



CCMA's Proposed Amendments to SB 235/AB 45

Problem 1

As drafted, Section 111925 (a)(3) has the unintended consequences of allowing higher amounts of THC in hemp products than the current BCC regulations, which requires all edible cannabis products to contain no more than 100mg THC per package. The bill needs to call out maximum THC thresholds for industrial hemp products in terms of milligrams, rather than by a percentage of the product's weight. The problematic sentence has been bolded and underlined below:

*(3) The manufacturer of the hemp extract in its final form or **the final form industrial hemp product shall be able to prove total THC concentration is below 0.3 percent.** A manufacturer of raw extract shall be able to prove that the THC concentration meets department requirements set forth pursuant to subdivision (a) of Section 111921.*

Concentration "below 0.3 percent" means .3% by weight. Using this problematic "below .3% concentration" by weight rationale, see what happens in the product examples below:

- A standard 44 gram Hershey's chocolate bar containing .29% THC by weight contains 128mg THC
- A standard 3.5oz/100 gram brownie containing .29% THC by weight contains 290mg THC
- A 50 gram Larabar containing .29% THC by weight contains 145mg THC
- A 16oz (473 gram) iced tea containing .29% THC by weight contains 1372 mg THC

**Weights and measures cheat sheet: There are 1000 milligrams in 1 gram.*

Solution

Express the permissible THC content in terms of milligrams per package. CCMA believes the appropriate amount of permissible THC in an industrial hemp product to be 1/10th of a milligram, or .1mg.

Problem 2

The intent of California's Prop 64 was to provide a regulatory framework allowing for the safe and responsible adult use of cannabis and all its components, with an emphasis on its psychoactive constituents. Hemp has been permitted by explicitly prohibiting any potential psychoactive activity. As we write this, additional psychoactive constituents are actively being discovered and popularized in the hemp and/or cannabis plant. To protect safe access to these compounds, while striking a balanced approach to public health and safeguards for youth, all



psychoactive cannabinoids should be allowed only within the licensed and regulated system afforded to Californians under Prop 64.

It's well documented that CBD is safe for human consumption and can be beneficial to many as a therapeutic tool. CCMA supports CBD and other non-psychoactive cannabinoids being sold more broadly to improve access to those who can benefit from their use. If proposed hemp legislation permits additional psychoactive cannabinoids to be sold in regular commerce without the age restrictions and other public safety protections of the regulated cannabis market, it could be dangerous for the public and undermine both the hemp and cannabis industries.

Solution

Amend the THC definition to include all psychoactive molecules and their precursors to harmonize with future Federal regulation, and to prevent the need for continued legislative updates as access to additional psychoactive cannabinoids expands. CCMA proposes to expand the bill's current definition of "THC," to, "All Cannabis THC".

See CCMA's proposed language below:

**Eliminations are ~~strikethrough~~ and additions are underlined.*

Make the definition of All-Cannabis THC be:

~~“THC” and “delta-9 THC”~~ All-Cannabis THC means delta-9 tetrahydrocannabinol, delta-8 tetrahydrocannabinol, any other double-bond isomers or oxygenated analogues around the cyclohexyl ring, and any C1-C8 side-chain analogues of the preceding that are found naturally-occurring in *Cannabis sativa* L. along with the respective carboxylic acid precursors, such as but not limited to

Delta-9 tetrahydrocannabinol (d9-THC) is the molecule with the Chemical Abstracts Service (CAS) number 1972-08-3.

Delta-8 tetrahydrocannabinol (d8-THC) is the molecule with the Chemical Abstracts Service (CAS) number 5957-75-5.

Delta-9 tetrahydrocannabivarin (d9-THCV) is the molecule with the Chemical Abstracts Service (CAS) number 31262-37-0 having a three-carbon alkyl side-chain.

Delta-8 tetrahydrocannabivarin (d8-THCV) is the molecule with the Chemical Abstracts Service (CAS) number 31262-38-1 having a three-carbon alkyl side-chain.

11-hydroxy-delta-9 tetrahydrocannabinol (11-OH-d9-THC) is the molecule with the Chemical



Abstracts Service (CAS) number 36557-05-8.

Delta-9 tetrahydrocannabinolic acid (d9-THCA) is the molecule with the Chemical Abstracts Service (CAS) number 23978-85-0.

111921. An industrial hemp product shall not be distributed
line 17 or sold in the state except in conformity with all applicable state
line 18 laws and regulations, including this chapter and any regulations
line 19 promulgated thereunder, and with documentation that includes
line 20 both of the following:

line 21 (a) A certificate of analysis from an independent testing
line 22 laboratory that confirms both of the following:

line 23 (1) The industrial hemp raw extract, in its final form, does not
line 24 exceed All-Cannabis THC concentration of an amount determined allowable by
line 25 the department in regulation, or the final form product does not
line 26 exceed All-Cannabis THC concentration of 0.3 percent in raw extract and does not
line 27 exceed 0.1mg All-Cannabis THC in any final form product.

line 28 (2) The industrial hemp product was tested for any hemp
line 29 derivatives identified on the product label or in associated
line 29 advertising. advertising in accordance with Section 111926.2.

111925.

line 5 (1) Industrial hemp shall be tested ~~in~~ as raw extract ~~final form~~, to
line 6 allow its use as an ingredient, prior to being incorporated into a
line 7 product.

line 10 (3) The manufacturer of the industrial hemp raw extract in its final form or
line 11 the final form industrial hemp product shall be able to prove All-Cannabis
line 12 THC concentration is below 0.3 percent in raw extract and does not exceed 0.1mg All-
line 13 Cannabis THC in any final form product. A manufacturer of raw
line 14 extract shall be able to prove that the All-Cannabis THC concentration meets
line 15 department requirements set forth pursuant to subdivision (a) of
line 15 Section 111921.

line 16 (b) The department may regulate and restrict the cap on raw extract
line 17 and may further cap the amount of total All-Cannabis THC amounts at the product
line 18 level based on the product form, volume, number of servings, ratio
line 19 of cannabinoids to All-Cannabis THC in the product, or other factors, as needed.



Articles:

[High anxiety over federal weed loophole](#) (Politico) March 27, 2021

[Delta-10 THC: Is It The Future Of Cannabis?](#) (The Fresh Toast) March 23, 2021

[OLCC pushes to regulate unchecked Delta-8 THC in Oregon cannabis](#) (KOIN 6 News Portland) March 20, 2021

[Unique cannabinoid delta-8 divides cannabis extraction industry](#) (Marijuana Business Daily) March 16, 2021

[D8 THC is made from illegal hemp waste boiled in acid – here’s why](#) (Cannabis Life Network) March 14, 2021

[How many isomers of THC are in cannabis and Beyond?](#) (Cannabis Life Network) March 7, 2021

[Synthetic Cannabinoids \(K2/Spice\) DrugFacts](#) (National Institute on Drug Abuse)

Separate attachments:

The Werc Shop Delta-8 Tetrahydrocannabinol Whitepaper, July 2018

What is THAT on your COA? – CBD Isolate Hub