

FW: Comments on Agenda item 4.1 Cannabis regulation

City Clerk <city.clerk@sanjoseca.gov>

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To: Agendadesk <Agendadesk@sanjoseca.gov>

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Comments on Agenda 4.1 San Jose 4 14 24.pdf;

From: Lynn Silver <[REDACTED]>
Sent: Tuesday, May 14, 2024 9:20 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Jason Soroosh <[REDACTED]>
Subject: Comments on Agenda item 4.1 Cannabis regulation

[External Email]

Dear City Clerk,

Attached please find our comments on item 4.1 of the agenda.

Thank you,

Lynn

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April 14, 2024

Comment on Agenda item 4.1 Cannabis Regulation of Tobacco Retailers Status Report
Members

city.clerk@sanjoseca.gov

Dear Council Members,

We appreciate and applaud the concern of the council regarding the proliferation of cannabis like products sold at smoke and vape shops.

Getting it Right from the Start is a project of the Public Health Institute, a 501c3 that has served California for almost 60 years working to improve health and health equity. We work closely with partners in Santa Clara County on issues related to cannabis regulation as well as intoxicating hemp.

The sale of a wide range of intoxicating hemp products outside of legal cannabis retailers has emerged as a significant public health threat since passage of the 2018 Farm Bill and AB45 in California. It currently allows for the legal sale of intoxicating Delta-9 edibles available to persons of any age in any type of business establishment. Inhaled intoxicating hemp products and those with synthetic cannabinoids like Delta 8 are currently illegal yet widely sold. We are seeing serious problems with these products. First accidental ingestions by young children of products that have very high THC content and are often highly attractive to kids or mimic common foods or candies, leading to hospitalization and intensive care use. Second, the sale of products designed to attract teens, like the flavored vapes that San Jose wisely acted to prohibit for tobacco. Delta-8 products are now the source of initiation for cannabis use of about half of CA 10th graders starting cannabis use.

The council should carefully consider any new licensing process for smoke and vape shops that do not currently hold tobacco retail licenses. It should not expand the number of such retailers in the City, although it may be necessary to regulate some that exist. But this licensing alone will not solve the problem of the dangerous products being sold with no age limits. We would strongly recommend that the Council simultaneously pass a local ordinance prohibiting the sale of intoxicating hemp products. We prepared a [brief](#) on this issue for Santa Clara County local governments last year, and a [model ordinance](#), and are

happy to work with the City of San Jose. That would be the most important step to protect children and youth. The intent of legalization of hemp was always solely to allow non-intoxicating CBD products to be sold, but the hemp industry has instead marketed a wide range of highly intoxicating products, some illegal and some legal in the state. State law and regulation have not kept pace and local action is urgently needed. Many of these products have extremely high THC content and are quite hazardous.

We also would support expanding operations such as minor decoy traditionally used for tobacco control to cannabis licensees, and actively enforcing any TRL provisions regarding compliance with state law at TRL holders who are selling illegal intoxicating hemp or other illegal products.

We are happy to be a resource for the City and to clarify and concerns.

Respectfully,



Lynn Silver, MD, MPH
Director, Prevention Policy Group
Director, Getting it Right from the Start
Public Health Institute