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# California Governor Unveils Emergency Ban On Hemp Products With THC

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California Gov. Gavin Newsom last week proposed an emergency ban on intoxicating hemp products, saying the new regulations are needed to protect the safety of children. The governor issued the proposed emergency regulations, which prohibit sales of consumable hemp products that contain intoxicating cannabinoids including THC after they were drafted by the California Department of Public Health (CDPH).

“We will not sit on our hands as drug peddlers target our children with dangerous and unregulated hemp products containing THC at our retail

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stores,” Newsom said in a September 6 statement. “We’re taking action to close loopholes and increase enforcement to prevent children from accessing these dangerous hemp and cannabis products.”



California Gov. Gavin Newsom has proposed an emergency ban on hemp products containing THC, saying ... [+] GETTY IMAGES

The **emergency regulations** prohibit the sale of consumable hemp products with detectable amounts of THC, the primary psychoactive compound in marijuana, or other intoxicating cannabinoids and set a limit of five servings per package for such products. The new rules also limit sales of hemp foods, beverages and dietary supplements to consumers aged 21 and older, including many CBD products already being used by California consumers.

The governor’s office noted that the proposed emergency regulations are a reaction to an increase in health incidents related to intoxicating hemp products, which can be found at retailers across the state including smoke shops, gas stations, and convenience stores. Officials noted that children are particularly at risk and are subject to adverse health effects from

intoxicating hemp products including a negative impact on “cognitive functions, memory, and decision-making abilities in developing brains.”

“Intoxicating industrial hemp products can cause illness and injury to California consumers,” said CDPH Director and State Public Health Officer Tomás Aragón. “We are working to ensure products in the marketplace comply with state laws that protect consumers against these public health risks and have proposed emergency regulations that will improve protections for consumers.”

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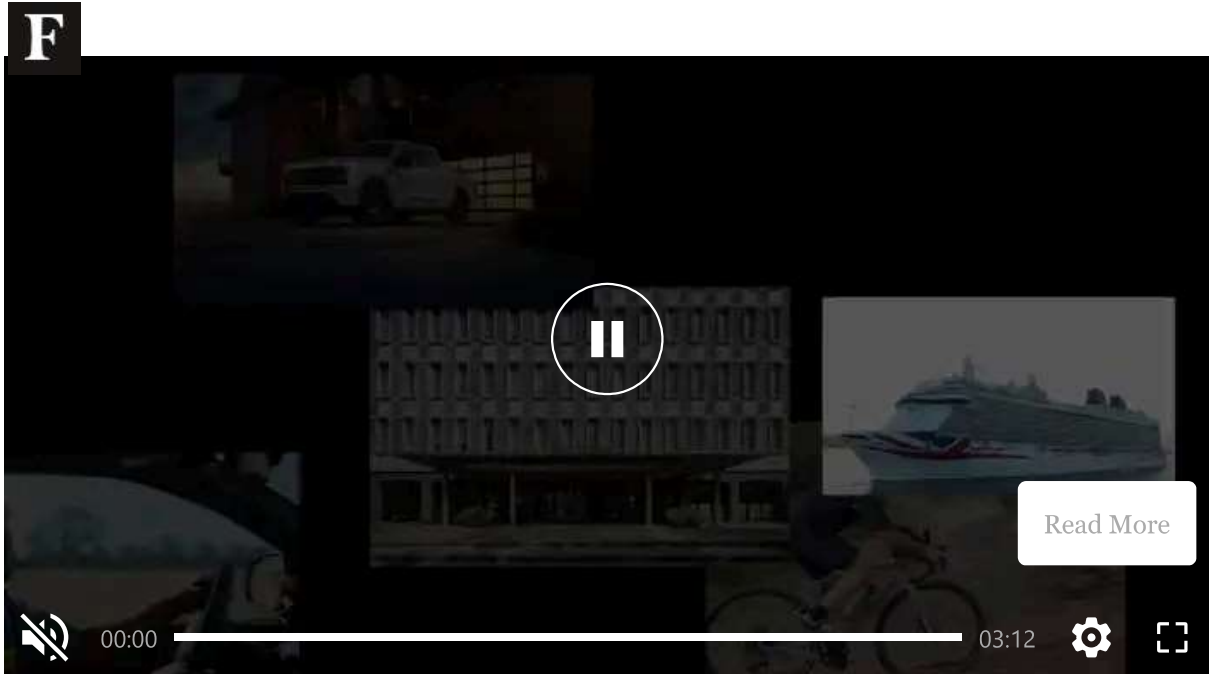
## Medical and Recreational Cannabis Already Regulated

Newsom’s office added that cannabis products are regulated in California under the state’s 1996 medical marijuana legalization law and legislation to legalize recreational cannabis passed in 2016. Federal legislation that legalized hemp in 2018 opened the door for intoxicating hemp products nationwide, however, prompting the need for regulations to govern their sale and keep them out of the hands of children.

“The Department of Cannabis Control welcomes these regulatory reforms,” said Nicole Elliott, director of the state’s cannabis regulatory agency. “These rules are a critical step in ensuring the products in the marketplace align with the law’s original intent, and we are committed to working with our state partners to enforce state law.”

Louis Samuel, CEO of licensed cannabis delivery company Golden State Cannabis, said that “Newsom’s emergency regulations on hemp THC address a clear regulatory gap that allowed unregulated hemp-derived THC products to bypass excise taxes and safety checks.”

“While the regulated cannabis market has strict oversight, hemp products with the same intoxicating effects were sold freely, undermining both public safety and fair competition,” Samuel writes in an email. “It’s crucial for hemp-derived THC to be regulated like cannabis-derived THC, as they are chemically identical and have the same effects. Closing this loophole is a necessary step to protect consumers and stabilize the legal cannabis industry.”



CDPH proposed the emergency regulations only weeks after a hemp regulation bill, [AB 2223](#), failed to gain the approval of the state legislature. The new regulations are subject to approval by the Office of Administrative Law, at which point they will go into effect immediately.

Dr. Lynn Silver, senior advisor at the Public Health Institute, an Oakland-based independent nonprofit advocacy organization that supported AB 2223, said the proposed emergency regulations released last week “represent tremendous progress in protecting children and teenagers.”

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“The way things are now at present, a 10-year-old can walk into a vape shop and buy intoxicating products with more THC than legal edible cannabis products,” [Silver](#) told the Los Angeles Times. “These regulations will be a huge step to fix that.”

If approved, retailers will be required to remove hemp products with detectable levels of THC from store shelves and implement purchase restrictions to prevent sales to consumers under the age of 21. State regulators, including the CDPH, the Department of Cannabis Control, the California Department of Alcoholic Beverage Control (ABC), the California Department of Tax and Fee Administration, as well as state and local law enforcement officials, will begin immediate enforcement action to ensure compliance with the new regulations.

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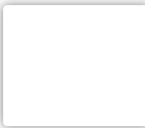
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“The Department of Alcoholic Beverage Control will enforce all California laws and regulations impacting ABC licensed locations,” said Joseph McCullough, director of the agency. “ABC will be contacting licensees and stakeholder groups to make them aware of the new regulations so they can ensure they are in compliance once the regulations go into effect.”



# Hemp Industry Pushing Back Against Emergency Regulations

The U.S. Hemp Roundtable, a national industry group, opposes Newsom’s emergency regulations to ban intoxicating hemp products. Jonathan Miller, the nonprofit’s general counsel, said that Newsom’s action “is a betrayal of California hemp farmers, small businesses, and adult consumers.”

“After having supported AB 45, which created a sound regulatory framework for the manufacture and sale of hemp products, Newsom’s Administration fell on the job and failed to take any steps to enforce it,” Miller wrote in a statement. “Now, instead of addressing legitimate regulatory concerns shared by all good actors in the cannabis space – such as establishing reasonable policies to keep intoxicating products out of the hands of children – Governor Newsom instead has proposed a complete retail prohibition on 90-95% of popular hemp products for adults, including most non-intoxicating CBD products that he purports to support in his public communications.”

“And in the middle of massive California budget deficits, he is unnecessarily throwing away nearly a quarter billion dollars in tax revenue from legitimate small businesses,” Miller added. “We will be exploring all legal options in the coming days with California hemp farmers and businesses that comprise the multi-billion-dollar industry that this action would destroy.”

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