

Office of Attorney General

Testimony for Senate Law & Justice Committee – June 24, 2025

Good Morning, Chairman Laughlin, Chairman Fontana and members of the Law & Justice Committee.

My name is David Gorman. I am a Deputy Attorney General with the Office of the Attorney General's Criminal Law Division. I have served in that capacity since 2006 in the Drug Strike Force Section. The Drug Strike Force Section is responsible for prosecuting high level drug dealers and drug organizations across the Commonwealth. In that effort, the Office of Attorney General employs more than 135 narcotic agents and 16 Attorneys. Prior to working for the OAG, I served in the Blair County District Attorney's Office from 1987 until 2006, serving as an ADA and then the elected District Attorney. Doing the math I have been a prosecutor for almost forty years. I approach this issue with the experience of a career law enforcement official.

This is also the lens through which Attorney General Dave Sunday has said that he will approach issues involving cannabis. He has stated consistently that he respects the role of the legislature, that he will respect your collective will on these matters, and that he will bring the public safety perspective to this conversation.

Prosecutors are obligated to ensure that the laws of the Commonwealth are enforced effectively and with certainty. We are best able to do that job when the laws are clear. Right now there is a lack of clarity regarding what the 2018 Federal Farm Bill intended to permit as to intoxicating hemp products. Federal laws such as the 2018 Farm Bill have created some confusion regarding the legality of these products and resulted in a number of challenges to enforcement.

It is much clearer on the State level that the vast majority of these type of products are illegal. In spite of relatively clear PA law, PA still sees issues with products being sold here. In speaking to a number of PA District Attorneys and colleagues within the Office of Attorney General, they have found that the vast majority of manufacturers of these products sold in PA are out-of-state and they do little to comport with Pennsylvania law. In many instances, manufacturers actually circumvent PA law, for example, by providing lab reports with results opposite to what the PSP laboratories conclude.

Ambiguity in the law and the conduct of manufacturers has created an environment where there is insufficient guidance regarding what hemp products are legal to sell in PA. This has resulted in the proliferation of "Mom and Pop" shops throughout the Commonwealth that sell these products. Consumers and merchants are thus dealing with a virtually unregulated and potentially dangerous product that is easily accessible to all citizens of the Commonwealth. That would include some of our most vulnerable citizens, our young people.

This vulnerability is apparent to the manufacturers of these products as demonstrated by the fact that many of these products are obviously packaged and marketed to appeal to people under the age of 18. Indeed, in some cases, the individuals buying these products are under the age of 12. The lack of regulation allows the direct suppliers of these products to sell to anyone, with the perception created by the manufacturers of these products, that these products are legal for all PA citizens regardless of their age.

The ambiguity surrounding the legality of these products has led to a variety of so called “solutions” by the Attorney General’s Office as well as the 67 District Attorneys in the Commonwealth.

Solutions range from criminal prosecutions, Court-ordered county wide injunctions, multiple cease and desist letters and other such efforts.

Unfortunately, these efforts almost always follow a dangerous and potentially lethal event that raises the awareness of officials tasked with ensuring the safety of PA citizens. For example, in Blair County, use of an intoxicating hemp product led to a trip to the emergency room for two individuals who are the sons of a former Altoona Police Officer. One of those sons was already physically limited due to a lifetime condition that, essentially, confines him to a wheelchair.

Consequently, the Attorney General’s Office is suggesting to this Panel that, at a minimum, there be serious consideration given to creating strong and clear guidelines, perhaps in the form of regulations, to govern the sale of these products. There should be clear penalties for suppliers who ignore PA law and distribute these products into PA for sale when they know they exceed the legally permitted levels of THC or THCA. When it comes to other age restricted products like tobacco, we rely on a directory of products that are approved for purchase. House Bill 1425, which is possibly being considered in the State House of Representatives this week, would establish a directory of Vapes to ensure products sold in PA are legal and free of illicit products that are targeting children and violating basic health standards. It makes sense to consider a similar approach to the sale of these intoxicating hemp products.

Potential regulations should be designed to assist prosecutors to enforce the laws of the Commonwealth, and to better control this serious public health issue so that more citizens do not require medical intervention. It will also protect the vast majority of small businesses who want to comply with the law.

Thank you for your attention to this important issue. I am available for any questions and I thank you for the opportunity to address this Panel.