

Cali's AB 2028: Frying Pan to Fire

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PROPOSED AMENDMENTS

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 2028
AMENDED IN SENATE AUGUST 20, 2020
AMENDED IN SENATE JULY 28, 2020
AMENDED IN SENATE JULY 8, 2020
AMENDED IN ASSEMBLY JUNE 4, 2020
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2028

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SUBSTANTIVE



Introduced by Assembly Member Aguiar-Curry
(Principal coauthor: Senator Wilk)
(Coauthor: Assembly Member Gonzalez)
(Coauthor: Assembly Member Wicks)

Amendment 1
Amendment 2

The latest in California's attempt to kill off the hemp industry just got worse. I [recently wrote about AB 228](#), but now AB 2028 is out and it's way worse.

California is angling to turn all hemp products over to marijuana dispensaries by making the burden on sellers great. This effectively reduces the number of retail outlets from ~40,000 to well under 1,000. The only stores willing to sell **any** hemp will be the ones already complying with the same regulations when selling marijuana. No grocery store or gas station will abide, so they'll stop selling hemp products.

Oddly, the bill's sponsors took an entirely unrelated bill, the [Bagley-Keene Open Meeting Act](#), and amended the heck out of it. I smell time-pressure desperation.

It also includes fiber products, such as textiles, rope, even hempcrete:

“(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.”

and “(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.” Hemp fiber has always been exempt from Marijuana laws.

One of the [largest hemp fiber importers](#) is located in California. Ironically, the owner was the Chair of the original [California Industrial Hemp Advisory Board](#).

Ironically for a bill designed to regulate the CBD industry, “CBD” or “Cannabidiol” is not mentioned even once.

Before you blame today’s politicians, be aware this has been going on since 2009 when the hemp association HIA got the [world’s worst hemp law introduced](#). It finally passed in 2013, and was designed to appear to legalize but actually blocked hemp production until December 2018, with the Farm Bill. It rolled out the red carpet for GMO pot under the hemp program. None of this is by accident, the names of the politicians means little, they are just today’s cogs in a much bigger machine. The Sponsors are listening to someone, I wonder whom?

The Legislature needs to pass it in the next few days, or not until next year. [Rand Martin, a lobbyist with MVM Strategy](#), is helping US Hemp Roundtable with the bill.

Summary of the biggest changes...

Starts May 1, 2021.

Breeders took the hardest shot.

Mandatory use of certified cultivars. There are no certified cultivars developed for the latitudes in south, and most are for fiber production.

Total THC (post-decarb).

Much of AB 228 is in it, such as no claims and burdensome record-keeping.

Grandfathers food into essentially a GRAS status.

An industrial hemp product cannot be synthetic.

Can't grow pot and hemp at the same preimises.

Food processor using hemp has to register and be burdened with record-keeping.

Excludes seed from the "industrial hemp product" definition but only for nonfoods, ironic as that's where the resin and cannabinoids are, stuck to the outside of the seed coat.

"Manufacturing" includes seed pressing and shelling.

Bans advertising except to adults.

Smokable hemp flowers (non-tobacco tobacco replacement), CBD vapes, hemp-containing beer, wine, spirits, alcohol-based tinctures, and alcohol extracts are banned.

Must use the following statement on packaging: "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY."

This removes shelled hempseed, hempseed oil, protein powder, and Epidiolex from the regulations:

"Industrial hemp product" does not include industrial hemp or a hemp product that has been approved by the United States Food and Drug Administration or a hemp product that includes industrial hemp or hemp that has received Generally Recognized As Safe (GRAS) designation.

Includes pet products, but not fodder or silage.

Allows marijuana dispensaries to sell hemp products.

Complying with the 2018 Farm Bill, no drug felons convicted in the last 10 years.

[Click here to download the AB 2028 document with proposed amendments.](#)

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FYI by

STOP AB 2028

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