



**NEW YORK STATE ASSOCIATION
OF COUNTY HEALTH OFFICIALS**
Leading the Way to Healthier Communities



American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™
NYSAAP, District II, Chapters 1, 2 & 3



**NEW YORK STATE
PUBLIC HEALTH ASSOCIATION**
Envisioning Healthy People in Healthy Places

September 26, 2023

Chris Alexander, Executive Director
New York State Office of Cannabis Management
PO Box 2071
Albany, NY 12220
regulations@ocm.ny.gov

RE: 2024 Amendments to Part 114 of Title 9 - Cannabinoid Hemp Emergency Regulations (Cannabinoid Hemp)

Dear Mr. Alexander:

On behalf of the 58 local health departments New York State the New York State Association of County Health Officials (NYSACHO) and the undersigned partner organizations are submitting comments on the proposed amendments to part 114 Cannabinoid Hemp Emergency Regulations being considered for adoption. Our organizations believe it is vital to advocate for public health protective policies and regulations that ensure New York State's cannabis program is well-regulated to prevent loopholes that will endanger the consumers and populations vulnerable to unintentional or accidental product exposures. New York State must set a rigorous standard for regulating hemp products, while ensuring that any psychoactive or intoxicating hemp-derived products are regulated to a higher standard than non-altered hemp or CBD products.

Those signed on to this letter are gravely concerned about hemp-derived intoxicating products which have been the subject of warnings by the United States Food and Drug Administration (FDA) and Centers for Disease Control and Prevention (CDC) and are also some of the most easily accessible intoxicating products because of existing regulatory loopholes. Data from the FDA shows that delta-8 products have been the cause for thousands of poison control reports for accidental ingestion, especially by children¹. Studies have also highlighted the high concentrations of heavy metals and other toxins in delta-8

productsⁱⁱ. Additionally, almost all commercially available delta-8 products contain concentrations of delta-9 THC in excess of the legal limit, making these products effectively illegal to produce and sellⁱⁱⁱ. Despite this, the industry has continued to push these products for consumers while consistently minimizing the impact they have on public health.

NYSACHO firmly believes that any cannabis or hemp derived products possessing OR having been chemically altered to possess intoxicating effects should be regulated under the state’s adult-use cannabis regulations and therefore must meet those strict standards. Without these standards enforced on all psychoactive and intoxicating products from both cannabis and hemp plants, the industry will only continue to endanger public health in the pursuit of higher profits. To this end, NYSACHO and our partners are in support of the proposed language in the proposed Part 114 - Cannabinoid Hemp Emergency Regulations, as it goes a long way towards restricting and properly regulating the sale of hemp-derived intoxicating products. We wish to urge the Office of Cannabis Management and Cannabis Control Board to adopt the regulations as proposed to show their commitment to public health and strong regulation of the cannabis industry. Please do not hesitate to call on us as local public health experts, physician groups, academic partners and others vested in the interest community health ensure public health remains at the forefront during the development of these regulations.

Sincerely,

The New York State Association of County Health Officials (NYSACHO)

The New York State Academy of Family Physicians (NYSAFP)

The New York State Public Health Association (NYSPHA)

The New York State Parent Teachers Association (NYSPTA)

The School Administrators Association of New York State (SAANYS)

The New York State American Academy of Pediatrics

ⁱ <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>

ⁱⁱ <https://irp.cdn-website.com/6531d7ca/files/uploaded/USCC%20Delta-8%20Kit.pdf>

ⁱⁱⁱ <https://irp.cdn-website.com/6531d7ca/files/uploaded/USCC%20Delta-8%20Kit.pdf>