
Intoxicating Hemp Products and Kids in Sacramento

February 6, 2024

Sacramento City Council

Prepared by Getting It Right from the Start, Public Health
Institute, and Youth Forward

—
Intoxicating hemp (THC) products are being sold in corner stores, vape shops and gas stations, without age restriction and without the regulations that govern the sale of cannabis.

Hemp edibles purchased in Sacramento by Youth Forward staff

- 10/28/23
- Cloud 9 Tobacco Store
- .5 miles from Inderkum High
- Designed to mimic Hawaiian Punch



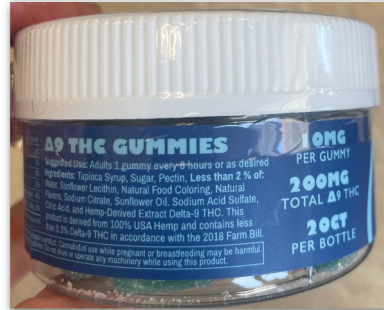
Hemp edibles purchased in Sacramento by Youth Forward staff

- 10/18/23
- Tonic Smoke Shop on Fulton
- Designed to mimic candy gummies that appeal to youth



Allowed Edibles made with Delta-9-THC

76 Gas Station Corte Madera



Edibles with Synthesized THCs - VIP San Rafael



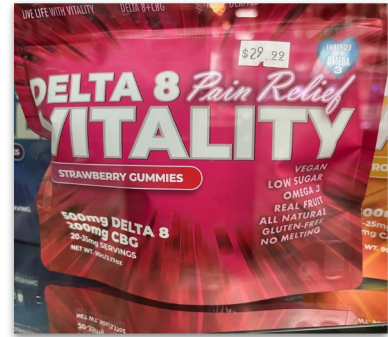
*"I love this stuff, but I gave a little bite to two stoner friends and they were straight up not having a good time, bro. This stuff is strong! **One of them lost her lunch and the other passed out and turned blue and had to be attended to by paramedics.** I had a great time, though!" - Magic Rainbow Reviewer*

The 5000 mg package above has 50 times amount of THC in a legal cannabis edible package (100mg)

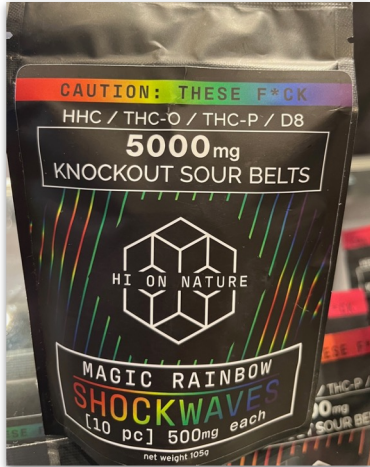
Mighty Quinn San Rafael



“Pain relief”
“Energy”
“Sleep”



Potency



"I didn't actually think you could be high for multiple days ... now I know it's possible."

Delta 8, Delta 9, THC-P, THC-B, THC-O, HHC-P and others.

THC-P (contained in the product shown) is over thirty times the potency of D-9-THC.



Intoxicating hemp is also extensively sold online


- It is also accessible to people of any age online





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 SHOP

Delta 8, HHC CBD & Wellness Caps Batteries

★★★★★ (1)

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Product Details

2 full grams of fire. Lemonnade Delta 8 2G Disposable Vapes combine top-shelf Delta 8 distillate with natural terps inspired by your favorite Lemonnade flavors for a fully psychoactive experience that elevates the mood and relaxes the body without any added anxiety. Federally legal, built to last, and ready to rip out of the box.

Cake Mix Delta 8 2G Disposable Vapes hit with a silky sweet creamy lemonade for a balanced and relaxing high that's perfect for daytime use.

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25%

Watermelon | Delta 8 25mg
GUMMIES 20ct.
Delta 8

“elevates mood”
“relaxes the body”
“without any added anxiety”
“Federally legal”

(Screen grab February 2023)

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35% OFF + Free Priority Shipping

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WE ARE SHIPPING WITH FAST, FREE AND DISCREET SHIPPING.

“Naturally”
“Welcome to the
Future of Hemp”

binoid

ACCOUNT SEARCH CART (0)

SALE

DELTA 8

DELTA 9

THCA

HHC-P

THC-P

THC-B

ABOUT

WHOLESALE

FLOWER

MERCH

“Orange
Creamsicle”
“Raspberry Cookies”

“Juicy Fruit”

LIVE MORE,
NATURALLY.

Your #1 Source For The Newest Cannabinoids.
Welcome To The Future Of Hemp.

Vape Cartridges | Disposables | Gummies | Tinctures | Dabs



(Screen grab April 2023)

The alleged purpose of hemp legalization

- Both during the 2018 Farm Bill and AB 45 the authors said the intent was to ONLY legalize CBD and non-intoxicating hemp products
 - That wasn't what happened
-

Health Effects

- Large increases in California and nationally in poisonings of young children by intoxicating hemp and cannabis edibles, including ICU stays and rare deaths
 - Researchers at USC have found that over half of CA 10th graders using cannabis products are starting with hemp products
-

Current Legal Situation

- Children of any age can legally buy intoxicating hemp products in CA
 - Intoxicating hemp products can be sold anywhere, although seen mostly at smoke and vape shops, gas stations, convenience stores, often right next to schools
 - Intoxicating edible products made with Delta-9-THC are fully legal and can have far more THC than a legal cannabis edible
 - Inhalable products are currently illegal
 - CDPH FAQs hold that all the artificially derived THC_s (like Delta-8) are illegal, but they have not issued regulations on this topic
 - Enforcement is almost non-existent
 - CDPH has failed to use its regulatory authority to set age limits or stop intoxicating products
-

**Intoxicating Hemp
Undermines Legal Cannabis
Growers & Retailers &
Reduces Tax Revenue**

Local Action on Hemp

Why is Local Action Needed?

- The State has failed to use its regulatory authority to protect children or other consumers from dangerous intoxicating hemp compounds
 - The original intent of the Farm Bill and the implication of AB45 was that it would only allow non-intoxicating products, but poor drafting and creative chemistry lead to another reality
 - Children, youth and unwary consumers are exposed daily to intoxicating products, often in much higher doses than legal cannabis edibles, or with unsafe chemically contrived THC cannabinoids
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Can a California locality prohibit the sale of foods/supplements that have hemp-derived cannabinoids?

I see nothing that would preempt local control and we have a history of regulating things sold in head shops before the state does. Bath salts comes to mind.

Michael G. Colantuono, JD April 17, 2023

“Absent a clear intent to preempt local regulation, California localities enjoy broad home rule police powers under the California constitution that they can use to promote the health, safety, and welfare of their communities. Because AB45 does not manifest a clear intent to preempt local regulation of industrial hemp, California localities likely have the authority to prohibit the sale of foods/supplements that have hemp-derived cannabinoids or non-GRAS components.

Public Health Law Center December 14, 2021

Model Local Hemp Ordinance – Key Points

- Prohibits sale/delivery of intoxicating hemp products (>1mg per package of intoxicating cannabinoids or 0.5mg per serving) outside legal cannabis retailers (leaves discussion of cannabis retailers for another day)
 - Clearly prohibit the sale/delivery of artificially derived cannabinoids (Delta-8-THC, Delta-10 THC, HHC, THC-O, THC-P, etc)
 - Requires age 21+ to purchase hemp derived cannabinoid products, including CBD for ingestion
 - Prohibits inhaled hemp products & products attractive to children
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Notes

Model language was developed by Public Health Institute with by Michael Colantuono, JD [City attorney, public law expert, LCC advisor]

SAN DIEGO

City of San Diego urges businesses to get rid of intoxicating hemp products

The city sent letters this month to local retailers suspected of selling cannabis unlawfully or selling synthetic cannabis products

By City News Service • Published December 8, 2023 • Updated on December 8, 2023 at 5:08 pm



Getty Images

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DATE: December 1, 2023
TO: All Businesses that Retail Intoxicating Hemp-Derived CBD Products
FROM: City of San Diego Cannabis Business Division and San Diego Police Department
SUBJECT: Sale of Intoxicating Hemp

To Whom it May Concern:

The State of California allows for the sale of cannabis and cannabis-derived products only in compliance with specific regulatory and licensing requirements. In addition, City of San Diego regulations require businesses that sell cannabis or cannabis-derived products to have a specific cannabis retailer license allowing such sales.

It has come to the attention of the City of San Diego that your business (and others) may be unlawfully selling intoxicating hemp products which are subject to state and local cannabis regulations or are prohibited as unlawful hemp products. Products which purport to be "Delta-8 THC" or "Delta-10 THC" and other similar synthetically derived "hemp-based" products, as well as those hemp products which may be inhaled, are either prohibited under state law or are considered cannabis pursuant to state law and cannot be sold without the proper state and local licenses. Unlawful cannabis sales or unlawful hemp product sales may be prosecuted under state and local law and may be subject to additional civil penalties.

National poison control centers have received numerous cases of synthetically derived "hemp-based" product exposures causing hospitalizations and deaths. Additionally, under no circumstances may cannabis or cannabis products be sold to minors. The City has reason to believe that businesses are selling such products to minors as young as 16-17 years of age. Selling cannabis to a minor is a felony offense pursuant to Health and Safety Code section 11361(b).

The City requests that you dispose of any cannabis products or unlawful hemp products or surrender them to the San Diego Police Department for disposal within the next 30 days. Enforcement action may be taken, as appropriate, 30 days after this notice.

Please contact the City of San Diego Cannabis Business Division at SDCCannabis@sandiego.gov with questions or concerns.

Sincerely,

Lara Griffin

Lara Griffin
Deputy Director, Cannabis Business Division

Other potential local actions

- Start enforcing against illegal activity by tobacco licensees or other licensed business selling products which are already illegal (inhalable, unregistered or with artificial cannabinoids)
 - Example San Diego County and cities recent cease and desist letter
- Consider zoning prohibitions especially near schools
- Educate the community