

Senate General Government Committee

Interested Party Testimony, Senate Bill 86

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March 25, 2025

Chairman Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the Senate General Government Committee, thank you for the opportunity to provide interested party testimony today on Senate Bill 86. My name is Wesley Bryant, and I am the founder of 420 Craft Beverages, a licensed hemp manufacturer. My business operates fully within the boundaries of both federal and Ohio law. I support thoughtful, safety-focused regulation of hemp-derived cannabinoid products—but I am here today to express concern that SB 86, as currently written, poses significant legal, economic, and operational risks to compliant businesses and the broader hemp supply chain.

“Intoxicating” Should be Clearly Defined

Senate Bill 86, in its current form, relies heavily on the term **“intoxicating hemp product.”** However, the term “intoxicating” is not defined in federal hemp law, lacks consistent scientific backing, and is not uniformly applied across regulated industries. The term itself is inherently vague, subjective, and open to interpretation.

Many substances, such as alcohol, caffeine, and even some herbal supplements can be “intoxicating.” The solution from a public health perspective is not to impose blanket bans on these substances, but to focus on clear labeling, enforcing access controls, and establishing safety thresholds.

If the goal is genuinely centered on consumer safety, we should aim to establish clear, measurable standards rather than relying on terminology that can lead to inconsistent enforcement and sweeping bans.

Work-in-Progress Hemp Is Federally Protected and Essential

Every licensed hemp processor in the U.S. relies on **Work-in-Progress (WIP) hemp**—also known as **in-progress hemp material**—during standard manufacturing. These materials may temporarily exceed the 0.3% THC threshold while undergoing **refinement, dilution, testing, or formulation**.

It's important to note that WIP materials:

- **Are not for sale**
- **Are not consumer-ready**
- **Are protected under the 2018 Farm Bill and USDA guidance**

SB 86 currently makes no distinction between WIP and finished products. This oversight could place processors that are operating in full compliance with federal law at risk of facing seizures, enforcement actions, or even criminal penalties for following established legal procedures. **This isn't just bad policy—it's a legal liability for the state and a threat to Ohio's processing infrastructure.**

Safe Harbor for Interstate Hemp is Federal Law

Section 10114 of the **2018 Farm Bill** makes it clear:

“No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with this subtitle through the State or the territory of the Indian Tribe, as applicable.”

SB 86 currently **lacks Safe Harbor language**, which puts Ohio out of alignment with federal law and opens the door to enforcement against **federally legal hemp products in transit**. This could disrupt national supply chains, harm logistics companies operating in Ohio, and is sure to invite legal challenges.

We must honor federal commerce protections—**not override them** through omission.

Over Regulation Will Cripple Ohio's Small Hemp Businesses

SB 86 restricts the sale of certain hemp-derived products to **state-licensed marijuana dispensaries**. But hemp licensees—cultivators, processors, and manufacturers—**cannot access those dispensary licenses**, nor is there a crossover process available.

There is no path forward for licensed hemp operators to legally participate in the retail system this bill creates.

It reallocates market access from hundreds of small hemp businesses to a narrow group of vertically integrated cannabis licensees, creating an unfair competitive landscape that favors consolidation over diversity, compliance, and innovation.

Potency Caps Are Reasonable—But Must Be Fair and Aligned

I support **clear potency caps** as a tool for public health, as long as they are consistent with consumer trends, enforceable, and applied equitably across product types.

Consumers regularly choose hemp beverages with **5–10mg per serving**. Some formats offer **double-serving cans (20mg total)**, with clear labeling and child-resistant packaging. Standards such as **1.5mg per fluid ounce** are sensible, measurable, and already widely used.

But under SB 86, limits are imposed on beverages while **gummies, tinctures, chews, and other ingestibles**—which deliver similar or greater effects—are not given equal attention. If we are truly focused on consumer protection, we should regulate **all ingestible products equally**, based on content—not format.

A Education Proposal: A Public, Bipartisan Town Hall

If there's confusion—let's clear it up. I propose that this committee host a **public, bipartisan town hall**, bringing together **hemp and marijuana operators**, scientists, regulators, and law enforcement. Let elected officials and staff ask their questions. Let those most affected provide real-world answers.

We will show up with data, insight, and solutions. We simply ask that you meet us there, ready to listen.

Conclusion

As an interested party, I support **smart regulation**. As someone on the ground in this industry, I must be clear:

SB 86, while a fair starting point for establishing a state regulatory framework, should be amended to :

- Better define “intoxicating”
- Decriminalize **Work-in-Progress hemp**
- Include **Safe Harbor protections** for lawful interstate commerce
- Open the market for hemp licensees
- Apply consistent potency standards across product types.

You, as legislators and regulators, now stand at a crossroads. You have the ability to pass hemp and marijuana regulations in a way that makes **Ohio a national model** —attracting investment, growing jobs, and ensuring consumer safety through smart policy.

Let’s build a future we can all be proud of. Thank you for your time and consideration. I welcome your questions.