

February 2, 2021

From: Derek Jundt

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To: Representative Robin Weisz, Chair, and Members of the House Human Services Committee

I am in support of HB1420.

I would appreciate your consideration of the idea that it would be more effective to create legislation to classify potential offenses for possession of marijuana based on the quantity of THC, which is the actual active chemical found in marijuana, instead of the weight of what is mostly inert plant material or carrier ingredients (in the case of products designed to include THC like edibles, vape liquids and extracts).

For example, if someone is in possession of 1 oz. of marijuana with 20% THC content, (which is common in recreational marijuana), they would have about 5.6g of actual THC ( $28.3\text{g} \times 20\% = 5.6\text{g}$ ). Per HB1420, as currently drafted, the individual would not be charged with a crime for this amount of marijuana.

If an individual is in possession of 1 lb of cannabis plant material with a THC content of 1%, (technically still marijuana under federal and state law), they could be charged with a class A misdemeanor for possessing only 4.5g of actual THC ( $452.8\text{ g (1lb)} \times 1\% = 4.53\text{ g}$ ). This is significantly less THC than found in 1 oz. of typical recreational marijuana, and much less likely to be used for its intoxicating effects. This could easily happen if someone were to purchase or grow CBC hemp that ends up above the current legal THC limit for hemp.

There are strains of marijuana that many people find therapeutic which contain equal amounts of THC and CBD naturally in the plant material. Often these will be in the range of 5-8% of each substance. A person in possession of this type of marijuana could possess significantly less THC than 1 oz of high THC recreational marijuana, but still be charged for a crime based upon the current writing of this bill.

Because CBD 'hemp' is legal, it can be carried and smoked already in North Dakota. It is visually indistinguishable from high THC marijuana (even trained drug dogs cannot tell the difference). Therefore, all cannabis plant material and products containing THC seized by police should be tested for actual THC content before a person is charged with a crime. This testing is relatively cheap and quick for commercial hemp producers, often costing around \$40 for a full chemical analysis of hemp material. Testing would make it relatively easy to determine the actual total amount of THC in products seized by police. Offenders could then be charged based upon weight of the actual THC instead of what is mostly plant material or other carrier ingredients.

I spoke with a Sergeant with the Bismarck Police Department's drug enforcement unit and they already send cannabis products to the lab for testing to determine if they are illegal, so this wouldn't significantly impact how they process these crimes other than having to do a little more math to calculate the actual THC weight.

If we are able to set limits based upon the amount of THC a person has in their possession, it could also carry over to vape liquids, extracts, and edible products quite easily. All commercial products should be labeled with the % of THC contained in the product and the overall THC content. For products seized that aren't labeled, simply test the substance, calculate the amount of THC in the total product, and file appropriate charges based on the weight of the THC contained.

Limits could be set as legislature sees fit, but I would suggest something that looks like this:

$\leq 6g$  THC (roughly equivalent to 1oz of 20% THC marijuana) = Legal

6.1g to 90g THC (roughly equivalent to 1lb of 20% THC marijuana) = Class B misdemeanor

90.1g or more THC = Class A misdemeanor

I appreciate your consideration of my feedback on this bill.

Sincerely,

Derek Jundt