

May 4, 2021

Representative Roger Huck
Anderson House Office Building
S-1288 House Office Building
Lansing, MI 48933

Representative Michelle Hoytenga
Anderson House Office Building
S-1386 House Office Building
Lansing, MI 48933

Representative Kevin Hertel
Anderson House Office Building
124 N Capitol Ave
Lansing, MI 48933



From: Students for Sensible Drug Policy (SSDP)

Re: Support H.B. 4517 and the Regulation of Delta-8

Dear Chairman Roger Hauck, Majority Vice-Chair Michele Hoyten, Minority Vice-Chair Kevin Hertel, and Honorable Members of the Regulatory Reform Committee:

We, Students for Sensible Drug Policy (SSDP), write to urge you to co-sponsor the amendment of the Michigan Regulation and Taxation of Marijuana Act to modify the definition of industrial hemp to include Delta 8-THC, a similar but distinct isomer to Delta 9-THC, which is currently capped at 0.3%. The law is currently silent on Delta 8, which has to lead to its production outside of the regulated cannabis market in Michigan.

While Delta 8 is known to be safe to consume in the quantities contained naturally in cannabis plants, the unregulated extraction poses risks to consumers that can be mitigated through regulation. Specifically, the extraction methods are unknown in the unregulated market, and the lack of traceability or lab testing means consumers have no way of knowing what Delta 8 vape cartridges that are currently being sold in Michigan. Unfortunately there have been some calls to ban Delta 8, which could potentially cause issues with both Michigan's medical and adult-use cannabis programs. A more sensible approach is to regulate Delta 8 and other versions of THC under a unified definition, as H.B. 5417 would do.

Regulation creates safer scenarios. Regulating Delta-8 is good policy because:

- (1) Traceability of the product allows us to know what extraction facilities and/or methods were used;
- (2) The only deaths directly attributed to cannabis use have been from vape carts and almost exclusively from unregulated sources (the one exception was in Oregon, which has since banned the non-cannabis processing ingredient responsible for these deaths, Vitamin E acetate)
- (3) While Delta 8 is safe when consumed in relatively small proportions, as is traditional cannabis, we do not know what the short and long term effects are from consuming large quantities of Delta 8; and
- (4) 10 states have banned Delta 8—but that is not the solution to addressing the growing public health challenge. People will continue to use Delta-8 no matter its legality, as is the reality with other substances, the solution is to

make the necessary changes to this Act as we regulate it and set the standards for safety. This amendment will improve the safety of Delta-8 and reduce the potential harms associated with it.

Should this bill be signed into law, there should be an amnesty period—or something to that effect—for businesses and individuals with large quantities of Delta-8 to get rid of the product without fear of punishment. This will incentivize compliance with the law, especially one that has recently changed. This is far better public policy than violent law enforcement crackdowns—practices enforced under the policy of prohibition. While we support regulation for the consumer safety benefits, we do not support enforcement through failed drug war tactics.

We urge you to support H.B. 5417 and its swift movement to the House. Regulate Delta-8, don't ban it.

For more information about anything contained in this letter, please contact SSDP's United States Policy Council at policy@ssdp.org.

Sincerely,

CC Regulatory Reform Committee:

Chairman, Roger Hauck

Majority Vice-Chair, Michele Hoiten

Minority Vice-Chair, Kevin Hertel