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**Written Testimony of Dr. Dustin Sulak in Opposition to L.D. 1996,
*An Act to Regulate Synthetic Hemp-derived Cannabinoids***

January 28, 2024

Senator Ingwersen, Representative Pluecker, and distinguished members of the Agriculture, Conservation, and Forestry Committee:

My name is Dustin Sulak and I live in Durham. I am a physician with over 14 years of clinical experience treating thousands of patients with cannabis, an internationally recognized expert and educator in the field of medical cannabis, the author of several peer-reviewed scientific journal articles about cannabis, and the author of a medical cannabis textbook for clinicians published in 2021. I am also a co-founder and owner of a company that produces and hemp-based products in Maine which are sold globally.

I oppose L.D. 1996 because it would cause harm by limiting access to consumers and my patients, including ones with refractory neurological conditions like epilepsy who rely on artisanal hemp products. Further, it would eradicate Maine's hemp industry, forcing numerous companies like ours, that employ Maine workers, to shut down operations or move out of state. The economic impact of this bill would be severe by not allowing Maine businesses to participate and compete in the national and international hemp markets.

I understand the intention of this bill is to protect consumers from unsafe and unregulated products which fall under the federal definition of hemp, but intentionally produce cognitive and motor impairment when used as directed. Like Senator Pierce and others, I am also concerned about these products, which is why I regularly educate my patients and the public about these risks.

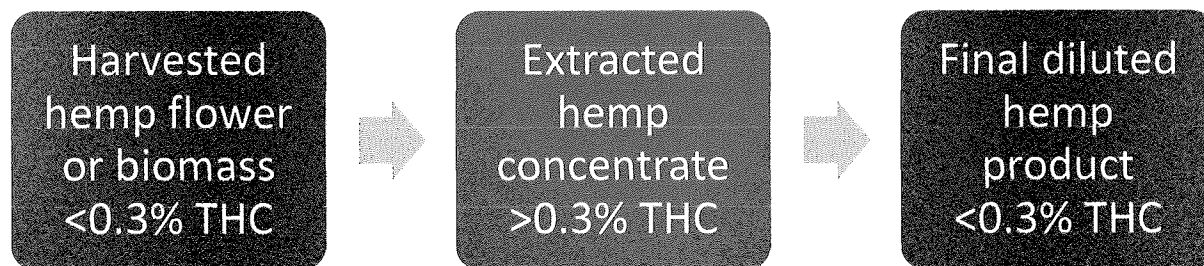
While the idea of prohibiting certain types of dangerous products may be appealing, the consistent failure of similar laws prohibiting substances, and the unintended consequence of bolstering the underground market access to prohibited substances, highlight the need for public health education as the most effective solution to this problem. Prohibition of substances simply does not work.

As background, I will take this opportunity to explain the somewhat complex current situation in the field of ingestible hemp products. The Federal 2018 Farm Bill removed hemp from the

definition of marijuana in the Controlled Substances Act.¹ The Farm Bill defines hemp as cannabis (*Cannabis sativa* L.) and derivatives of cannabis with extremely low concentrations of the psychoactive compound delta-9-tetrahydrocannabinol (THC) (no more than 0.3% THC on a dry weight basis). Products made from hemp that adhere to this definition are most often used as nutritional supplements for various health concerns. Because of the low THC content per serving, these products are unlikely to produce any impairment unless an unusually large quantity is consumed at once. A substantial and growing body of scientific literature affirms the efficacy of artisanal hemp products for both common and rare conditions including pain, anxiety, sleep disturbance, epilepsy, and many more. Also, research confirms that the safety profile of these products is well within the range of nutritional supplements and over-the-counter drugs.

The moratorium proposed by L.D. 1996 would outlaw most artisanal hemp products that adhere to the 0.3% THC limit by weight. This is because typical production methods include the extraction and concentration of hemp-based cannabinoids into an intermediary ingredient that is later diluted into its final format as an infused oil, tincture, capsule, gummy, etc. The current proposed language would prohibit this intermediary step during which THC concentrations often exceed 0.3%. To be clear, this intermediate ingredient is not made available to the public.

Figure 1: Typical production sequence of artisanal hemp products used for health



Clearly, the prohibition of this production method would fail to protect public health. If this proposed legislation is enacted, patients and consumers in Maine who need these products will be faced with the unwelcome decision of purchasing hemp products from out-of-state retailers, or forgoing their needed products, instead of relying on their current safe, trusted Maine-based brands.

Another area of concern is the rapidly growing category of products which are derived from hemp plants, but have been designed specifically for the purpose of producing euphoria and impairment similar to what is typically produced by products found in the adult-use cannabis market. These products are typically processed in one of two ways:

¹ Abernethy, A. (2019, July 25). *Hemp Production and the 2018 Farm Bill*. U.S. Food and Drug Administration. <https://www.fda.gov/news-events/congressional-testimony/hemp-production-and-2018-farm-bill-07252019>

1. Manufacturers extract and concentrate the naturally occurring THC from hemp material and formulate it into a delivery format with a large mass, such as a beverage. A beverage can easily contain amounts of THC that would produce impairment and stay below 0.3% THC by weight.²
2. Manufacturers can chemically modify inexpensive and abundantly available hemp-derived CBD isolate into a variety of psychoactive THC-like compounds. Many of these THC-like compounds are not naturally occurring and therefore do not have the well-characterized safety and toxicology profiles of compounds like THC. Furthermore, the chemical synthesis process may also result in novel compound byproducts with unknown potential health hazards. These compounds are considered by the industry to be distinct from THC and therefore are often not counted in the 0.3% limit.

Unfortunately, the moratorium proposed by L.D. 1996 would not effectively protect Maine residents or properly address any of the concerns it purports to solve. Maine already has existing laws which require labeling of edible hemp products sold in Maine to include information on the source of hemp, batch numbers, safety disclosures, and cannabidiol amounts, and requires the products to be produced in licensed food or beverage preparation facilities [Sec. 10. 22 MRSA §2157, sub-§15], but these laws do not appear to be routinely enforced. Currently, most of the dangerous products containing impairment-producing levels of THC and synthetic cannabinoids in Maine are manufactured out of state and sold direct-to-consumer via the internet or at convenience stores and other retailers.

If the committee wishes to amend the proposed moratorium to avoid destroying Maine's hemp industry and jeopardizing the health of many Maine residents and others who rely on hemp products produced in Maine, I recommend adopting the same restrictions currently placed on adult-use cannabis products in Maine from the law "An Act to Amend the Adult Use Cannabis Laws PL 2034, ch.396": THC content limited to 10 mg per serving and 200 mg per package; single serving beverages limited to 10 mg of THC; minimum age 21 years to purchase.

In summary, I urge the Committee to vote 'Ought Not to Pass' on L.D. 1996. This bill would fail to achieve its objective of protecting public health from hemp products designed to produce impairment and would instead endanger Maine farmers, businesses, employees, and my patients. Public health education and enforcement of current laws would more effectively solve the problem at hand.

Sincerely,



Dustin Sulak, D.O.

² For example, an 8-ounce beverage weighing 227 grams could contain nearly 67 mg of THC.