



# NORML®

*California Chapter of the National Organization for the Reform of Marijuana Laws  
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July 24, 2025

CA Department of Public Health  
Office of Regulations  
1415 L St. #500  
Sacramento CA 95814

Re: DPH-24-005 Serving Size and Age Industrial Hemp  
Overly Broad Definition of Non-Intoxicating Medicinal Hemp Preparations

We support the intent of DPH's proposed regulation to prevent the sale of intoxicating hemp products in smoke shops, liquor stores, gas stations and other convenience stores, especially in a manner accessible to minors. However, we believe that the definition of "non-intoxicating" hemp products is overly restrictive in requiring that products have "no detectable amount" of THC, as this wrongly excludes medicinally useful, high CBD extracts with negligible psychoactivity.

Intoxicating hemp products are typically derived by chemically converting the CBD in industrial hemp to other psychoactive compounds, including not only delta-9 and delta-8 THC, but also other synthetic cannabinoids such as THC-P and THC-O-acetate, the safety of which have never been demonstrated in human studies. Many of these products also contain other, potentially toxic byproducts as a result of the chemical conversion process.\* We therefore agree on prohibiting commercial sale of hemp products that have undergone chemical conversion. However, these objections do not pertain to natural, "full spectrum" hemp CBD extracts that have not undergone chemical conversion.

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\* "The Great Hemp Hoax," white paper by Tiffany Devitt, Josh Sider, PhD, Kristin Heidelbach, Robert Dean: <https://www.hemphoax.com/>

We believe the proposed regulations are too restrictive in requiring that industrial hemp products have “no detectable amount of total THC” (Art. 3, Sec 23100 (a) (1)). This effectively precludes ALL edible hemp products, since it is impossible to eliminate minute but detectable amounts of THC from natural hemp. THC is readily detectable at nanogram levels, far, far below the threshold of human sensitivity, which starts around 2.5 milligrams, the minimum dosage of the prescription THC medication dronabinol. Even the FDA-approved natural cannabis prescription CBD pharmaceutical Epidiolex® contains trace amounts of THC.<sup>†</sup>

As a result, the proposed regulation would wrongfully ban many medically useful, non-intoxicating hemp products that deliver high doses of CBD (or other non-psychoactive natural cannabinoids like CBDA or CBG) with trace amounts of THC. These products are typically designed to deliver CBD in medicinal doses ranging from ten to several hundred milligrams of CBD per day, with residual amounts of THC less than 1 - 2 milligrams. Reports indicate that this combination both enhances the medical benefits of CBD and reduces the psychoactive effects of THC.<sup>‡</sup>

We have heard many complaints from knowledgeable medical cannabis patients and physicians who rely on whole plant CBD hemp extracts that are prohibited under this proposed regulation. We echo the concerns of Dr. Bonni Goldstein, a knowledgeable Southern California pediatrician whose practice includes many pediatric patients with intractable forms of epilepsy, autism, cancer and other serious conditions, who says:

The most urgent concern is that this proposal will cause serious detrimental effects to thousands of vulnerable children in California if access to these products is denied. Many of these medically complex and disabled children have relied on naturally occurring hemp for over a decade, achieving a quality of life once thought impossible. Most of these children are using hemp because they do not respond to conventional medications. If they lose access to their safe and effective hemp treatment, they face the risk of life-threatening seizures or a resurgence of other severe symptoms.

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<sup>†</sup> Communication with manufacturer.

<sup>‡</sup> “THC and CBD: The Power Couple” [ProjectCBD.org](https://ProjectCBD.org).

We accordingly recommend that the regulation be modified to accommodate medicinal hemp preparations in a manner that clearly distinguishes them from the intoxicating products that have been irresponsibly peddled in liquor stores, smoke shops and elsewhere.

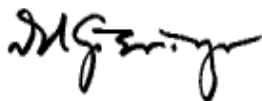
**In particular, we would recommend that California follow the Colorado Department of Public Health's definition of "non-intoxicating hemp" (6 CCR 101-24), which protects natural high-CBD hemp extracts whose CBD:THC ratio is at least 15:1 and whose total THC content per dose does not exceed 1.75 milligrams** - less than enough to produce a detectable high.

In this context, "one dose" should be interpreted to mean one full piece of an edible or one full container of an extract or beverage. There is no reason to fear that minors will try to get high on hemp CBD products with less than 2 milligrams of THC, especially when other, far more potent forms of marijuana are readily available on the illegal market at bargain prices.

We note that there exist a handful of DCC-licensed cannabis products on the market with a high CBD/THC ratio. They generally don't qualify as non-intoxicating since their THC content usually exceeds 2 mg. They are also relatively expensive and inadequate to accommodate the high doses of CBD required by many patients, which are now affordably available only on the hemp market. We believe that these ultralow-THC, non-intoxicating hemp products should remain legally available to California patients through non-DCC-regulated sources.

Without such accommodation, we believe that the proposed regulation violates the mandate of California's medical marijuana initiative, Prop 215, to secure "safe and affordable" access to cannabis for all patients in medical need. We therefore urge you to modify the proposed regulation accordingly.

Respectfully,



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