



WHAT ARE THE REGULATIONS FOR CANNABIS AND CBD

City of Murrieta – Development Services Department
1 Town Square, Murrieta CA 92562

Information
Bulletin

206

August 2019

The passage of the 2018 US Farm Bill allowed all products made from industrial hemp, including cannabidiol (CBD), to be legal under the Controlled Substances Act (CSA) if they contain no more than 0.3 percent tetrahydrocannabinol (THC).

THC is the main psychoactive ingredient in marijuana that gets users “high.” As a result, a new market segment of health and wellness foods and supplements that features CBD as an ingredient is gaining national momentum.

This information bulletin provides an overview of the different species of cannabis and how they are regulated at the federal, state and local level. Contact the Community & Project Assistance Center at (951) 461-6061 with any questions.

I. MARIJUANA V. HEMP

Cannabis plants contain unique compounds called cannabinoids. Current research has revealed over one hundred different cannabinoids so far, but THC is the most well-known credited with causing the marijuana “high”.



While marijuana plants contain high levels of THC, hemp plants contain very little of the psychoactive chemical. This single difference is what most in the industry rely on to distinguish hemp from marijuana.

II. 2018 FARM BILL AND HEMP

In December 2018 President Trump signed into law the 2018 Farm Bill, which among other things removed hemp from the illegal Schedule 1 drugs list, giving it the same classification as any other commercial crop (“agricultural commodity”). Additionally, there are no Federal prohibitions on the sale, processing, possession, or transportation of industrial hemp (or any products made from it) so long as the commodity is cultivated pursuant to Federal law standards and contains less than 0.3 percent THC levels.

III. US FOOD AND DRUG ADMINISTRATION

Regardless of the source of CBD or the level of THC, the Federal Food & Drug Administration (FDA) has concluded that CBD is a *drug* with

Documents Referenced in this Information Bulletin

- City Cannabis Regulations, [§16.44.250](#)
- Adult Use of Marijuana Act of 2016, [Prop 64](#)
- CA Health and Safety Code, [§11018.5](#)
- [2018 National Farm Bill](#)

real health benefits (i.e., pain reliever, weight loss supplement, reduces epileptic seizures) and is being investigated for other medical uses. Because the FDA has made this determination, CBD cannot be freely added to food or supplements that are sold to the public without complying with FDA requirements.

IV. CA DEPARTMENT OF PUBLIC HEALTH

On July 6, 2018, in response to numerous inquiries from CBD industry stakeholders, the California Department of Public Health (CDPH) issued a public statement that CBD sourced from industrial hemp cannot be used in food in California. The CDPH relies on the FDA’s position, explaining:

“California incorporates federal law regarding food additives, dietary use products, food labeling, and good manufacturing practices for food”, and that the “FDA has concluded that it is a prohibited act to introduce or deliver for introduction into interstate commerce any food (including any animal food or feed) to which THC or CBD has been added ... regardless of the source of the CBD – derived from industrial hemp or cannabis.”

However, as of the writing of this information bulletin, the state legislature is considering new law that would allow the consumption of CBD products in California.

V. OTHER HEMP RELATED PRODUCTS

While the debate on consumable CBD products continues in the legislature, hemp products that are not orally consumed are legal under federal and state law. Such products include:

- Clothing & Accessories (i.e., shirts/pants, shoes, wraps, ties, belts)

- Beauty & Skin (i.e., lotions, balms, shampoos, body wash, facial creams)
- Home & Office (i.e., sheets, towels, paper, chairs, detergent, blankets)
- Industrial & Others (i.e., rope, plastics, batteries)

VI. CITY OF MURRIETA REGULATIONS

The City regulatory code currently defines "Marijuana" as all parts of the Cannabis plant and prohibits all aspects of Marijuana cultivation, processing, delivery, and dispensaries (sales), with three exceptions:

- Cannabis Product Testing Laboratories

These laboratories are designed to test the chemical levels and composition of various cannabis (marijuana and hemp) products to determine and report state product compliance requirements. Such facilities are allowed subject to the following standards:

- Limited to the General Industrial (GI), General Industrial-A (GIA), and Business Park (BP) zones with an approved Conditional Use Permit.
- Compliance with California cannabis testing laws as described in the Bureau of Marijuana Control's California Code of Regulations.
- No marijuana or cannabis products or graphics depicting marijuana or cannabis products shall be visible from the exterior.
- Odor control devices and techniques shall be incorporated in all marijuana testing laboratories to ensure that any odors from testing are not detectable off-site.
- Marijuana testing laboratory permits may be revoked for any violation of any law and/or any rule, regulation and/or standard.
- Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a marijuana testing laboratories to operate within the City.

- Industrial Hemp Products

Following the changes in the 2018 National Farm Bill regarding industrial hemp, the City recently changed its regulations to allow the sale of industrial hemp products subject to the following standards:

- Hemp products must contain no more than 0.3 percent tetrahydrocannabinol (THC).
- Foods or supplements taken orally will continue to be prohibited.
- No marijuana or cannabis products or graphics depicting marijuana or cannabis products shall be visible from the exterior.
- Hemp manufacturing and cultivation shall continue to be prohibited.

- Proposition 64 Allowances

Personal use and private cultivation as specifically authorized under the Adult Use of Marijuana Act of 2016 (Proposition 64) is permitted, including the following:

- Persons 21 years and older may legally possess, purchase, obtain or use marijuana products.
- May cultivate up to six marijuana plants on private property.
- May legally possess up to 28.5 grams of marijuana and up to eight grams of concentrated cannabis.
- Marijuana cannot be consumed in public or locations where smoking is prohibited.

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