

Chairman Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and Members of the Committee, thank you for the opportunity to provide **opposition** testimony today.

My name is Wes Bryant. I'm the founder of 420CraftBeverages and a licensed hemp processor under Ohio License #39\_1187P. I appear today as someone who is actively regulated, audited, and in compliance with both state and federal hemp law.

SB 56 proposes to redefine entire categories of lawful hemp products as "intoxicating," and move them under the exclusive jurisdiction of the dispensary system governed by the Federally Illegal State Marijuana program.

But here's the legal flaw: **those licenses are closed.**

Today, as a fully compliant hemp processor, I cannot obtain one of those dispensary licenses—because the marijuana licensing system is not only capped, it is closed to all new applicants. And under SB 56, it would be closed *permanently* to anyone who does not already hold one.

So this bill doesn't just regulate my business—it **extinguishes** it. It nullifies my active hemp license without due process and places me into a regulatory framework I am legally barred from entering.

Let's be clear about the constitutional implications:

### **First, Federal Preemption.**

The 2018 Farm Bill, codified at 7 U.S.C. § 1639o, defines hemp to include all derivatives, cannabinoids, and isomers below 0.3% Delta-9 THC on a dry weight basis. That definition is binding. In *AK Futures v. Boyd Street Distro*, the Ninth Circuit reaffirmed that even hemp products with psychoactive properties fall under federal protection as long as they meet that threshold.

### **Second, the Dormant Commerce Clause.**

This bill carves out Ohio's entire hemp market for a closed class of marijuana operators. That is discriminatory on its face. In *Tennessee Wine v. Thomas*, the U.S. Supreme Court held that states cannot erect market access barriers favoring local incumbents in regulated industries—especially when those industries intersect with federally lawful goods.

### **Third, Due Process.**

SB 56 strips my license of its value without compensation, notice, or recourse. That's a regulatory taking. And as established in *U.S. v. Carlton* and *Eastern Enterprises v. Apfel*, retroactive economic penalties must meet strict scrutiny—particularly when they eliminate vested rights.

Finally, this bill opens Ohioans to liability under **18 U.S.C. § 922(g)(3)** by reclassifying legal hemp use as marijuana use, jeopardizing firearm rights without clear public notice.



I support the stated goal of protecting children and ensuring adequate consumer protections for these products. This could be accomplished through age verifications, banning synthetic cannabinoids and tightening enforcement. But SB 56 doesn't do that. It rewrites the rules, closes the gate, and locks out law-abiding operators like me with no path forward.

That is not regulation. That is exclusion. And I urge this committee to reject it.

Thank you, I am open for questions.