

Written Testimony
Senate Bill SB23-271

I want to express my gratitude for allowing me the chance to opine and be involved in the legislative process. This has no doubt been a challenging undertaking by this committee and the task force and I wish to commend everyone for their involvement.

With that being said, the implications of the outcomes of the discussion and the subsequent proposed legislation are very significant for the future of Colorado and America's future Cannabis industry as a whole.

I wish to voice my support for the Bill as introduced.

A safe and regulated hemp derived alternative cannabinoid market is a very positive thing for Colorado, USA and the cannabis community as a whole. As science and the understanding of the cannabis plant has advanced over the past decade, it is important that legislation and regulation are revised to reflect our modern understanding of this plant and the subsequent market potentials it enables.

We are for the Bill as introduced because it advances consumer protections for all American Hemp Consumers while also protecting the Hemp industry farmers, manufactures, producers and distributors in Colorado. We pride ourselves on producing and validating consumer safe products that are sold and consumed in safe and legal settings.

Carl Gillberg
Flora Bio Group, LLC
Managing Director

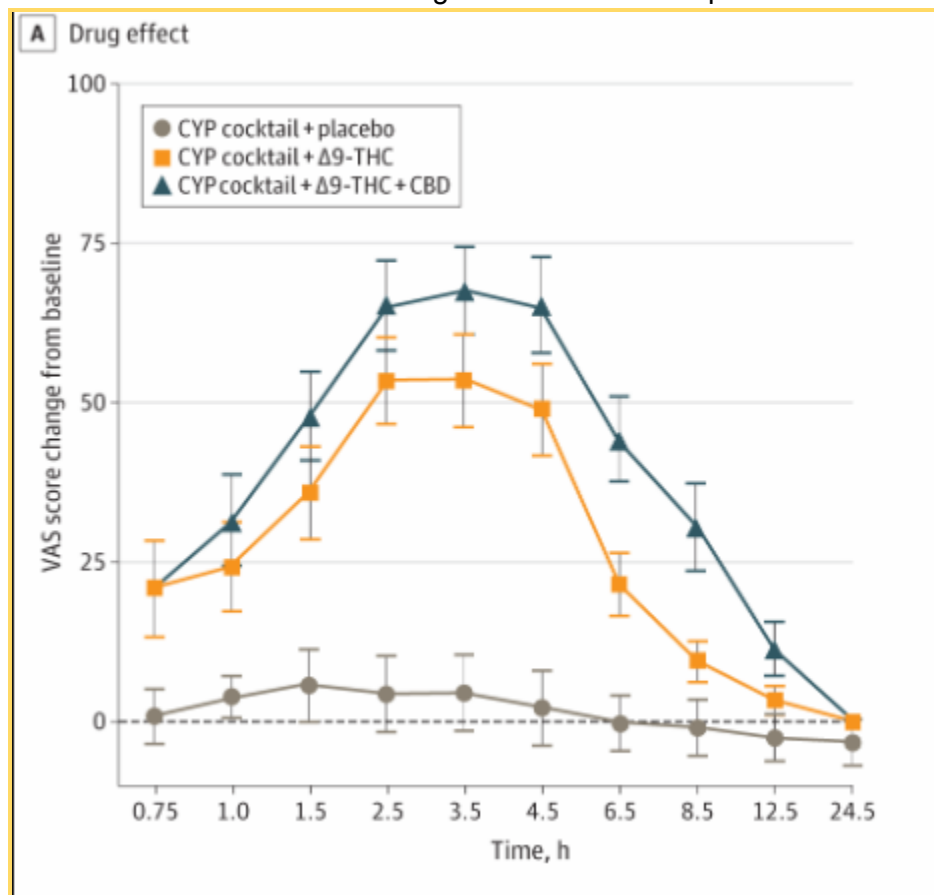
CBD does not reduce THC impairment

Executive summary: Package limits and a lower THC limit per serving are critical because CBD does not (at any ratio) reduce the intoxicating effects of THC.

Background: During last year's Colorado Hemp Intoxicant task force meetings, some task group members shared information suggesting that when CBD is combined with THC in the same product that it will reduce the intoxicating effect of THCs. Although there was skepticism and ultimately dissent from other members of the task force, a 15:1 CBD to THC ratio was nonetheless incorporated into the task force's recommendation. Since then, 3 high quality studies have shown that no CBD to THC ratio will reduce impairment.

Studies: **Below are three studies (published after the task group concluded) demonstrating that there is no consistent ratio of CBD to THC that will render a product containing THC non-intoxicating:**

1. 2/13/23: [JAMA](#)
 - a. "Ingestion of 20 mg Δ 9-THC + 640 mg CBD resulted in stronger subjective drug effects, greater impairment of cognitive and psychomotor ability, and greater increase in heart rate relative to 20 mg Δ 9-THC alone and placebo."



Samuel K. Giles



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VIA ELECTRONIC MAIL

April 18, 2023

Senator Dylan Roberts
200 E. Colfax Avenue
Room 346
Denver, CO 80203

Re: Concerns Regarding SB-271 and Its Constitutional Implications on Social Equity

Dear Senate Finance Committee:

In June 2020, the General Assembly adopted a social equity designation, in part, to acknowledge communities unconstitutionally targeted during the state-sanctioned "War on Drugs." Regrettably, SB-271, by incorporating recommendations from SB 22-205, perpetuates the immense damages that the State and its political subdivisions have deliberately inflicted upon these communities. Moreover, SB-271 not only fails to provide an adequate remedy for those targeted by the War on Drugs but also authorized the preclusion social equity designees from participating in the SB 22-205 intoxicating hemp task force.

One may justifiably question why the General Assembly would choose to uphold discriminatory state hemp policies while endeavoring to undermine Congressional hemp legislation. *Williams v. Pennsylvania*, 579 U.S. ___ (2016) ("An inability to guarantee complete relief for a constitutional violation, however, does not justify withholding a remedy altogether.")

The Unconstitutionality of the Task Force Report

The disproportionate issuance of marijuana business licenses by the State of Colorado violates the U.S. Constitution and its Bill of Rights and SB-271 seeks to expand these harms into its hemp policies. The First Amendment safeguards citizens' freedom of speech, while the Fifth Amendment prohibits the federal government from treating citizens unfairly. The Thirteenth and Fourteenth Amendments, both adopted after the Civil War, respectively forbid slavery and require states and local governments to treat people fairly and equally.



First Amendment Violations

SB-271, as an extension of SB 22-205, may be construed as suppressing the speech of Colorado's "social equity" designated residents. The deliberate exclusion of social equity operators and applicants from participating in the SB 22-205 task force infringes upon their First Amendment rights.

Fourteenth Amendment Violations

In the absence of a commensurate remedy for damages caused by the War on Drugs, Colorado initiated the decriminalization of marijuana. The resulting regulatory framework has produced stark racial disparities in marijuana licensure and facilitated uncompetitive trade practices. SB-271, which extends these unconstitutional trends to hemp, is a cause for concern.

Equal Protection Clause

The costs borne by people of color due to the discriminatory enforcement practices of the War on Drugs are significant. This discrimination stems not from ill-defined "structural racism" but from the deliberate disregard for Fourteenth Amendment responsibilities on the part of federal, state, and municipal policymakers.

By excluding or underrepresenting social equity interest groups in SB 22-205 task force membership, the State of Colorado violated the Equal Protection Clause of the Fourteenth Amendment. This gambit in hemp policy taskforce membership will likely result in similar disparities realized in marijuana licensure, which social equity businesses struggle to participate in. SB-271 perpetuates this *de jure* cannabis segregation.

Privileges & Immunities Clause

Vestiges of slavery persist today through the War on Drugs and its enforcement of marijuana prohibition. The disparities in cannabis licensure between white and black individuals are not incidental but the result of public policy that actively fosters segregation in decriminalized states.

This type of exclusionary tactic of SB 22-205 taskforce membership by intentional government action is not *de facto*. Rather it is what courts call *de jure*: segregation by law and public policy. SB-271 represents a failure of



duty to uphold the Fourteenth Amendment. This negligence violates the Privileges and Immunities Clause, in particular, for African American owned social equity entities.¹⁴

Commerce Clause

Hemp is not merely an intrastate industry but an interstate one, subject to the Commerce Clause of the U.S. Constitution. Any legislation arising from the SB 22-205 task force report, such as SB-271, is vulnerable to constitutional challenges, which may result in protracted litigation.

CONCLUSION

The sovereign immunity of the State of Colorado should not be wielded as a tool to bypass the Supremacy Clause and other constitutional provisions. In light of these concerns, I urge you to reconsider SB-271 and ensure that any proposed legislation adheres to the principles of the Constitution.

Thank you in advance for your attention to this matter.

Respectfully submitted,

Samuel K. Giles
Colorado Social Equity Applicant

¹⁴ See *The Slaughter-House Cases*, 83 U.S. 36 (1873)

Senate Finance

04/18/2023 02:00 PM

SB23-271 Intoxicating Cannabinoid Hemp & Marijuana

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Andrea Mercier Against themselves	<p>I am writing in concern of amendments suggested for SB23-271, which would limit the amount of THC per package and per serving in CBD products. Further restrictions in addition to the 15:1 CBD:THC ratio and 2.5mg THC per serving limit are not acceptable. Your proposed amendments would result in tens of thousands of vulnerable and at-risk children and adults losing access to life saving therapies.</p> <p>We urge you to keep this legislation, as it relates to THC limits in CBD products, intact as it moves through the process. Members of the Task Force have thoughtfully and thoroughly discussed recommendations for the greater part of 2022 to come to this consensus. The recommendations already presented ensure that the very products Coloradans have been safely using for over a decade are protected, while also ensuring that Coloradans are protected from non-compliant and intoxicating products.</p> <p>Unfortunately these products may be some of the only products that have a positive therapeutic benefit when many other products have failed. If this is passed as written it would cause further harm to an already disparate situation with our economy, and the health of vulnerable populations. Many do not have the luxury of relocating where they have access or waiting for something to change.</p> <p>Respectfully, Andrea Mercier</p>
Kathleen Krebs Against themselves	NO on SB23-271!!!!
Kathleen Krebs Against themselves	No to the amendments on SB23-271 being proposed by Senator Roberts!!!! Respectfully, Kathleen
Morris Beegle Against NoCo Hemp Expo / WAFBA - We Are For Better Alternatives	<p>Dear Committee members,</p> <p>My name is Morris Beegle and I produce the largest industrial hemp exposition in North America, and the world...NoCo Hemp Expo, which has been taking place since 2014 here in Colorado. Colorado has been a leader in the industrial hemp space since this time and one of the reasons why is the common sense approach we've had to CBD and full spectrum CBD regulations. Our stakeholders have worked tirelessly with legislators and folks in the adult use cannabis space to have science based policy around CBD and full spectrum CBD, as well as traditional fiber and grain hemp policy.</p>

	<p>What is being proposed with the amendments to be added to what the task force already came up with, is a huge disservice to the hemp industry and will in fact, kill it. Put Colorado farmers, processors and manufacturers out of business. Plus, it will shut down NoCo Hemp Expo which just signed a 3 year contract with The Broadmoor Hotel in Colorado Springs so that we can expand our international/global leadership position by have the world travel to Colorado for the latest in hemp innovation, trade opportunities and investment. What is being proposed in these amendments has no basis in science and will cost Colorado thousands of jobs and impact the health and wellbeing of thousands more who rely on Colorado produced high quality full spectrum CBD products.</p> <p>I will also say that Congressman Jared Polis, and now Governor Jared Polis, has been a champion and supporter of the hemp industry since the 2014 farm bill, which he helped to pass and incorporate the original hemp language in. What is being proposed with these new amendments is completely contrary to the spirit and intention he has laid out year after year at NoCo Hemp Expo and what he has worked with the industry side by side since 2014. How any Colorado representatives could even consider amendments like these is shameful.</p> <p>I ask that you do the right thing and throw these amendments straight to gutter because that is exactly where they belong if we ever hope to get a fully functioning, reasonable, and impactful hemp industry here in Colorado.</p> <p>Thank you for your time.</p> <p>Sincerely, Morris Beegle NoCo Hemp Expo / WAFBA - We Are For Better Alternatives</p>
<p>Maureen Dube-Savage MS RD Against themselves</p>	<p>As a dietitian and cannabis educator I am very concerned that a cap of THC mg in CBD products limits the medicinal value of whole plant medicine. The therapeutic value of the mg of the molecules of the plant should never be capped to allow for personalized management with all the molecules this plant gives us to work with as clinical professionals. We need both THC and CBD and other cannabinoids to be accessed in the amounts needed for symptom management and healing. I strongly see the position of SB23-271 is NOT based in science and should be dismissed. Thank you for your time</p>
<p>Basil Shaaban For themselves</p>	<p>I am writing in concern of amendments suggested for SB23-271, which would limit the amount of THC per package and per serving in CBD products. Further restrictions in addition to the 15:1 CBD:THC ratio and 2.5mg THC per serving limit are NOT ACCEPTABLE. Your proposed amendments would result in tens of thousands of vulnerable and at-risk children and adults losing access to life saving therapies.</p>

	<p>From a foundational standpoint, the above-mentioned restrictions of 15:1 CBD:THC ratio and 2.5mg THC per serving limit are sufficient to ensure such hemp-derived ingestibles are nonintoxicating. At the federal 0.3% THC limit, a typical 1 mL serving of the popularly-used full spectrum hemp "oil-based tincture" format would have approx. 2.7 mg THC, therefore the proposed restriction of 2.5 mg THC per serving remains feasible. Any further restriction on THC content per serving would not cohere with the accepted limits imposed by federal hemp law. Additionally, the proposed potential restriction on the amount of total THC per container would serve to significantly reduce the volume or weight of federally-legal hemp-derived full spectrum product sold per container, therefore significantly INCREASING the per-oz cost of such therapeutic product units for the Colorado consumer due to diminishing economy of scale in such restricted unit sizes.</p> <p>We urge you to keep this legislation, as it relates to THC limits in CBD products, intact as it moves through the process. Members of the Task Force have thoughtfully and thoroughly discussed recommendations for the greater part of 2022 to come to this consensus. The recommendations already presented ensure that the very products Coloradans have been safely using for over a decade are protected, while also ensuring that Coloradans are protected from non-compliant and intoxicating products.</p> <p>Respectfully, Basil Shaaban</p>
<p>Byron Jones Against themselves</p>	<p>Dear Senator Roberts,</p> <p>I am writing in concern of amendments suggested for SB23-271, which would limit the amount of THC per package and per serving in CBD products. Further restrictions in addition to the 15:1 CBD:THC ratio and 2.5mg THC per serving limit are not acceptable. Your proposed amendments would result in tens of thousands of vulnerable and at-risk children and adults losing access to life saving therapies.</p> <p>We urge you to keep this legislation, as it relates to THC limits in CBD products, intact as it moves through the process. Members of the Task Force have thoughtfully and thoroughly discussed recommendations for the greater part of 2022 to come to this consensus. The recommendations already presented ensure that the very products Coloradans have been safely using for over a decade are protected, while also ensuring that Coloradans are protected from non-compliant and intoxicating products.</p> <p>Respectfully, Byron D. Jones, MD, DABPMR</p>

<p>Carl Gillberg For Flora Bio Group</p>	<p>I want to express my gratitude for allowing me the chance to opine and be involved in the legislative process. This has no doubt been a challenging undertaking by this committee and the task force and I wish to commend everyone for their involvement.</p> <p>With that being said, the implications of the outcomes of the discussion and the subsequent proposed legislation are very significant for the future of Colorado and America’s future Cannabis industry as a whole.</p> <p>I wish to voice my support for the Bill as introduced.</p> <p>A safe and regulated hemp derived alternative cannabinoid market is a very positive thing for Colorado, USA and the cannabis community as a whole. As science and the understanding of the cannabis plant has advanced over the past decade, it is important that legislation and regulation are revised to reflect our modern understanding of this plant and the subsequent market potentials it enables.</p> <p>We are for the Bill as introduced because it advances consumer protections for all American Hemp Consumers while also protecting the Hemp industry farmers, manufactures, producers and distributors in Colorado. We pride ourselves on producing and validating consumer safe products that are sold and consumed in safe and legal settings.</p>
<p>Kellie Ball Against themselves</p>	<p>Dear Representatives:</p> <p>Six years ago we moved to Colorado to access Charlottes Webb CBD. It is the ONLY product we have found to keep my brothers status seizures at bay. I’m begging you to reconsider changes to the THC level. This product works for my brother, who has intractable epilepsy. You don’t understand the hell we were living in another state where we were unable to get this type of CBD oil. My brother was put in medically induced comas MONTHLY because of status (never ending) seizures. He almost died on numerous occasions.</p> <p>We spent a lot of money to move here in an attempt to save my brothers life. And thank God, it worked! My brother now only suffers a few seizures a month, and none that end him in a medically induced coma. This is a miracle to us. We aren’t spending months in the hospital each year.</p> <p>The thought that you may change anything about CBD is a terrifying feeling. Where will we go next? We are homeowners, tax payers, and loving the wonderful state of Colorado. This is our home. We are now able to give my brother a quality of life that he never knew. And I’m so grateful for the wonderful state of Colorado for giving us this precious</p>

	<p>gift. But now my stomach feels full of rocks and worry about what you are considering doing.</p> <p>My brother tried Epidiolex and it didn't work. He needs full spectrum CBD. The tiny amount of THC in the product does not make my brother "high". Why change what is working to help so many special needs children and adults? Why???</p> <p>My 82 year old mother also uses it to keep her dementia at bay. And it works!! Giving her more years to help me care for my brother.</p> <p>Please don't put us in some grey area of the law where the laws are subjected to whatever rules the CDPHE may put into effect. The previous draft of the bill protected the product that is allowing my brother to live. It is not acceptable for marginalized citizens to live in fear of what new rule may be implemented by the CDPHE.</p> <p>Please pass the bill in its previous form. I'm begging you to not change our lives again. This product likely saved my brothers life and allows him to live with me and his mother. At the very least it gave him a quality of life never known before. How can you in good conscience send us back to living an unimaginable life of pain, month long hospitalizations, and no real life? Please!!!!</p> <p>Kellie Ball **A loving sister and caretaker for my precious brother who I have cared for since I was a toddler.</p>
<p>Kellie Ball Amend themselves</p>	<p>Dear Representatives:</p> <p>Six years ago we moved to Colorado to access Charlottes Webb CBD. It is the ONLY product we have found to keep my brothers status seizures at bay. I'm begging you to reconsider changes to the THC level. This product works for my brother, who has intractable epilepsy. You don't understand the hell we were living in another state where we were unable to get this type of CBD oil. My brother was put in medically induced comas MONTHLY because of status (never ending) seizures. He almost died on numerous occasions.</p> <p>We spent a lot of money to move here in an attempt to save my brothers life. And thank God, it worked! My brother now only suffers a few seizures a month, and none that end him in a medically induced coma. This is a miracle to us. We aren't spending months in the hospital each year.</p> <p>The thought that you may change anything about CBD is a terrifying feeling. Where will we go next? We are homeowners, tax payers, and loving the wonderful state of Colorado. This is our home. We are now</p>

	<p>able to give my brother a quality of life that he never knew. And I'm so grateful for the wonderful state of Colorado for giving us this precious gift. But now my stomach feels full of rocks and worry about what you are considering doing.</p> <p>My brother tried Epidiolex and it didn't work. He needs full spectrum CBD. The tiny amount of THC in the product does not make my brother "high". Why change what is working to help so many special needs children and adults? Why???</p> <p>My 82 year old mother also uses it to keep her dementia at bay. And it works!! Giving her more years to help me care for my brother.</p> <p>Please don't put us in some grey area of the law where the laws are subjected to whatever rules the CDPHE may put into effect. The previous draft of the bill protected the product that is allowing my brother to live. It is not acceptable for marginalized citizens to live in fear of what new rule may be implemented by the CDPHE.</p> <p>Please pass the bill in its previous form. I'm begging you to not change our lives again. This product likely saved my brothers life and allows him to live with me and his mother. At the very least it gave him a quality of life never known before. How can you in good conscience send us back to living an unimaginable life of pain, month long hospitalizations, and no real life? Please!!!!</p> <p>Kellie Ball **A loving sister and caretaker for my precious brother who I have cared for since I was a toddler.</p>
<p>Adam Young Against themselves</p>	<p>Over ten years ago in Washington State, I became the sole caregiver for my mom, who was recently diagnosed with Multiple Myeloma cancer and was told she had about six months to live. Over the next three months, her body succumbed to the treatments, and soon, she weighed only 64 pounds. It was then we decided we should look into other options as she could not live her life like this, and it was only a matter of time before her body could not hold up any longer. It was then that we heard about some people using cannabis (hemp and marijuana) to alleviate symptoms of cancer treatments, symptoms of cancer, as well as a host of other ailments cannabis seemed to help with. After much research and hearing about the incredible stories from Colorado, namely Charlotte Figi's story, we had hope, and my mom wanted to try it. Cannabis changed the course of my mom's life in the best way possible. She lived for another three years, and the time she had after starting cannabis was like it was before she was sick. However, like many others, my mom required a substantial amount of CBD with the smaller amount of THC that comes in full-spectrum products. I oppose legalizing minor cannabinoid derivatives such as Delta8, Delta10, THC-O, etc., that require</p>

	<p>a chemical process to extract and then make into large batches. These products are mainly for people to experience a "high." Full-spectrum hemp is not and should not be lumped into the same legal bucket as these other intoxicating derivatives. These are not the same products and are intended for different purposes.</p> <p>Since 2013, I have helped countless people navigate the waters of cannabis. I have assisted over 100 families whose kids, parents, and themselves use cannabis, namely full-spectrum hemp products, to improve their quality of life. Making hemp production illegal in Colorado would mean that people like me and countless families nationwide that use quality hemp grown in Colorado will have to go elsewhere. Not only would this impact Colorado's agriculture success, but this bill, as written, would put many Colorado and hemp companies across the United States out of business. Colorado was, and should remain, the leader in hemp farming and production. Thank you for your time, leadership, and listening to your constituents. Your work does not go unnoticed.</p>
<p>Kristi Wright Against themselves</p>	<p>Colorado has been a leader in properly developing a Structure for workable cannabis production.</p> <p>This possible change in Colorado is almost shocking. To change something that would HURT so many businesses and people who use their products seems out of nature for the state to even put on the docket.</p> <p>But here you are and fear is now a part of the CBD world.in Colorado.</p> <p>Plants make themselves into something we can use and even heal with. I use Hemp products daily. It has served many health ailments for me including the aftermath of getting hit by a NYC bus. So the negligible .3 or belowTHC margins in hemp have helped me immensely.</p> <p>And shutting down businesses, seed companies, manufacturers, YOUR mom, grandfather , and others that depend upon the model that is very effective , is kin to the war on the plant itself.</p> <p>Don't Do it Colorado. Don't you dare.</p>
<p>Brandon Lewis Against Aspen Green, LLC</p>	<p>Dear Senator Roberts and Van Winkle,</p> <p>I am writing in concern of amendments suggested for SB23-271, which would limit the amount of THC per package and per serving in CBD products. Further restrictions in addition to the 15:1 CBD:THC ratio and 2.5mg THC per serving limit are not acceptable.</p> <p>Your proposed amendments would result in tens of thousands of vulnerable and at-risk children and adults losing access to life-saving therapies and this will devastate the entire supply chain of Hemp & CBD products coming from the great state of Colorado. Please keep in mind the end consumer as well as the thousands upon thousands of livelihoods tied to the Hemp & CBD space. The marijuana growers and dispensaries</p>

	<p>sell upwards of 90% THC content vs .3% THC by weight on the Hemp side of the cannabis landscape.</p> <p>We urge you to keep this legislation, as it relates to THC limits in CBD products, intact as it moves through the process. Members of the Task Force have thoughtfully and thoroughly discussed recommendations for the greater part of 2022 to come to this consensus. The recommendations already presented ensure that the very products Coloradans have been safely using for over a decade are protected, while also ensuring that Coloradans are protected from non-compliant and intoxicating products.</p> <p>Additionally, as a Colorado Hemp Company, we would be forced to take our entire business to another state, perhaps Kentucky, Oregon, Arizona, Nevada, New Mexico, Tennessee, or Florida. This would cost the state substantial tax revenues and the jobs of Coloradans across the entire hemp supply chain from growing, extraction, manufacturing, and bottling, to shipping and distribution as well.</p> <p>My best,</p> <p>Brandon Lewis / President & CEO blewis@aspengreen.com / 904.728.8444</p> <p>Aspen Green 3700 Quebec St., Suite 100-110 Denver, CO 80207 www.aspengreen.com</p>
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