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Tuesday, December 3rd, 2019

Senate Interim Charge
Committee on Health and Human Services
Texas State Capitol Building, Room E1.012
Austin, Texas

RE: Interim Charge Hearing: Vaping Issues in Texas

To whom it may concern;

Thank you to the Chairwoman and committee members for hosting this important conversation. I have submitted a fact sheet for your review. Many experts have given thoughtful feedback but there are a few things of note that I want to clarify:

- The affected patients used both THC and nicotine vape products. THC was identified in 82% of the samples and nicotine was identified in 62% of the samples. Thus, 48% had used both THC and nicotine products.¹
- It appears that a significant majority of vaping illnesses are tied to closed system cartridges that are filled by bad actors in the illicit market with untested adulterants, contaminants, and other unknown substances.
- On the other hand, when a closed system cartridge or material placed in an open system vaporizer is purchased from a regulated, state-legal retailer, the consumer has knowledge of the ingredients and the origin of the product. Products purchased in state-legal markets are also subjected to laboratory testing for safety.
- Some are unaware that many commonly used systems are designed for cannabis flower and not cannabis oil. As of today, none of the recent vaping related illnesses or deaths have been tied to flower-based vaping.

The solution to decreasing the risk associated with cannabis vapor products lies in continuing towards a regulated market, not increased criminalization and arrests. Prohibiting vaping products in response to the crisis could exacerbate the problem by bolstering illicit sales and leaving consumers less protected against contaminated products.

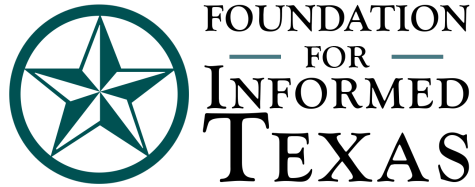
“I do think that labeling and information can help people know what they’re getting and then the systems that are there to enforce that the product is what it says it is can also help the consumer,” Anne Schuchat, Principal Deputy Director at the Centers for Disease Control and Prevention said.² Additionally, she said, “The data so far point to a much greater risk associated with THC-containing products from informal sources than licensed dispensary.”³ According to the CDC, people who smoked THC purchased from illegal sources were nine times more likely to be sick.⁴

¹ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html#latest-outbreak-information

² October 29th, 2019 on CSPAN

³ <https://thehill.com/opinion/healthcare/470514-better-regulations-not-bans-are-needed-to-curb-the-thc-vaping-crisis>

⁴ <https://foxsanantonio.com/news/yami-investigates/dea-shocking-new-number-of-vaping-cases-in-texas>



We support common sense truth in labeling and testing standards. As part of the hemp program rollout, Department of State Health Services (DSHS) took public comment on how to best oversee human consumables. We pointed out the three items that should be considered when authoring the regulations. Two of these are applicable to the cannabis vaping issue. Regulation should:

- Require that commercial products be tested for cannabinoid content, including CBD, THC, CBN, CBG, as well as terpene. Products should be labeled appropriately with QR codes that allow customers to view the official lab results and their certificate of analysis (COA).
- Ensure that products are free of contaminants, microbials, pesticides and heavy metals. The inclusion of any additional chemical compounds, solvents or supplements (e.g., vitamin E, melatonin²²⁵) must be included on the product's label. Companies who provide products at retail who do not meet these standards, or whose products are determined to be mislabeled, ought to face penalties.

It is imperative that we create some basic regulations/standards to protect the health of customers and the integrity of the product with a focus on creating a structure where products can be regulated, IDs would be required for purchase to prevent underage use and products would be tested for contents and adulterants.

With Regards,

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⁵ Janet Burns. 2018. "Tests of CBD oils reveal three surprise chemicals, one big problem."