



**TESTIMONY for HOUSE HEALTH COMMITTEE HEARING  
APRIL 26,2023**

We are grateful to Representative Frankel, the House Health Committee and the Pennsylvania House of Representatives for the opportunity to submit testimony that will help ensure consumer safety of so-called unregulated intoxicants remains paramount as the nation awaits federal regulation and oversight.

This testimony comes from All Together Now Pennsylvania (ATNPA), a non-profit organization whose mission is to unite rural and urban communities to build LOCAL, SELF-RELIANT and RESILIENT economies and supply chains within Textiles, Food, Plant Medicine, Renewable Energy and Building Materials coalitions. Our work seeks to increase community wealth and equity, reduce and sequester carbons and prepare for climate change. The regeneratively grown agricultural commodities grown in PA that we focus on include hemp/cannabis, flax for linen, and wool.

Within ATNPA's Plant Medicine Coalition, we started a statewide grassroots campaign known as Pot Profits for Pennsylvanians (P3), which advocates for state legislation that decentralizes the marijuana industry and maximizes ownership of Adult Use Cannabis (AUC) licenses for PA farms and small businesses, especially those owned by Black and Brown entrepreneurs, and to stop outside corporations from controlling the AUC market in PA.

Although the subject for this hearing is on "Unregulated Intoxicants," we respectfully suggest preferred and more accurate terminology to describe the substances in question as Plant-Based Medicine. The descriptor of "intoxicant" downplays and limits the known and potential medicinal and health benefits of these substances.

Medicine sourced from plants are as old as human history and have provided the backbone of modern pharmacological development. Plants like cannabis, which evolved in tandem with key regulatory systems present in most living creatures, contain unique and ancient therapeutic properties. Alongside increased consumer dissatisfaction with conventional poly pharmaceutical treatments, a growing interest in complementary and alternative medicine has begun shifting the therapeutic paradigm. Yet a continued lack of product market regulation and oversight has put consumer health and safety at risk. There is an urgent need for legislation that acknowledges public preferences and therapeutic benefits while reducing risks associated with the unregulated medicinal plant market.

We offer key considerations on the proposed legislation through a public health lens:

## **Challenges with Lack of Hemp Market Regulation**

- Federal failure to roll out regulations and protect consumer safety has put people, including immunocompromised individuals using hemp-sourced products to treat very real and debilitating symptoms, at risk of consuming mislabeled and contaminated products.<sup>1-4</sup>
- Mislabeled delta-9-tetrahydrocannabinol (THC) potency can create unwanted and unexpected intoxication in unsuspecting consumers leading to an increase in emergency utilization after overconsumption.<sup>5</sup>
- Players in the Pennsylvania medical cannabis market increasingly fail to stock the shelves with consistently available CBD-rich and low-potency THC products, driving patients to seek alternative options in the unregulated market.
- Uncontaminated CBD-rich hemp products with THC potency at or below the legal limit have little to no risk of intoxication and have demonstrated efficacy for a multitude of physical and mental health symptoms, including sports-related injury.<sup>6</sup>
  - CBD-rich products, including topical applications, should be considered in comparison to the safety profiles of daily-use non-steroidal anti-inflammatory drugs (NSAIDs) and other non-addictive pain management drugs. Youth restrictions should only be limited to intoxicating hemp derivatives, like delta-8-tetrahydrocannabinol (delta-8).
- Retailers and consumers should be guided on how to make informed selections and public safety campaigns should encourage sourcing from Pennsylvania producers that have been held to testing and labeling standards.
- Retailers should be trained on how to source safe products as well as have thorough understanding of associated lab reports, product labeling and safe growing methods.

## **Hemp Derivatives and Synthetic Products**

- Restricted hemp access in the medical cannabis market limits hemp farmer and small-business participation and reduces consumer access to low-THC products.
  - An oversupply of hemp biomass has financially burdened hemp cultivators and fueled the hemp derivative market, including unregulated synthetic compound creation not found naturally in hemp.<sup>7</sup>
- Synthetic production of hemp-derived compounds risks underreported THC byproduct levels and chemical contamination residuals, which is particularly concerning with inhaled products.<sup>8</sup>
  - Underreported THC levels and labeling inaccuracy increase the risk of emergency utilization in unsuspecting and cannabis-naive consumers.<sup>5</sup>
  - THC-O acetate compounds are considered scheduled substances and researchers have warned that vaping acetate compounds can put consumers at risk of vaping product-associated lung injury (EVALI).<sup>9,10</sup>
  - Flavor additives not proven safe for inhalation also pose a potential risk to consumers and should carry warnings or be eliminated from the market.<sup>11</sup>

- Publicly available third-party testing data and accurate labeling create a culture of accountability and increases access to good data for statisticians and university researchers.

### **Kratom In Context**

- As with any unregulated product intended for human consumption, concerns about bacterial pathogens and heavy metal contamination in kratom are warranted.
  - In 2018, the FDA reported on a multistate salmonella outbreak linked to kratom products and issued a warning about the risks of heavy metal contamination the following year.<sup>12,13</sup>
- Individuals who use kratom report reductions in pain, anxiety, depression, and alleviation of opioid withdrawal symptoms and dependence.<sup>14</sup>
  - Some experts have expressed concern about kratom’s addictive potential because its primary psychoactive compounds partially activate opioid receptors, but investigations into reward potential suggest these compounds have a low risk of abuse, particularly when considered within the context of full plant consumption.<sup>15</sup>
  - Serious adverse effects are uncommon and kratom may reduce or eliminate prescription or illicit opioid use without risk of respiratory depression.<sup>16</sup>
  - Safe kratom supply acknowledges the need for effective alternatives to barrier-associated medication-assisted therapies (MAT) like methadone.<sup>17</sup>

It is critical that the Pennsylvania legislature protects consumers who shop state shelves by ensuring testing standards and label accuracy for plant-sourced products intended for human consumption, limiting youth access to intoxicating constituents like delta-8, and building out a public health campaign that targets retailers, consumers, and providers to help each stakeholder make more informed choices. By taking these necessary steps toward protecting public health, the state legislature will set a gold standard across national markets for Pennsylvania-sourced plant-based medicine products, helping to revitalize the local economy.

Respectfully submitted by:

#### **-Andrea Sparr-Jaswa**

*MPH candidate, Thomas Jefferson University, former Director of Education for country’s first science-based dispensary in Oregon, former Science Editor for GIE Media, an Ohio-based cannabis industry publication, and ATNPA Volunteer*

#### **-Tara Zrinski**

*Campaign Director, Pot Profits for Pennsylvanians, ATNPA County Commissioner, Northampton County, Lehigh Valley*

#### **-Monica Medina-McCurdy, PA-C**

*Executive Director, ATNPA*

## References

- <sup>1</sup> Bonn-Miller, M., Loflin, M. J. E., Thomas, B. F., Marcu, J. P., Hyke, T., & Vandrey, R. (2017). Labeling Accuracy of Cannabidiol Extracts Sold Online. *JAMA : The Journal of the American Medical Association; JAMA*, 318(17), 1708-1709. <https://10.1001/jama.2017.11909>
- <sup>2</sup> Gardener, H., Wallin, C., & Bowen, J. (2022). Heavy metal and phthalate contamination and labeling integrity in a large sample of US commercially available cannabidiol (CBD) products. *The Science of the Total Environment*, 851 <https://10.1016/j.scitotenv.2022.158110>
- <sup>3</sup> Miller, O. S., Elder, E. J., Jones, K. J., & Gidal, B. E. (2022). Analysis of cannabidiol (CBD) and THC in nonprescription consumer products: Implications for patients and practitioners. *Epilepsy & Behavior; Epilepsy Behav*, 127, 108514. <https://10.1016/j.yebeh.2021.108514>
- <sup>4</sup> Spindle, Sholler, D. J., Cone, E. J., Murphy, T. P., ElSohly, M., Winecker, R. E., Flegel, R. R., Bonn-Miller, M. O., & Vandrey, R. (2022). Cannabinoid Content and Label Accuracy of Hemp-Derived Topical Products Available Online and at National Retail Stores. *JAMA Network Open*, 5(7), e2223019–e2223019. <https://doi.org/10.1001/jamanetworkopen.2022.23019>
- <sup>5</sup> Shelton SK, Mills E, Saben JL, et al. Why do patients come to the emergency department after using cannabis? *Clinical toxicology (Philadelphia, Pa)*. 2020;58(6):453-459. doi:10.1080/15563650.2019.1657582
- <sup>6</sup> McCartney, D., Benson, M. J., Desbrow, B., Irwin, C., Suraev, A., & McGregor, I. S. (2020). Cannabidiol and Sports Performance: a Narrative Review of Relevant Evidence and Recommendations for Future Research. *Sports medicine - open*, 6(1), 27. <https://doi.org/10.1186/s40798-020-00251-0>
- <sup>7</sup> Venesky, T. (2020). Hemp farmers face uncertainty. *Northeast Pennsylvania Business Journal*, 35(9), B4-B6.
- <sup>8</sup> Johnson, L. (2021, October 27). *New study: 76% of delta-8 THC products are sold illegally*. CBD Oracle. Retrieved April 19, 2023, from <https://cbdoracle.com/news/delta-8-thc-products-market-study-consumer-safety-and-legality/>
- <sup>9</sup> Kight, R. (2023, February 13). *THCO is a schedule 1 controlled substance says DEA*. Kight on Cannabis | The Definitive Word On Weed. Retrieved from
- <sup>10</sup> Benowitz, Havel, C., Jacob, P., O’Shea, D. F., Wu, D., & Fowles, J. (2023). Vaping THC-O Acetate: Potential for Another EVALI Epidemic. *Journal of Medical Toxicology*, 19(1), 37–39. <https://doi.org/10.1007/s13181-022-00921-3>
- <sup>11</sup> Leigh NJ, Lawton RI, Hershberger PA, Goniewicz ML. Flavourings significantly affect inhalation toxicity of aerosol generated from electronic nicotine delivery systems (ENDS). *Tobacco control*. 2016;25(Suppl 2):ii81-ii87. doi:10.1136/tobaccocontrol-2016-053205
- <sup>12</sup> FDA. (2018, June 29). *Multistate outbreak of salmonella infections linked to kratom*. U.S. Food and Drug Administration. Retrieved from <https://www.fda.gov/food/outbreaks-foodborne-illness/fda-investigated-multistate-outbreak-salmonella-infections-linked-products-reported-contain-kratom>
- <sup>13</sup> FDA. (2019, April 3). *FDA tests kratom products for heavy metals*. U.S. Food and Drug Administration. Retrieved from <https://www.fda.gov/news-events/fda-brief/fda-brief-fda-releases-test-results-identifying-dangerous-levels-heavy-metals-certain-kratom>

<sup>14</sup> Coe, Pillitteri, J. L., Sembower, M. A., Gerlach, K. K., & Henningfield, J. E. (2019). Kratom as a substitute for opioids: Results from an online survey. *Drug and Alcohol Dependence*, 202, 24–32. <https://doi.org/10.1016/j.drugalcdep.2019.05.005>

<sup>15</sup> Hemby, S. E., McIntosh, S., Leon, F., Cutler, S. J., & McCurdy, C. R. (2019). Abuse liability and therapeutic potential of the *Mitragyna speciosa* (kratom) alkaloids mitragynine and 7-hydroxymitragynine. *Addiction biology*, 24(5), 874–885. <https://doi.org/10.1111/adb.12639>

<sup>16</sup> U.S. Department of Health and Human Services. (2023, March 3). *Kratom*. National Institute on Drug Abuse. Retrieved from <https://nida.nih.gov/research-topics/kratom>

<sup>17</sup> The Pew Charitable Trusts. (2022, March 21). *Barriers limit access to medication for opioid use disorder in Philadelphia*. Philadelphia Research and Policy. Retrieved from <https://www.pewtrusts.org/en/research-and-analysis/reports/2022/03/barriers-limit-access-to-medication-for-opioid-use-disorder-in-philadelphia>