



February 18, 2021

The Honorable Cecilia Aguiar-Curry
Assemblymember, State of California, District 4
2721 Napa Valley Corporate Drive
Napa, CA 94558

Dear Assemblymember Aguiar-Curry:

We communicate to you, as the sponsor, in opposition to AB45 in present form, as requested by our [California Hemp Association](#) (CHA) membership and agreed upon by the member organizations of the [NHA Standing Committee of Hemp Organizations](#). We believe this bill indiscriminately targets hemp farmers, processors and retailers for unjust punishment. Hemp products are well-received by consumers for numerous reasons, offer value, and are federally legal. Small farms in California are already suffering, and this bill would only compound their misery. With the requisite amendments, we believe this otherwise workable legislation would be well received among hemp interests and consumers in California, nationally and globally, where there are markets eager for our premium, hemp goods.

The bill seeks to codify the following language:

111921.5. (a) Unless explicitly approved by the federal Food and Drug Administration, industrial hemp shall not be included in products in any of the following categories:

- (1) Medical devices.
 - (2) Prescription drugs.
 - (3) Processed smokable products, including, but not limited to, electronic cigarettes with nicotine.
 - (4) Smokable flower, including, but not limited to, hookah and shisha with nicotine.
 - (5) A product containing nicotine, tobacco, or alcohol.
- (b) The department may prohibit the inclusion of industrial hemp in other products when it poses a risk to human or animal health through regulation.
- (c) Cannabis and cannabis products are not subject to this section.

We respectfully request the bill be amended as follows:

Amend the language in section 111921.5(a) by removing or amending the following:

1. As to subsection 1, please delete it completely;

Argument for deletion: Why would one wish to prevent the inclusion of environmentally-friendly, hemp fiber in a surgical mask, for instance, over environmentally damaging synthetic fiber derived from petrochemicals? Hemp sequesters carbon. Petrochemicals are pollution.

2. As to subsection 3, please amend it to read as follows: “electronic cigarettes with nicotine”

3. As to subsection 4, please amend it to read as follows: “hookah and shisha with nicotine”

Arguments for amending subsections 3 and 4: Nicotine is an addictive and deadly poison which has little or no use as a medicine or nutritional supplement. However, no phytocannabinoid, terpenoid or flavonoid contained in hemp can be scientifically demonstrated to be either addictive or deadly. Hemp farmers in California nor the hemp industry wish for any of the consumable products derived therefrom, smokable or otherwise, to be compared with the death and human suffering caused by tobacco. In fact, it is tantamount to libel to do so. We do not support mixing of hemp and tobacco and defer to your efforts to ban it.

Likewise, if smoking of hemp products should be banned, it would most certainly violate equal protection not to exclude high-THC cannabis (marijuana) as well, which would be even more damaging to California farmers and a temporary restraining order would cause a significant decrease in revenue therefrom. If passed as written, California hemp farmers would likely have no other recourse than to file an injunction in federal court to restrain the state. A federal judge could ban all cannabis smoking as a result, an outcome millions of Californians may find troubling.

4. As to subsection 5, please amend it to read as follows: “a product containing nicotine or tobacco.”

Argument: Why should craft brewers, distillers, the malt beverage industry or the distilled spirits industry be prevented from adding hemp extract or hemp-derived cannabinoids to their products? There is no logical explanation how one could further damage public health or add risk to public safety by adding hemp extracts (not unhealthy) to them any more than these legal alcohol products (universally known to be damaging to human health and threatening to public safety) already do.

There are other reasons the bill is problematic, but making these simple amendments solves the lionshare of them. Please help us. The reward for doing so should be self-evident.

Sincerely,

Wayne Richman

President, [California Hemp Foundation](#) and [California Hemp Association](#)

Geoff Whaling, Chairman

[National Hemp Association](#)



Joe Kirkpatrick
President, [Tennessee Growers Coalition](#) (Section 527 state PAC)
Chair, [NHA Standing Committee of Hemp Organizations](#)

Paul Higgs, Advisor to the Chair
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Jeff Greene, Founder/Director of New Business
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Joe Hickey, Founder/Director
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Erica Stark, Executive Director
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