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Good afternoon, Members of the Joint Committee on Marijuana Legalization.

We are here again representing clients who make products for use on skin and hair that are infused with non-psychoactive cannabinoids. Non-psychoactive is defined clearly stating that these cannabinoids do not affect the mind or mental processes. Simply stated the products do not make you “high”.

These products are NOT edibles and are clearly not meant for human consumption. Rather than getting a person high, these products are formulated to alleviate pains that arise with conditions such as arthritis, multiple sclerosis, psoriasis, and other muscular and neurological disorders.

The amendment we are offering would allow for the sale of these products outside of OLCC controlled facilities, such as massage therapy offices, herbal shops, and natural healing facilities, to name just a few.

Allowing these sales is analogous to the sales of flavored extracts used in household baking that are high in alcohol content, but sold in stores not regulated by OLCC. Examples are plentiful but to list just a few surprising examples: Kroeger Orange extract is 83% alcohol; Lemon is the same and Peppermint tops the list at a whopping 86%. All of these products are higher than the popular Vanilla Extracts. These are commonly sold items in grocery stores without restrictions, oversight or control by any state or local governments jurisdiction.

Some opponents will try to equate these topical products with products designed for consumption with psychoactive impacts. One opponent even suggested that topical creams and ointments products are the same as Hash Butter and “might” be consumed by underage users. Nothing could be further from the reality of the products we have defined in our amendment.

We have made every attempt to address the needs of the opponents. We offered to reduce the percentage from 5% to 3%, we offered language that would limit any trace amounts of THC to (point nine percent) 0.9% total. Their rigid solution is **no** statutory language. That results in forcing these products into an extremely limited, inaccessible and unappealing market. Since the typical customer served by our clients are older they are not comfortable shopping in their neighborhood “head shop”. Attempted changes in language are attached.

We are asking that the Committee reject these unreasonable claims and include the -2 amendment in SB 1511 so that our client can participate fully in this new and exciting business opportunity. Thank you.

New Language

“(d) Does not mean a product containing nonpsychoactive cannabinoids intend to be applied to a person skin or hair if the concentration of the cannabinoids in the product is (five) three percent or less than (five) three percent of the total weight of the product.

(e) Nonpsychoactive means:

Nonpsychoactive – not affecting the mind or mental processes; “a nonpsychoactive pain reliever”.

The Oregon Infused Topical Association

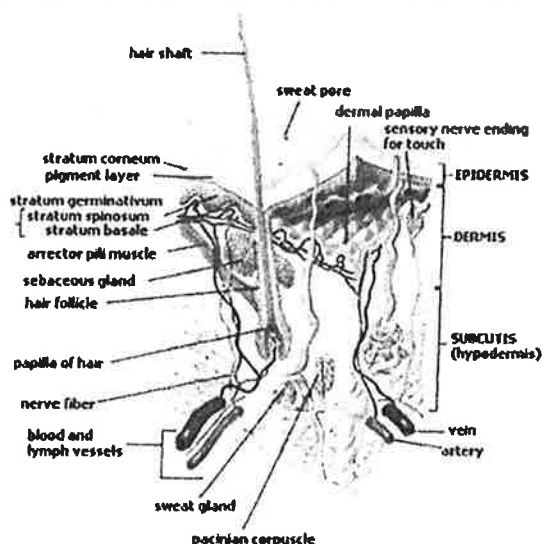
- Second, topical products are applied to the skin's surface and with the exception of mucus membranes the skin is lined with a tough outer layer of epidermis, and muscle layers that protect the bloodstream.

While it's not impossible for cannabis-infused topicals made with certain carrier substances to fight their way into the bloodstream, by the time they arrive they no longer are strong enough to cause a psychoactive effect.

(NOTE: This discussion does not include transdermal patches, which have much higher amounts of THC and much like nicotine patches, do contain carrier ingredients that propel THC into the bloodstream and potentially cause intoxication and a positive drug test. The common dosage for transdermal patches ranges from 10 mg to 20 mg and more THC, and the patches are designed to break through the skin's barriers and are advertised as lasting from 8 to 12 hours.⁹)

When talking about topical products, it's important to understand how they are made and how they work.

How topicals work with human skin.¹⁰



The skin is composed of three resilient layers which regulate absorption and retention. The molecular structure of many ingredients are simply too large to otherwise penetrate the outer layer of skin. The molecular size of the ingredients prevent most cosmetic and skincare products from going beneath the skin's surface.¹¹

⁹ The CPC, "THC Transdermal Patch by Mary's Medicinals," <http://thecpc.org/menu/thc-transdermal-patch-by-marys-medicinals/>, accessed February 13, 2015.

¹⁰ Colin, cosmetic scientist blog, "60% of what you put on your skin is absorbed," July 19, 2011, <http://colinsbeautypages.co.uk/60-of-what-you-put-on-your-skin-is-absorbed>, accessed February 13, 2015.

¹¹ Corkill, Katherine, "Skin Penetration Enhancers: Friend or Foe," March 9, 2011; <http://personalcaretruth.com/2011/03>, accessed February 13, 2015.

PENETRATION FACTS

"Any chemical you want to get to cross skin is effectively swimming upstream against the current."

"We have a pretty good idea of what does and doesn't penetrate the skin, and most things don't."

"But even for the small number of ingredients that can get through, the skin contains enzymes that break down chemicals into smaller and smaller and easier-to-handle materials. So the small proportion that gets through is quite likely to have been transformed before reaching the bloodstream."

"It is impossible to know what the true figure of what you apply to the skin gets through to the bloodstream, but basing it purely on my own work, I'd put the figure below 1%."

"In the case of infused topicals that means 1% of 1% THC."¹⁰