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September 18, 2024

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## Re: OAL File 2024-0913-02E. DPH-24-005E-Emergency Regulations for Serving Size, Age, and Intoxicating Cannabinoids for Industrial Hemp

Dear OAL Reference Attorney,

On behalf of the Marin County Board of Supervisors and Marin County Public Health, we write to share our strong support for the proposed California Department of Public Health (CDPH) DPH-24-005E-Emergency Regulations for Serving Size, Age, and Intoxicating Cannabinoids for Industrial Hemp. These regulations address a true public health emergency.

These are common sense, urgently needed laws communities like ours need to protect young people from unregulated hemp products that have the same potency as cannabis-derived THC products and are being explicitly targeted to young consumers. The proliferation of intoxicating hemp products in recent years was simply due to an exploited loophole in state and federal laws that excluded hemp-derived THC products – not because voters, policymakers or health professionals ever determined they should be treated differently.

Earlier this year, our Board [sent a letter](#) in strong support of proposed Assembly Bill 2223 (Aguiar-Curry), which would have put into place critical safety laws to address urgent public health concerns related to youth access to hemp-derived cannabinoid products, particularly those containing THC. This legislation was a crucial step toward safeguarding the health and well-being of our youth by closing regulatory loopholes that have allowed intoxicating hemp products to be easily accessible.

In the absence of successful legislation this year, we wholly agree that these emergency regulations – which will achieve the same aims in protecting our youth as AB 2223 – are warranted and needed.

### Marin data shows need for action to protect youth

Marin County is proud to be a leader in addressing emerging public health concerns, especially those affecting our youth. Over the past year, community organizations and parents have raised significant concerns with County Public Health about the increasing use of intoxicating hemp products by youth in Marin County. These products are particularly troubling because they are widely available to minors, lack

stringent potency regulations, and are often marketed in ways that appeal to young people.

The rise in the legal availability of THC for youth is due to a loophole in federal and state regulations. Currently, hemp products with synthetic THC are regulated differently from cannabis products with THC. Edible hemp products, for example, can be legally sold without any age restrictions as long as they are derived from raw hemp containing less than 0.3% THC. However, some manufacturers are exploiting this loophole by concentrating THC from legally permissible hemp into edibles with high THC levels and selling them without age restrictions.

We are seeing an alarming trend in our data on the use of THC by young people: Marin County 11th graders rank **4th statewide for the highest reported TCH use**.<sup>1</sup> Additionally, THC dependence is the **most common diagnosis** among youth enrolled in County **treatment services** (accounting for 76% of those under 18 in treatment for addiction).

The risks associated with regular THC intoxication among youth are significant and well-documented.<sup>2</sup> Youth are particularly vulnerable to the negative effects of THC due to the ongoing development of the human brain, which continues until the age of 25. Research indicates that heavy THC use during adolescence can impair learning, memory, and impulse control.<sup>3</sup> Of particular concern is the growing body of evidence that adolescent TCH use is associated with the development of psychosis, including schizophrenia.<sup>4</sup>

From a public health standpoint, it's important to recognize that **more young Californians will suffer mental health harms if we wait a year or longer** for legislative action. The known harms of regular TCH exposure on developing brains, and the currently unregulated access for youth to these products, is the logical basis for taking emergency action.

The likelihood of driving under the influence of THC also increases with use, and products with higher potency are associated with greater risks.

Despite these known health risks, many young residents in Marin County perceive THC as harmless. Data shows that **1 in 4 Marin 11th graders believe daily marijuana use has little to no harmful effects**. This misconception is concerning, particularly given the rise in **THC-related 911 calls** for residents under 18, which data shows **increased by 93%** between 2021 and 2022. Medics have attributed a number of these ingestion cases to intoxicating hemp products.

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<sup>1</sup> CalSCHLS: [Reports and Data](#)

<sup>2</sup> American Addiction Centers: [Marijuana Side Effects: Physical, Mental, and Long-Term Effects](#)

<sup>3</sup> Washington State: [Short-term negative health effects of cannabis use](#)

<sup>4</sup> NIH: [Cannabis use and risk of schizophrenia: a Mendelian randomization study](#)

**Need for fast action, consistent statewide approach**

While our Board of Supervisors has considered a local ordinance to restrict the sale of these products by local retailers, such an ordinance would not prevent youth from ordering these products online from outside Marin. Local action alone would not be sufficient to address the risks posed by these products, particularly given the ease with which they can be delivered through common platforms like DoorDash and Amazon. Only statewide regulations with broad enforcement capabilities can effectively protect our youth.

**Limiting access** is a critical pillar in public health prevention for known health risks. This is where government regulations meant to protect our youth from THC have failed. Due to the federal and state loopholes, intoxicating hemp products with highly potent levels of THC with clear marketing to children (e.g. looking like candy, or “Girl scout cookies” labeled packaging) have been found in at least **six** non-cannabis dispensaries in Marin, in four different jurisdictions. This includes a gas station and a grocery store – both establishments that under 21 year old residents frequent. Under current law, there are no age gates required to purchase these products.



*Intoxicating hemp products with THC marketed to children in San Rafael*

For these reasons, Marin County strongly supports the proposed California Department of Public Health (CDPH) emergency regulations DPH-24-005E- Emergency Regulations for Serving Size, Age, and Intoxicating Cannabinoids for Industrial Hemp. We appreciate the leadership demonstrated by the Governor and Department of Public Health on this critical issue and continued commitment to protecting public health.

Sincerely,



Dennis Rodoni, President  
Marin County Board of Supervisors



Dr. Matthew Willis  
Marin County Public Health Officer

CC: Marin County Board of Supervisors  
The Honorable Governor Gavin Newsom  
Health and Human Services Secretary Mark Ghaly