



COUNTY OF MENDOCINO

Board of Supervisors

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August 12, 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) Cannabis: Industrial Hemp – Proposed Technical Assistance –
OPPOSE UNLESS AMENDED**

Dear Governor Newsom and Assemblymember Aguiar-Curry,

The Mendocino County Board of Supervisors opposes the technical assistance for Assembly Bill 2223 unless amended. This opposition is rooted in the potential harm it poses to small California businesses, particularly those in Mendocino County. The bill, as it stands, creates a parity issue for DCC-licensed cannabis farmers by allowing the 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 these businesses at a competitive disadvantage.

The Mendocino 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 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 the wording should clarify that this applies specifically to products sold in the cannabis supply chain.

The TA proposes removing the critical protective language in AB 2223 (Health and Safety Code 11920(m)) that defines a "synthetically derived cannabinoid" and instead replacing it with a prohibition on undefined

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"synthetic cannabinoids." A clear definition of this term is crucial. The statutory definition should refer to the latter concept, already accomplished by the definition of "synthetically derived cannabinoid" in Health and Safety Code 111920(m). This clear language is essential to ensure the amendments serve their intended purpose.

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 Code 111920(m)) before the TA.

With these amendments, the Mendocino County Board of Supervisors does not oppose AB 2223.

Sincerely,



Maureen Mulheren, Chair
Mendocino County Board of Supervisors

CC: The Honorable Jim Wood, California State Assembly, 2nd District
The Honorable Mike McGuire, California State Senate, 2nd District