

Ohio Department of Agriculture

Administrative Rules Public Hearing Summary Report

Hearing Date: Wednesday, December 18, 2019
Today's Date: Thursday, January 16, 2020
Division: Plant Health – Hemp
Rules: OAC Chapter 901:14-1 and OAC Chapter 901:14-2

☐ There were no comments at the hearing.

☒ There were comments before, during, or after the hearing.

List of Organizations or Individuals who provided comments:

1. Rick Robol
2. Terry Cook
3. Julie Doran – Ohio Hemp Farmers Cooperative and Meigs Fertilizer
4. Ann Aquillo – Scott's Miracle-Gro Company
5. Tim Johnson – Ohio Cannabis and Hemp Chamber of Commerce and Ohio Hemp Farmers Cooperative
6. Alex Thomas – Roetzel & Andress, Ohio Medicinal Marijuana License Holder Coalition
7. Chris Eidson – Brookside Laboratories
8. Scott Apple
9. Lisa Zwirner – Cleveland School of Cannabis
10. Mark Fashion – H Labs
11. Yvonne Boltz – Boltz Development Group

Consolidated review of comments received:

Rick Robol urged the Department to establish a standard for hemp that would prohibit pesticides, insecticides, and GMOs.

Terry Cook requested that the Department increase the allowable THC limit from .3 percent to 5 percent.

Julie Doran requested that the measurement of uncertainty be 1.5 percent for testing THC, and suggested that the definition of hemp include delta-9 THC concentration and exclude THCA and/or total THC. Ms. Doran also requested that producers be permitted to process out THC from any hemp testing over the .3% limit through distillation, test a homogenized sample of hemp including all parts, and increased flexibility within the rules to immediately comply with USDA changes.

Ann Aquillo commended the Department's thoughtfulness in regards to hemp-related research endeavors.

Tim Johnson suggested that the lookback time frame for background checks be reduced to seven years.

Alex Thomas expressed concern about the half-mile setback being insufficient to protect marijuana cultivation operations from the possibility of cross-contamination.

Chris Eidson recommended more flexibility be written into the rules to account for potential federal changes regarding the requirements the 15-day window for a THC test and a harvest, and the .3 THC level.

Scott Apple expressed concern with the THC level, sampling methods, and requested that farmers be permitted to retest plants testing over the allowable limit before condemnation, in addition to farmers being permitted to mechanically harvest crop to destroy the flower but process the plant for CBD extraction or fiber.

Lisa Zwirner indicated that a fractionalization process does allow for the isolation of CBD, THC, and other cannabinoids.

Mark Fashian mentioned the possibility of seed certification.

Yvonne Boltz requested that setback requirement from schools and residential structures be reduced from 100 to 50 feet.

Incorporated comments into the rule:

The vast majority of the of the comments submitted were made in regards to specific federal or statutory language. For example, the statutory definition of hemp is “ the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.” Some commenters requested that this limit be raised from .3%. ODA does not have the authority to amend either state or federal law via administrative code rules. Therefore, these comments were not incorporated into rule.

Mr. Alex Thomas requested that the set back distance from hemp fields to licensed medical marijuana cultivators be increased from half-a-mile. At this point in time, ODA does not feel that such an amendment is warranted. ODA had conversations with stakeholders, prospective hemp farmers and processors, and other states with both a medical marijuana program and a hemp program on this topic. The consensus is that the risk of cross pollination of indoor facilities with sophisticated filtration and building systems by outdoor hemp plants is low. Additionally, ODA

is not aware of any other state regulations with such a setback. Therefore, ODA elected not to incorporate these comments into rule.