



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

825 5TH STREET, ROOM 111
EUREKA, CALIFORNIA 95501 PHONE: (707) 476-2390

June 4, 2019

Senator Mike McGuire
1036 5th St., Suite D
Eureka, CA 95501
Phone: 707-445-6508
Fax: 707-445-6511

Dear Senator McGuire:

We are writing today to draw your attention to a serious problem created because the existing definition of medicinal cannabis does not account for the widespread manufacturing, marketing, distribution, and sales of medicinal products containing cannabidiol (CBD)¹. Due to this omission, cannabis plants with low THC and a high CBD content for medicinal purposes can be cultivated as industrial hemp so that they do not automatically come within the structure of the Medical Cannabis Regulation and Safety Act (MCRSA).

This discrepancy creates a loophole that undermines the ongoing efforts to regulate medicinal and recreational cannabis cultivation. Indeed, unless the Legislature acts quickly, individuals will be able to grow cannabis for medicinal use, while evading compliance with the state and local rules imposing environmental protections and health and safety measures, as well as the payment of state and local taxes.

The solution to the problem is uncomplicated. A simple revision to either Business and Professions Code section 26001 or Health and Safety Code section 11018.5 to

¹ The current definition of industrial hemp covers types of the cannabis plant having no more than three-tenths of one percent tetrahydrocannabinol (THC). (H&S §11018.5; Food and Ag. Code §81000(d). The definition of cannabis includes all *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis* plants that do not meet the definition of industrial Hemp as defined by section 11018.5. (BPC §26001.)

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add a threshold for CBD content in addition to the threshold for THC will ensure that all cannabis cultivated for medicinal purposes is subject to MCRSA.

The advantages of such a change are readily apparent. MCRSA already includes provisions for the testing and tracking of medicinal products that safeguard consumers. Public policy militates against weakening those safeguards. Furthermore, over the past two years, state and local agencies have worked diligently to establish a framework of environmental protections and land use rules consistent with MCRSA. There is no good reason to undercut their work.

In fact, the differences between crops grown as industrial hemp for CBD extraction and medicinal/recreational cannabis are difficult, if not impossible, to measure without inspection and testing. In Humboldt County, there is a population of growers who will characterize their medicinal and recreational crops as industrial hemp for the sole purpose of avoiding permitting requirements as well as state and local taxes. These growers may also be able to escape criminal penalties imposed pursuant to Health and Safety Code section 11357 et seq. Such a result would be manifestly unfair to the cannabis growers who have worked so hard to come into compliance with the law.

For all of these reasons, we urge you now to support the cannabis regulatory framework by taking immediate action to adopt a clear definition of industrial hemp that addresses CBD as well as THC.

Sincerely,

Rex Bohn, Chair
Humboldt County Board of Supervisors

cc: Governor Gavin Newsom
Assemblymember Jim Wood
Karen Ross, Secretary of the California Department of Food and Agriculture



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Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

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Karen Ross, Secretary of the California
Department of Food and Agriculture
1220 N Street,
Sacramento, California 95814

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1036 5th Street
Eureka, CA 95501
Tel: (707) 445-7014
Fax: (707) 445-6607

Dear Assemblymember Wood:

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