

California Governor Moves to Ban Hemp-Derived THC Products

Gov. Gavin Newsom Proposes Emergency Ban on Hemp-Derived THC Products in California

California Gov. Gavin Newsom has proposed emergency regulations aimed at halting the sale of hemp-derived THC products across the state. If enacted, these new rules would significantly reshape California's hemp industry, particularly for products containing cannabinoids like delta-8 and delta-10 THC, and would set a minimum age of 21 for purchasing any hemp-based products.

Details of the Proposed Regulations

The proposed regulations, introduced by the California Department of Public Health (CDPH) last Friday, call for a complete ban on hemp-derived products that contain "detectable amounts of total THC." This would include not only delta-8 and delta-10 THC but also over two dozen other analogs that have emerged in the hemp market.

Another key aspect of the proposal is a five-serving limit per package of hemp products. Additionally, these products would be restricted to adult consumers aged 21 and older, aligning them with existing cannabis product regulations in the state.

The Rationale Behind the Ban

State officials, including Gov. Newsom, have justified the emergency regulations as necessary to protect children and teenagers from potentially harmful and unregulated hemp products. In a press release, Newsom made clear the administration's intention to act decisively in response to growing concerns about the accessibility of intoxicating hemp products to minors.

"We will not sit on our hands as drug peddlers target our children with dangerous and unregulated hemp products containing THC at our retail stores," Newsom stated. "We're taking action to close loopholes and increase enforcement to prevent children from accessing these dangerous hemp and cannabis products."

Supporters of the ban argue that it would close regulatory loopholes that allow unregulated products to enter the market, which could pose health risks to younger populations. Unlike regulated cannabis, which must meet rigorous safety and labeling standards in California, hemp-derived THC products have operated with fewer restrictions, leading to a growing concern among public health officials.

Industry Reactions: Divided Opinions

The proposed regulations have sparked a sharp divide between different industry stakeholders. Many in the hemp industry have condemned the move, while some cannabis advocates have expressed support.

The Hemp Roundtable, an advocacy group representing hemp farmers and businesses, expressed strong opposition, criticizing the governor's action as a setback for the industry. "Today's 'emergency action' by Governor Newsom is a betrayal of California hemp farmers, small businesses, and adult consumers," the group told *Benzinga*. They also noted that the governor had previously supported Assembly Bill 45 (AB 45), which set the foundation for a regulated hemp product market in the state, and accused his administration of failing to enforce those existing laws.

On the other hand, the California Cannabis Industry Association, a trade group representing the state's legal cannabis operators, praised the proposed regulations. The group applauded the move, asserting that it would "create a safer, more transparent marketplace" and prevent unregulated products from undermining the stringent safety measures required for legal cannabis.

Impact on California's Hemp Industry

If the regulations are approved by the Office of Administrative Law (OAL), they will take immediate effect, essentially eliminating the sale of hemp-derived THC products in the state. The ban would have wide-ranging implications for businesses that rely on these products, particularly those offering delta-8 and delta-10 THC, which have gained popularity due to their similarity to traditional marijuana but are derived from hemp, making them easier to produce and sell.

The proposed ban would also impact retailers, especially those who have capitalized on the hemp market's popularity in California. Many small businesses may face closure or significant operational changes, as nearly every product in their offerings would be affected by the THC content restrictions and the new serving size limitations.

Safety and Regulation: Moving Forward

Gov. Newsom's push for stricter control of hemp-derived THC comes after a series of warnings earlier this year. In May, the governor ordered state officials to notify hemp product retailers that selling improperly labeled products could result in license revocation. This recent proposal follows through on that stance by proposing even stricter measures.

Public health advocates have long called for more regulation of hemp-derived THC products, citing concerns that they are often mislabeled, unregulated, and potentially unsafe for consumers, particularly minors. Unlike traditional cannabis, which is tested and subject to California's strict labeling requirements, hemp products have fallen into a regulatory gray area, prompting calls for greater oversight.

The Path to Approval

For the proposed regulations to take effect, they must first be approved by the Office of Administrative Law. If approved, the rules would be implemented immediately, drastically reshaping California's hemp market. The impact on consumers, businesses, and the legal cannabis industry will likely be felt in the coming months as stakeholders prepare for the potential regulatory shift.

Gov. Gavin Newsom's emergency proposal marks a significant moment in California's regulation of hemp and cannabis products. As the state looks to tighten control over the sale of THC-derived hemp products, the move has sparked intense debate within the industry. While some see the new rules as necessary for consumer safety and the integrity of California's cannabis market, others view it as a blow to small businesses and a betrayal of prior promises to support the hemp industry.

The coming weeks will determine whether the emergency regulations will become law, but one thing is clear—California's approach to hemp and cannabis regulation is evolving, with significant consequences for

all involved.

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