

Interview With Kelly Fair Regarding One Hemp Briefing on Regulating CBD Products as Dietary Supplements

This interview was conducted by CBD Oracle via email in December 2023 and is provided here for full transparency. Learn more about [CBD Oracle's Editorial Policy](#).

About Kelly Fair:

Kelly Fair is a partner in Dentons' Cannabis and Health Care practices and focuses on regulatory compliance, corporate transactions, corporate governance, and public policy, primarily in the cannabis and hemp industries. [Read full bio →](#)

CBD Oracle: *What is One Hemp hoping to accomplish with these talks to lawmakers? Is there a main goal?*

Kelly: ONE HEMP participated in a series of meetings and briefings on Capitol Hill this month. Our goal is to spur Congress to create a clear regulatory framework for CBD products as dietary supplements. The key next step is for the Congressional committees of jurisdiction in Congress (House Energy and Commerce and Senate HELP) to hold markups on CBD legislation. We met with staff from both committees and encouraged them to push ahead.

CBD Oracle: *How would you describe the response you got from the House and Senate?*

Kelly: We came away from our meetings with Members of Congress and staff feeling encouraged. There is an understanding on Capitol Hill that the status quo is untenable, and Congress must step in to provide a clear framework for the FDA. Members and staff were particularly interested in the perspectives of patient and veterans advocates.

CBD Oracle: *Are you hopeful that lawmakers will give the hemp industry the stable baseline of regulation that it so desperately needs?*

Kelly: Yes, we believe the opportunity has arrived for substantive federal CBD policy reform in Congress. Key Members of Congress understand the problem and the path forward. To be sure, it's difficult to get new legislation through this Congress. But we have bipartisan support and a strong legislative fix, so we are absolutely in the game.

CBD Oracle: *Your policy proposals are very interesting reading. Could you summarize the main changes you propose?*

Kelly: The key change we are seeking from Congress is a mandate for the FDA to regulate nonintoxicating hemp-derived CBD products through the existing regulatory framework for dietary supplements, including appropriate product warning statements to address FDA concerns. Hemp-derived products not marketed as dietary supplements or with impairing levels of hemp-derived THC would be regulated by other existing federal and state regulations.

CBD Oracle: *Could you comment on the choice to limit the age limit to 18 and up rather than 21 and up? What motivated this?*

Kelly: The ONE HEMP framework proposes to regulate nonintoxicating hemp products only, so a 21+ age gate, historically applicable to intoxicating alcohol and cannabis products, is neither appropriate nor necessary for these non-impairing products.

CBD Oracle: *In the proposed policy, you create two "tiers" of hemp products, one with low THC and one with higher THC. How would the 100 mg limit for hemp cannabinoids work for the higher-THC products? Would sellers be able to make it 100 mg of THC per serving?*

Kelly: Our recommendation is that products with impairing levels of hemp-derived THC be regulated at the state level, and not under the federal regulatory pathway for dietary supplements or otherwise. Currently more than 40 states have regulations addressing these types of hemp products.

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