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December 21, 2024

NOTIFICATION LETTER REGARDING THE SALE OF INTOXICATING HEMP AND UNLICENSED CANNABIS PRODUCTS

Dear Retailer:

The Los Angeles County Department of Public Health (Public Health) has become aware that certain food markets and tobacco retailers in Los Angeles County may be engaging in the sale of intoxicating hemp and unlicensed cannabis products.

As a retailer licensed by Public Health, this letter is to inform you of the recent enactment of emergency State regulations concerning industrial hemp products, as well as local ordinances related to cannabis sales within the unincorporated areas of Los Angeles County. Compliance with these new regulations is required to avoid potential penalties and fines.

Emergency State Regulations on Intoxicating Hemp Products

Effective September 23, 2024, the State of California adopted emergency regulations governing the sale of industrial hemp food, beverages, food additives, and dietary supplements intended for human consumption. (See, Title 17 California Code of Regulations, § 23000, et seq.) These new rules include the following key restrictions:

1. **No Detectable THC:** Hemp products may not have any detectable level of tetrahydrocannabinol (THC) per serving.
2. **Age Restriction:** Hemp products intended for human consumption cannot be sold to individuals under the age of 21.
3. **Serving Limit:** Each package of hemp products may contain no more than five servings.
4. **List of Intoxicating Cannabinoids:** The regulations also include additional cannabinoids within the definition of THC.

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All consumer dietary supplements, food, or beverage products manufactured using industrial hemp are governed by the Sherman Food, Drug, and Cosmetic Laws, (i.e., Health and Safety Code § 109875; “Sherman Act”). The Sherman Act requires manufacturers and distributors of hemp products to be registered with the Food and Drug Branch for Industrial Hemp Enrollment and Oversight at the California Department of Public Health. Other provisions regulate the composition of hemp products and impose specific labeling and marketing restrictions.

Please be advised that legal cannabis products with THC may only be sold by licensed cannabis dispensaries, as set forth in the California Business and Professions Code § 26000, et seq.

Los Angeles County Ordinances on Cannabis Sales

In addition to the emergency state regulations, please be advised that Los Angeles County Code § 22.140.134 prohibits the sale of commercial cannabis in unincorporated areas of the County. This means that the sale of *any* cannabis products, including industrial hemp products intended for human consumption containing detectable levels of THC, is prohibited within unincorporated areas of the County.

Please be further advised that business owners and/or property owners found in violation of either the state regulations or County Code prohibitions may be subject to civil penalties, including fines and other legal action. **Accordingly, we urge all food markets and tobacco retailers, including tobacco shops, to review their product inventory including all industrial hemp products and ensure the products comply with all State and local laws to avoid potential penalties.**

Tips to Stay in Compliance

Below are some steps that can help you navigate the new regulations and thus help protect your business and employees from potential penalties and legal action.

1. **Review Your Inventory:** Ensure that any industrial hemp products comply with State regulations regarding THC restrictions, age requirements and serving sizes. The California Department of Public Health maintains a list of industrial hemp businesses that have registered with the Food and Drug Branch for Industrial Hemp Enrollment and Oversight. While this does not mean that individual products are necessarily compliant, it is an available resource to aid in your decision as to whether retail sale of the product complies with State and local laws.
2. **Employee Training:** Train your employees on the new age requirement for industrial hemp products and other product restrictions to prevent sales to minors or non-compliant products.

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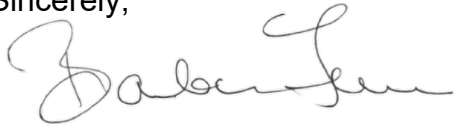
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3. **Product Labeling:** Double-check product labels for THC content and ensure that all product labeling meets the labeling and information requirements of California Health and Safety Code § 111926.2. It is best practice to verify that the phone number, QR code, and/or website provided on the hemp project packaging are valid. If not, this would be a strong indication that the product is not lawful.
4. **Avoid Sale or Distribution of Hemp products containing detectable levels of THC or unlicensed cannabis:** Any products containing detectable THC or cannabis needs to be removed from your shelves immediately to comply with both state regulations and local ordinances.

We appreciate your attention to this matter. For more information on the sales of intoxicating hemp, please contact the Los Angeles County Department of Public Health, Environmental Health at ehmail@ph.lacounty.gov or 1-888-700-9995. For more information regarding the sale of cannabis products, you may contact the Los Angeles County Office of Cannabis Management at cannabis@lacounty.gov.

Sincerely,



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Director
Department of Public Health



Rafael Carbajal
Director
Department of Consumer and Business Affairs

Attachments