

HEALTH WARNING ON MARIHUANA PRODUCTS

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House Bill 5222 as reported from committee as H-1 substitute

Sponsor: Rep. Thomas A. Albert

Committee: Law and Justice

Complete to 12-12-17

Analysis available at

<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5222 would require that all marihuana sold through provisioning centers include a health warning for women who are pregnant and women who are breastfeeding.

FISCAL IMPACT: House Bill 5222 would not have a fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

According to research cited in the latest committee opinion released by the American College of Obstetricians and Gynecologists (ACOG),¹ between 34% and 60% of marihuana users continue to use the substance during pregnancy. This could be due to a combination of the lack of research on the short- and long-term effects of marihuana use on the fetus and the common belief that pot is a safe and benign substance. However, despite the small number of studies on the safety of marihuana during pregnancy and when breastfeeding, there is a growing body of data that show some disturbing effects, such as lower birth rates for those using marihuana at least weekly during pregnancy. The most worrisome, though, is the potential for harm to the developing brain. According to the ACOG committee report, some studies show that children exposed to marihuana before birth had “lower scores on tests of visual problem solving, visual-motor coordination, and visual analysis” than children who were not so exposed. In addition, exposure to marihuana before birth is also “associated with decreased attention span and behavioral problems,” according to the report.

The effects of breastfeeding when using marihuana, whether for recreation or for medicinal use, are not as clear. Again, because marihuana remains an illegal substance under federal and many states’ laws, and because clinical research would need human subjects, it has been difficult to obtain clear scientific data as to the potential for harm to a breastfeeding child. However, in light of evidence that the cannabinoids in marihuana can affect the brain’s development, ACOG recommends that women who are pregnant, contemplating pregnancy, or breastfeeding should be counseled against using marihuana in any form. Legislation has been introduced to require that medical marihuana and products such as oils and nonsmokable forms sold by provisioning centers contain a label warning women of the health risks.

¹ Marijuana use during pregnancy and lactation. Committee Opinion No. 722. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2017;130:e205–9.

THE CONTENT OF THE BILL:

Under the act, the Department of Licensing and Regulatory Affairs (LARA) must promulgate rules and emergency rules as necessary to implement, administer, and enforce the act. The rules must ensure the safety, security, and integrity of the operation of marihuana facilities and must include rules to, among other things, establish labeling and packaging standards, procedures, and requirements for marihuana sold or transferred through provisioning centers.

House Bill 5222 would amend the Medical Marihuana Facilities Licensing Act to require these rules to mandate that all marihuana sold through provisioning centers include a health warning for women who are pregnant and women who are breastfeeding. The warning would be printed in clearly legible type, surrounded by a continuous heavy line. The warning would read: “Warning: Use by pregnant or breastfeeding women may result in birth complications or negative long-term effects for the child.”

MCL 333.27206

ARGUMENTS:

For:

Soon the first of the provisioning centers licensed under the state’s Medical Marihuana Facilities Licensing Act will open their doors and begin offering a wide variety of marihuana products, in both smokable and nonsmokable forms. It is therefore important that women who are pregnant, who are trying or about to try to get pregnant, or who are breastfeeding be warned that there are potential health hazards to the baby associated with using marihuana during pregnancy or when breastfeeding. Both ACOG and the Centers for Disease and Prevention (CDC) recommend that marihuana be avoided during pregnancy and lactation (breastfeeding).

It is known that the THC in marihuana can pass from the mom to the fetus during pregnancy and that this can cause low birth weight and developmental problems as the child grows. Secondhand smoke from marihuana can be just as bad for the developing fetus or infant as exposure to tobacco smoke. Though the risks to a breastfeeding infant is less known, THC can be passed to the baby in the breast milk. Since it is stored in fat and slowly released over time, an infant could be exposed to the chemical over a longer period of time, according to the CDC.

Though the harm from the chemicals in marihuana, regardless of which form it is in, may not be totally known now, existing data do show negative impacts to the developing brain that can show up as behavioral problems or cognitive deficits. The only way to limit potential risk to the fetus or infant, say ACOG and the CDC, is to reduce or limit marihuana use or exposure. The bill, which does not contain any penalties or sanctions, would simply require a health warning label on all products sold by provisioning centers. It is hoped that

the warning will encourage women to talk to their doctors and to educate themselves about the risks and dangers to their unborn or infant children.

Against:

No arguments against the bill were offered.

POSITIONS:

The Michigan Council for Maternal and Child Health indicated support for the bill. (11-28-17)

The Michigan Catholic Conference indicated support for the bill. (11-28-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.