



June 22, 2022

The Honorable Nancy Pelosi, Speaker
House of Representatives
1236 Longworth House Office Building
Washington, D.C., 20515

The Honorable Kevin McCarthy, Minority Leader
House of Representatives
2468 Rayburn House Office Building
Washington, D.C., 20515

The Honorable Chuck Schumer
322 Hart Senate Office Building
Washington, D.C., 20510

The Honorable Mitch McConnell
317 Russell Senate Office Building
Washington, D.C., 20510

Re: State Attorneys General Support Protecting Children from Cannabis

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McCarthy, Minority Leader McConnell:

As the chief legal officers of our respective states, we the undersigned Attorneys General are gravely concerned about the dangers of copycat tetrahydrocannabinol (THC) edibles in our communities, particularly the risk they pose to our children. As contemplated by our federalist Constitution, the States have taken a wide variety of approaches to the regulation of cannabis and THC. The undersigned Attorneys General do not all agree on the best regulatory scheme for cannabis and THC generally, but we all agree on one thing: copycat THC edibles pose a grave risk to the health, safety, and welfare of our children. Congress should immediately enact legislation authorizing trademark holders of well-known and trusted consumer packaged goods to hold accountable those malicious actors who are using those marks to market illicit copycat THC edibles to children.

Individuals and businesses unlicensed by any state to enter the cannabis market, are making THC-infused edible products to mimic major snack brands that are popular with children—including Oreos cookies, Doritos chips, and Cheetos corn snacks. The products are widely-available.



As the examples reproduced above demonstrate, these dangerous products are designed to mimic well-established brands so closely that only a perspicacious adult could readily distinguish the THC copycats from the authentic brands. And that is quite intentional. Illicit operators use food-related trademarks popular with children in order to market their THC products to children. These copycats are often infused with levels of THC dramatically exceeding legal limits under state laws. The threat these THC edibles pose to the health and safety of our children is not limited to any particular State; it is nationwide and growing rapidly.

For example, on March 2, 2022, three Virginia parents took their children to the hospital for treatment after they observed lethargic behavior and discovered they had consumed THC-laden Goldfish crackers from their childcare facility. Similarly, two individuals in Oklahoma were recently hospitalized after unknowingly consuming THC-laced chips. In South Carolina in the fall of 2021, an elementary teacher inadvertently distributed to their students THC-infused candies designed to mimic the popular “Sour Patch Kids” brand. In Elkhart, Indiana, on August 3, 2021, a toddler was hospitalized after accidentally ingesting a bag of “Cheetohs” laced with more than 600mg of THC. In December 2020 a three-year-old was admitted to the ICU after consuming a copy-cat Nerds Rope, like the one pictured above.

In the first half of 2021, the American Association of Poison Control Centers reported poison control centers received over 2,622 calls for services related to young children ingesting cannabis products. This is a growing problem with no resolution in sight. In response during the fall of 2021, a bipartisan cohort of State Attorneys General issued advisory warnings to consumers within their respective jurisdictions to avoid purchasing illegal and counterfeited cannabis edibles.¹

¹ State Attorneys General from [Alaska](#), [Arkansas](#), [California](#), [Connecticut](#), [Illinois](#), and [New York](#), issued Consumer Advisory Warnings in October and November 2021.

Similarly, the federal Food and Drug Administration reported 2,362 THC exposure cases from January 1, 2021, through February 28, 2022. Of those reported exposures, 41% of involved pediatric patients. While individual States have tried to rein in these cannabis counterfeits, the States alone cannot curb this growing threat to public safety.

The deceptive tactic of copying well-known packages and selling these products through e-commerce platforms is dangerous and illegal. The above images and other evidence² reveals that these counterfeit THC edibles lack commonly accepted packaging protocols, advertise THC levels far in excess (in some instances many times over the applicable lawful limit), and are marketed directly to children. On the other hand, cannabis edible products manufactured and sold in compliance with state law are prohibited from packaging and advertising in a manner that would entice youth consumption, employ child-resistant packaging, and limit total THC content.

Consumer-packaged goods manufacturers currently lack the legal tools to hold accountable counterfeiters or the ecommerce platforms where these products are made available. The patchwork system of legality concerning cannabis' legal status under federal and state law exacerbates the confusions for consumers. More can be done to address this problem.

We respect the role the private sector can play in protecting consumers from the dangers presented by counterfeited products. A fundamental purpose of the federal trademark laws is to protect consumers from fraudulent goods through trademark registration and enforcement. State Attorneys General and federal authorities have a long-standing and cooperative role in protecting consumers.

As Congress continues its work, we urge congressional leadership to think creatively for potential solutions to this growing public safety issue of counterfeit, unlicensed, unregulated, and untested THC edibles.

At your request, we are available to directly discuss the impact these illicit THC edible products are having on our communities and potential solutions to address the problem.

Thank you for your consideration.

Sincerely,



Jason S. Miyares
Virginia Attorney General

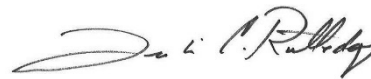


Aaron D. Ford
Nevada Attorney General

²<https://www.nyu.edu/about/news-publications/news/2022/april/copycat-cannabis-edible-study.html>;
<https://www.washingtonpost.com/business/2022/04/29/thc-infused-copycat-foods/>



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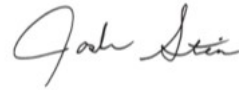
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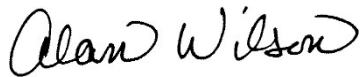
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