



September 14, 2021

Governor Gavin Newsom
Office of the Governor
1303 10th Street, Suite 1173
Sacramento, CA 95814
Leg.unit@gov.ca.gov

Re: Assembly Bill No. 45 (Aguiar-Curry) – *Industrial Hemp Products*

Dear Governor Newsom,

On behalf of the Public Health Institute, a 501c3 that has served California to promote public health for the past 55 years, and its *Getting it Right from the Start* program, and Youth Forward, a Sacramento-based youth advocacy organization, we strongly urge you to veto Assembly Bill No. 45 (Aguiar-Curry) – *Industrial Hemp Products*. The Public Health Institute was the leading witness in opposition in legislative hearings. Organizations including the American Cancer Society and the American Heart Association joined us in opposition to the final bill. While AB45 creates an illusion of consumer protection, in reality it will expose children and youth to cannabinoids, deeply weaken fundamental principles of food safety, and create a new path to smoking for youth. This bill should be vetoed for several reasons:

1) AB45 creates a new express path to smoking for California kids. The 11th hour amendment of the bill on September 2nd took it from legislation that specifically prohibited hemp smoking and vaping products to one that immediately legalizes their production and creates a path to legalize sales. It also allows for those smoking and vaping products to be flavored, provided terpenes, the main flavoring agent used by the cannabis industry, are employed. This measure undermines recent progress at the FDA in limiting proliferation of e-cigarettes, ignores copious evidence on the harms of vaping and of the attractiveness of flavored products to youth, and runs counter to the wise decision of our state, supported by the Governor, to ban flavored tobacco products. It creates a new legal path to induce youth to start smoking. While many natural terpenes are safe for oral ingestion, that does not mean they are safe for combustion and inhalation; the US National Toxicology Program established an airborne exposure limit for pinene, a terpene in hemp and cannabis, due to its toxicity.¹ The causes of the 2019 vaping-associated lung injury epidemic are still unclear as vitamin E acetate accounted for only some cases.² The harmful and well documented Triangulum between tobacco and cannabis vaping, identified by our state’s respected Tobacco Education and Research Oversight Committee as a priority, will gain a fourth side consisting of legal hemp vaping and smoking.³ It is incomprehensible to us why, as we work to end the commercial tobacco epidemic, we would pave a new path to failure.

2) AB45 allows mainstream foods in corner stores and supermarkets, like sodas or cookies, to be adulterated with psychoactive THC in quantities exceeding legal cannabis edibles, and to be sold outside of the legal cannabis market. As drafted, even with a limit of 0.3% THC in raw hemp extract (3 mg THC per gram of extract), a hemp-infused orange soda sold at Safeway with 1 tbsp of hemp extract could exceed the THC in a legal cannabis-infused beverage (10mg) fourfold. The “or” rather than “and” in the drafting of Section 11921 makes it unclear even if CDPH regulations could further limit this: “does not exceed THC concentration of an amount determined allowable by the department in regulation, or the mass of the industrial hemp extract used in the final form product does not exceed a THC concentration of 0.3 percent.”

¹ National Toxicology Program (NTP). 2016. NTP technical report on the toxicity studies of α-pinene (CAS no. 80-56-8) administered by inhalation to F344/N rats and B6C3F1/N mice. Research Triangle Park, NC: National Toxicology Program. Toxicity Report 81. DOI: <https://doi.org/10.22427/NTP-TOX-81>

² Muthumalage T, Friedman MR, McGraw MD, Ginsberg G, Friedman AE, Rahman I. Chemical Constituents Involved in E-Cigarette, or Vaping Product Use-Associated Lung Injury (EVALI). *Toxics*. 2020;8(2):25. Published 2020 Apr 3. doi:10.3390/toxics8020025

³ Tobacco Education and Research Oversight Committee. Achieving Health Equity: Toward a Commercial Tobacco-Free California, 2021-2022. Sacramento, CA: Tobacco Education and Research Oversight Committee. 2021.

3) **Legalized hemp products except those intended for inhalation would be sold without age restrictions.** Kids shouldn't have to check with a doctor before downing a smoothie, yet they would have unrestricted access to edible hemp products, including ones with psychoactive THC, that warn them to "consult your doctor first."

4) **Pregnant women would be exposed to food products adulterated with cannabinoids and smokables outside the legal cannabis market** when there is strong evidence that smoking cannabis results in low birth weight and *in utero* exposure is associated with long term neurological harm to child.^{4,5} It is unclear what part of the cannabis plant causes this harm.

4) **CBD interacts with many common medications**, including anti-depressants and blood thinners, and can have side effects like sedation or diarrhea.⁶ While it has useful therapeutic applications, it does not belong in mainstream foods.

5) **AB45 breaks with longstanding FDA rules that approved pharmaceuticals cannot be added to the food supply.** Both CBD and THC are already available as prescription medicines. Food infused with Valium should not be sold to the general public, neither should food infused with cannabinoids.

6) **AB45 further violates basic food safety principles by specifically "blanket" legalizing adding hemp derivatives NOT generally recognized as safe (GRAS) to foods.** Industrial hemp and cannabis come from the cannabis plant, the definition requires only that hemp have less than 0.3% THC. Both hemp and cannabis contain over 100 other cannabinoids; few have been studied and negative health impacts may only be discovered after years of exposure.

7) **AB45 as amended on 9/2 no longer reflects the earlier intent of the Legislature, "that objective scientific research regarding the safety of industrial hemp be conducted,"** as the language supporting research was removed.

8) **AB45 creates an untaxed route to the sale of cannabinoids that will undermine the legal cannabis industry;** the intent of Proposition 64 was to tax cannabis products, and AB45 will ultimately reduce tax revenues.

9) **AB45 will cost the state money** by facilitating teen access to cannabinoids and increasing emergency room visits caused by accidental and intentional ingestions, substance abuse, and motor vehicle accidents.

10) **Daily cannabis use among America's young adults is alarmingly high** and rising based on the most recent Monitoring the Future data, and the National Survey on Drug Use and Health found a significant increase in cannabis use by 12-17 year old teenagers in California. AB45 will just help kids get started earlier.

11) **AB45 creates a dangerous precedent of cloaking critical food and health regulation and enforcement in secrecy.** How will the public know when a dangerous incident has occurred or whether regulation and enforcement are conducted based on science and law?

Hemp does provide many useful products and it needs to be properly regulated. However, allowing the hemp industry to grow by adulterating our food supply, promoting smoking, and opening the door for kids and other vulnerable groups to consume cannabinoids is too high a price to pay for their prosperity. We respectfully request that you act to protect children and youth, as well as the health of all Californians, and veto this dangerous bill.

Respectfully,



Lynn Silver, MD, MPH, FAAP
Director, Getting it Right from the Start
Public Health Institute
Clinical Professor, UCSF
lsilver@phi.org Tel:+1 917-974-7065



Jim Keddy
Executive Director
Youth Forward
jim@youth-forward.org

⁴ National Academies of Sciences, Engineering, and Medicine. 2017. The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Washington, DC: The National Academies Press. doi: 10.17226/24625

⁵ Paul SE, Hatoum AS, Fine JD, Johnson EC, Hansen I, Karcher NR, Moreau AL, Bondy E, Qu Y, Carter EB, Rogers CE, Agrawal A, Barch DM, Bogdan R. Associations Between Prenatal Cannabis Exposure and Childhood Outcomes: Results From the ABCD Study. JAMA Psychiatry. 2021 Jan 1;78(1):64-76. doi: 10.1001/jamapsychiatry.2020.2902. PMID: 32965490; PMCID: PMC7512132.

⁶ Yamaori S, Ebisawa J, Okushima Y, Yamamoto I, Watanabe K. Potent inhibition of human cytochrome P450 3A isoforms by cannabidiol: Role of phenolic hydroxyl groups in the resorcinol moiety. Life Sciences. 2011;88(15-16):730-736. doi:10.1016/j.lfs.2011.02.017