COUNTY OF HUMBOLDT

BOARD OF SUPERVISORS

825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 476-2390 cob@co.humboldt.ca.us

Aug. 13, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, 9th Floor
Sacramento, CA 95814

The Honorable Cecilia Aguiar-Curry
Assembly District 4
1021 O Street, Suite 6350
Sacramento, CA 95814

RE: AB 2223 (Aguiar-Curry): Cannabinoids – Oppose Unless Amended

Dear Governor Newsom and Assembly Member Aguiar-Curry,

The Humboldt County Board of Supervisors opposes the technical assistance for Assembly Bill 2223, unless amended as detailed below, because it creates a parity issue for DCC-licensed cannabis farmers by allowing incorporation of high-THC hemp products and cannabinoids into the licensed supply chain. The sales of high-THC hemp products at licensed cannabis dispensaries sourced from anywhere in the U.S. when significant regulatory discrepancies exist between hemp and cannabis cultivation places thousands of small California businesses (cannabis farmers) and particularly those in Humboldt County at a competitive disadvantage.

The Humboldt County Board of Supervisors recognizes the need to address hemp, but this must be accomplished in a manner that respects the regulatory system put in place for cannabis cultivation. This should include a clear cap on the allowable THC in a hemp product sold in the cannabis supply chain to ensure that these products are non-intoxicating. Additionally, any language on hemp integration should recognize that both natural extraction and synthetic derivation (chemical conversion) are commercially viable methods by which hemp-derived THC can be created for incorporation into cannabis products. Legislative language to address this issue can easily fall short if it doesn't explicitly address both methods. This language should address all THC derivatives (e.g. delta-8, delta-10 THC, etc.), not just delta-9 THC.

It should be clearly specified that the THC cap for hemp products is at a non-intoxicating level. Additionally, the proposed TA also already caps hemp THC sold outside the cannabis supply chain (at 0mg THC), so wording should clarify that this applies specifically for products sold in the cannabis supply chain.

The TA proposes pulling out the key protective language in AB 2223 (Health and Safety Code111920(m)) that defines a "synthetically derived cannabinoid," and instead replaces it with a prohibition on undefined "synthetic cannabinoids." A clear definition of this term is crucial because "synthetic cannabinoids" are typically used to refer to cannabinoids not found in any form in nature (e.g. "spice" products), rather than the key issue here, which is cannabinoids produced through chemical synthesis (e.g. CBD which is chemically converted to delta-8 THC or delta-9 THC). The statutory definition should clearly refer to the latter concept, which is already accomplished by the definition of "synthetically derived cannabinoid" in Health and Safety Code111920(m).

With these concerns in mind the following amendments are requested:

1. Include a ban on incorporating hemp-derived THC, whether naturally extracted or synthetically derived, into cannabis products. This ban should include all forms of THC, including delta-8 THC, delta-9 THC, delta-10 THC, etc.

2. Establish a maximum THC threshold for hemp products sold in the cannabis supply chain at a non-intoxicating level (e.g. 0.5mg THC per package or less). This threshold should also be inclusive of all forms of THC.

3. Establish a clear statutory baseline definition for synthetically derived cannabinoids, such as the definition proposed in AB 2223 (Health and Safety Code111920(m)) prior to the TA.

With these modifications, the Humboldt County Board of Supervisors does not oppose AB 2223. If you have any questions please contact Director John Ford at the Humboldt County Planning & Building Department at 707-445-7541 or jford@co.humboldt.ca.us.

Sincerely,

Rex Bohn
Chair, Humboldt County Board of Supervisors

CC:
Honorable Senator President pro tempore Mike McGuire
Honorable Assembly Member Jim Wood
California State Association of Counties
Rural County Representatives of California