I will not read those but will be available to discuss these as follow-on questions or at a later time if the committee deems appropriate.



1. How we Got Here: Congressional Intent vs. Legislative Reality

What is the Farm Bill?

The Farm Bill is a piece of omnibus legislation reauthorized by Congress roughly every 5 years. This bill contains authorizing instructions for nearly all programs within the jurisdiction of the U.S. Department of Agriculture, from farm programs like crop insurance to nutrition programs like SNAP, and hundreds more in between that you likely never knew existed. An important aspect here, is that while this bill covers hundreds of programs, rules, and instructions for the Department, what it doesn't really do is regulate consumer products, as those activities, and the enforcement they require, are generally outside of the Department's scope.

What was the Intent?

The 2018 reauthorization of the Farm Bill included a new provision aimed at re-legalizing the production and processing hemp for industrial purposes, such as fiber, rope, oil, feed, and other purposes not intended for human consumption. The motivation being that if congress unlocked this previous crop, widely grown prior its banning in the early 1970s under the Controlled Substances Act, or "CSA", that it would give farmers (who were navigating a challenging economic time) a new crop and a new opportunity to diversify their operations – especially the farmers what had been negatively impacted by the tobacco buyout program. Congressional Ag Committee members wanted allow for the production of non-intoxicating *hemp* as an industrial crop but wanted to make no concession in the federal treatment of marijuana.

How did it Work?

Because hemp and cannabis are merely different varieties of the same plant, *Cannabis Sativa L.*, and because Congress (especially the authors of this provision) had no appetite to de-schedule (legalize) marijuana, lawmakers on the congressional Ag Committees had to create a new legal definition of hemp and then exclude the varieties that met that definition from the CSA in order to legalize its production. They did so with a new legal definition that essentially says, "hemp is defined as the plant *Cannabis Sativa L* and all its derivatives that contain less than .3% Delta-9 Tetrahydrocannabinol, or "THC", on a dry weight basis."

What Went Wrong?

The legal framework created in the Farm Bill relied on four key assumptions: 1) That Delta-9 THC is the compound in the plant that causes intoxication; 2) That cannabis is consumed through inhalation; 3) That .3% was an appropriate de minimis dose of THC; and 4) That USDA's regulation of plants in the field would limit what products could get to consumers.

While these assumptions weren't inherently wrong, they aren't exactly correct either.

1. The Cannabis Sativa Plant contains more than one hundred different cannabinoids, including dozens of Tetrahydrocannabinols, all of which are intoxicating.
2. While marijuana is typically consumed via smoke inhalation, it can also be ingested, inserted, applied topically, or vapor inhalation with nearly identical intoxicating affect.
3. If applied only to smoke inhalation, .3% of dry weight is a perfectly acceptable cap on THC; an individual couldn't smoke that fast enough to get high. However, this metric fails to acknowledge



those other modes of action described above. When applied to ingestible products, .3% become an escalating weight function. That means that the heavier the item is that is being sold, the greater quantity of delta-9 THC that it can contain and still remain below .3%. This function allows for a 1.86oz candy bar to contain as much as 165mg of delta-9 THC, or a 16oz beverage to contain as much as 1,440mg.

4. Because Farm Bill writers assumed that they had removed any interest in human consumption of “hemp” by prohibiting delta-9 THC, they also assumed that USDA’s inspection of plants in the field within 30 days prior to harvest would be sufficient to regulate any products and granted no new authority or direction to FDA, DEA, or any other regulatory authority to enforce these products.

2. What these Products are and What they are Not

Hemp-Derived Intoxicants are Functionally Equivalent to Cannabis

Simply put, hemp intoxicants are cannabis. In their purest form, these products come from the same plant as marijuana, are used for the same purpose as marijuana, and contain chemically identical delta-9 THC or slightly altered versions of THC that are most often more intoxicating than delta-9. In terms of product category, these products are indistinguishable.

Hemp-derived intoxicants other than delta-9 THC are designed to be substitutes for marijuana. These products are chemically altered or converted cannabinoids—such as Delta-8 THC, Delta-10 THC, HHC, and THC-O—typically synthesized from CBD extracted from hemp. These modified compounds produce the same impairing effects as marijuana-derived THC. They are often sold as vapes, edibles, or flower and marketed as legal under the 2018 Farm Bill, despite posing the same public health risks as regulated cannabis products. These substances largely bypass state regulatory systems, creating a parallel marketplace with little oversight, inconsistent testing, and minimal consumer protections.

Hemp Intoxicants are not About Farmers

These products are not agriculture. No more than whiskey or vodka or pumpkin pie are agriculture. All may be derived from an agricultural commodity, but in their final form, they have become more than that raw input. The exact same is true of intoxicating hemp products. These products are not coming from U.S.-grown, USDA-regulated hemp farms. For context, hemp farming in the U.S. has sharply declined since passage of the 2018 Farm Bill, with acreage dropping from 160,000 in 2019 to just 22,000 acres in 2023. In Ohio, for example, farmers planted only 170 acres of hemp in 2023, harvesting a mere 120 acres. Compare this to the state's 4.75 million acres of soybeans, 3.6 million acres of corn, and 650,000 acres of wheat harvested the same year.

In fact, the U.S. now operates at a significant trade deficit for hemp, importing many times more than we produce. Most of the hemp used in synthetic THC production comes from countries like China, India, and Eastern Europe. The reality is that much of the hemp used for synthetic THC production comes from countries like China, India, and Eastern Europe, where U.S. regulators have no oversight. This raises serious concerns about product quality and safety, especially when compared to the rigorous standards applied to state-licensed cannabis businesses. Consumers should be pretty careful about consuming products made from Chinese hemp without some pretty careful tests.



Intoxicating Hemp Products are not Equivalent to Cannabis in Safety

It is important to acknowledge that intoxicating hemp-derived products and state-regulated cannabis products are functionally identical in their chemical composition and pharmacological effect. These products—often synthesized from CBD into Delta-8 THC, HHC, or THC-O—are chemically similar or structurally analogous to Delta-9 THC, the principal intoxicant in marijuana. The result is the same: a product that produces intoxication, impairment, and carries associated health risks.

The key difference lies not in the product itself, but in how it is regulated. Ohio's marijuana program imposes strict licensing, product tracking, child-access prevention, labeling requirements, testing for potency and contaminants, and tax collection—all of which are absent from HB 198. The bill creates a separate pathway for selling the same type of product with none of the guardrails, protections, or accountability. It is the equivalent of authorizing unregulated pharmaceutical sales in convenience stores simply because they are labeled differently.

This bifurcated approach threatens to destabilize Ohio's legal cannabis market and invites public confusion about what is legal, what is safe, and who is responsible.

4. Why HB 198 Falls Short

Based on our review, HB 198 does not establish a credible regulatory framework for intoxicating hemp-derived products. In fact, it does the opposite—by legalizing synthetic intoxicants under minimal oversight, the bill invites a public health crisis, opens Ohio to gray-market trafficking, and creates conditions for regulatory failure. Specific concerns include:

- **Legalization of Synthetic Intoxicants:** The bill defines hemp so broadly that it permits high-potency synthetic THC products so long as they are technically “derived” from hemp—even if the source material is trace, chemically altered, or imported with no oversight. These compounds are intoxicating, unstable, and often mislabeled.
- **Safe Harbor Loophole:** HB 198 allows the manufacture of products banned for in-state sale so long as they are shipped out of state. This provision would make Ohio a national distribution hub for unregulated synthetic drugs—effectively exporting risk while shielding manufacturers from accountability.
- **Minimal Regulation and Oversight:** Regulatory authority is assigned to the Department of Agriculture, which lacks the staffing, enforcement authority, and infrastructure to manage intoxicating consumer products. License fees are negligible, and the bill offers no tax revenue, no tracking system, and no support for meaningful enforcement.
- **Lack of Safety Standards:** The bill includes no THC potency caps, serving size limits, or age-gating requirements. Product testing is narrowly defined and insufficient to ensure consumer safety. Advertising and public use restrictions are weak or nonexistent.
- **Creation of a Parallel, Lower-Standard System:** By treating intoxicating hemp products differently from cannabis, HB 198 effectively creates a dual-track regime: one with rules, safeguards, and accountability, and one without. This puts compliant cannabis businesses at a disadvantage and misleads consumers into assuming equivalency of safety and legitimacy.
- **Out of Step with Federal Policy:** Congress is actively considering language to re-close the Farm Bill loophole that has allowed these products to enter the market unregulated. Passing HB 198 now would leave Ohio out of step with impending federal action and burden state agencies with an unworkable framework.



HB 198 is not a regulatory solution—it is a blueprint for unchecked commercialization of synthetic intoxicants. ATACH strongly encourages the Committee to reject HB 198 and return its focus to the thoughtful framework offered in SB 86, which recognizes the risks, aligns oversight with product type, and creates a regulatory system that protects both consumers and Ohio’s existing legal cannabis market. Thank you again for the opportunity to appear before you today. I welcome any follow-up or questions from the Committee.

Sincerely,

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American Trade Association for Cannabis and Hemp (ATACH)