



DELTA-8

WHY MARIJUANA PRODUCTS ARE SOLD OVER-THE-COUNTER

- Marijuana refers to the dried leaves, flowers, stems, and seeds from the *Cannabis sativa* or *Cannabis indica* plant. Tetrahydrocannabinol (THC) is the major psychoactive component and one of the 113 cannabinoids recognized in the plant.¹
- Marijuana is a Schedule 1 substance under the Controlled Substances Act (CSA) which means it has a high potential for misuse, has no accepted medical use in treatment in the U.S., and there is a lack of accepted safety for use under medical supervision. For those reasons, it is federally illegal.¹
- In 2018, the U.S. federal government passed the Agricultural Improvement Act of 2018 (AIA), also known as the 2018 Farm Bill, which created a new statutory definition of hemp and amended the definition of marijuana to exclude hemp from Schedule 1 of the CSA.²
 - “Hemp is defined as the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.”²
- In other words, this federal legislation legalized the sale and production of hemp. The legislation does not mention other cannabinoids derived from hemp which has led to the proliferation of unregulated, highly intoxicating cannabinoid products. These products are marketed as “legal hemp” and sold in places like gas stations, smoke shops, bodegas, and online, without regard to public health and safety.^{3,4}
- These cannabinoids include THC-P, THCjd, THC-H, THC-O, HHC, delta-8-THC, delta-10-THC. More variations are likely to emerge. These products may have similar or much stronger effects as compared to delta-9 THC.⁴



WHAT IS DELTA-8 THC



- Unlike delta-9 THC which is found in large amounts in the marijuana plant, delta-8 THC is found in very low amounts but can be chemically made from Cannabidiol (CBD), a cannabinoid that is obtained from hemp.³
- Synthetic delta-8 THC can be produced in large amounts and added to various products like edibles and vapes and sold as “legal hemp.”³
- The effects from using delta-8 and delta-9 THC are very similar. Both can result in abnormal heart rate, low blood pressure, dizziness, dryness of mucous membranes, tingling sensation, incoordination, sedation, blurred or distortion of vision, and euphoria. In large doses and in children, respiratory depression and severe sedation are common.³
- Delta-8 THC products have not been evaluated or approved by the Food and Drug Administration (FDA) so there is potential for inaccurate labeling and contamination with toxic chemicals during the conversion process.³
- Delta-8 THC products have been found to contain delta-9 THC levels greater than 0.3%.³

PUBLIC HEALTH CONCERNS

- National poison control centers received 2,362 exposure cases of delta-8 THC products between January 1, 2021 and February 28, 2022 and out of these cases:
 - 40% involved unintentional exposure and 82% of these involved pediatric patients.
 - 70% required health care facility evaluation, of which 8% resulted in admission to a critical care unit, and 45% requiring health care facility evaluation were pediatric patients.
 - One pediatric case was coded with a medical outcome of death.⁵
- Florida Poison Control Centers received 1,731 calls related to hemp extract exposures in 2022 and 2,478 calls in 2023, an alarming 43% increase. Preliminary 2024 Poison Center data shows a significant increase from 2023.

POLICY RECOMMENDATIONS/CONSIDERATIONS

- Ban delta-8-THC and other synthetically derived tetrahydrocannabinols by listing these drugs in FS 893.03 Schedule 1. Eighteen states banned intoxicating synthetic hemp cannabinoids (delta-8-THC, delta-10-THC and THC-O) due to concerns about contamination, lack of regulation, marketing products to children, and high levels of THC. These states include: AK, AR, CO, DE, HI, ID, IA, MT, NH, NY, ND, OR, RI, VT, VA, UT, WV, and WA.
- Alternatively, cap hemp products to 5 mg THC per serving/ piece and 50 mg THC per container, as specified in SB 1698, which passed in 2024 but was vetoed.

<http://www.marijuanaknowthetruth.org/marijuana-and-pregnancy/>

REFERENCES

¹National Institute on Drug Abuse, Cannabis (Marijuana) Drug Facts. nida.nih.gov ²Drug Enforcement Administration. (2020, August 21). Implementation of the Agriculture Improvement Act of 2018: A rule by the Drug Enforcement Administration on 8/21/2020. Federal Register. <https://www.federalregister.gov/documents/2020/08/21/2020-17356/implementation-of-the-agriculture-improvement-act-of-2018> ³Babalonis, S., Raup-Konsavage, W. M., Akpunonu, P. D., Balla, A., & Vrana, K. E. (2021). Δ8-THC: Legal status, widespread availability, and safety concerns. *Cannabis Cannabinoid Research*, 6(5), 362-365. doi: 10.1089/can.2021.0097 ⁴Devitt, T. (2022, October 18). Pandora's Box: The dangers of a national, unregulated, hemp-derived intoxicating cannabinoid market [White Paper]. California Cannabis Industry Association. Retrieved from https://www.projectcbd.org/sites/projectcbd/files/downloads/white-paper_hemp_2022-10-18.pdf ⁵U.S. Food and Drug Administration. (2022, May 5). 5 things to know about delta-8 tetrahydrocannabinol - Delta-8 THC. Retrieved January 26, 2023, from <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc> ⁶Florida Poison Information Network, Delta-8 Exposures – Query Builder 2023

