
Good morning Chairman Weisz and members of the House Human Services Committee. My name is Jason Wahl, Medical Marijuana Director, within the Department of Health and Human Services (Department). I am here to provide information regarding House Bill 1202. The Department has identified several areas to address in the bill. Due to these areas, the 10 milligram per serving language, and the emergency clause, the Department is opposed to the bill. The Department did submit a fiscal note and has proposed amendments to the bill.

House Bill 1202 proposes adding a cannabinoid edible product to the list of eligible products registered qualifying patients may purchase. The addition of a cannabinoid edible product is a policy making decision. If passed, the Department would implement the introduction of a new product with the health and safety of individuals as the primary focus. The Department would attempt to reduce risks associated with the new product.

The bill identifies a maximum of 10 milligrams of THC per serving in the edible product. The Department identifies this maximum amount could be reduced. When reviewing information provided by the marijuana industry nationwide, materials reflect first time users should start at a 2.5 milligram amount. In addition, the National Institute on Drug Abuse (NIDA), along with the National Cancer Institute; the National Heart, Lung, and Blood Institute; and the National Institute of Mental Health, published a notice in May 2021 directing researchers to measure and report findings from clinical research using a standard unit of 5 milligrams of THC. Having a maximum of 5 milligrams of THC per serving is a more cautious approach to implementation. With the possibility of unfortunate incidents of accidental ingestion by children, a lower amount of THC in an edible product should be considered.

The Department opposes the emergency clause included in the bill without a modification. If passed and signed by the Governor, the provisions of the bill

would be immediately effective. Prior to administrative rules being established that the bill requires, manufacturing facilities would be allowed to send an edible product to a dispensary. While the bill states a manufacturing facility is to receive approval from the Department prior to manufacturing an edible product, the Department would have little, to no, basis to deny manufacturing prior to rules being established. This could create potential problems and increase risks of litigation. For example, the administrative rules may establish something different than what is already on the market such as an ingredient, requiring a certain symbol on each edible, or certain packaging. The Department would be in a position of playing catch up and trying to make changes to an edible product already 'approved' and on the market. The Department would ask the committee to consider adding language that no sales of an edible product are allowed until administrative rules are effective and require the Department to have rules adopted no later than October 1, 2023.

On Page 2 of the bill, lines 1 through 3 and lines 14 through 16 add language for a maximum possession limit of 500 milligrams. Since this language appears to be related to specifically to total weight with no information regarding THC, this language requires modification to the amount or should be eliminated. First, the 500 milligram amount is so low that making an edible product would be nearly impossible to manufacture. Second, possession limit language is proposed on Page 2 lines 22 through 26 which includes a THC amount. As each container would include information on amounts of THC per serving, determining whether an individual is complying with the possession amount would only require counting the number of edible products.

The Department is submitting for the committee's consideration, the following three amendments:

1. On Page 10, lines 12 and 13, the Department proposes removing the requirement of manufacturing edible products in a Department-licensed commercial kitchen and add language to make it clear a manufacturing facility is the only location the products can be made. The cannabinoid edible product is a specific item established in the medical marijuana laws. It is not considered a food item and thus, would not be included under the Food and Lodging unit of the Department. Rules would be

established for manufacturing a cannabinoid edible product and these rules would include any proper sanitation requirements of the manufacturing facilities.

2. On Page 10, line 20, the Department proposes adding language to allow for the symbols required by administrative rule be placed on the label. The symbols include the universal THC symbol and, if applicable, a pediatric symbol.
3. On Page 10, line 24, the Department proposes removing Health Council and replacing the council with 'department.' The Health Council no longer has authority related to adoption of administrative rules.

The fiscal note submitted for this bill identifies an increase in expenditures of approximately \$178,000 for the 2023-2025 biennium. The Department anticipates an additional full-time equivalent (FTE) position being necessary for implementing the provisions of the bill. The fiscal note includes costs for salary and benefits as well as related operating costs anticipated with the position.

This concludes my testimony. I am happy to answer questions you may have.