

Delta 8 and Hemp-Based Intoxicants

Edibles, vapes, and other consumables have recently emerged that include intoxicants derived from the hemp plant. These products include either analogs or isomers of delta-9 THC, and consumers report a similar high.

Common formulations include delta-8, delta-10, THC-0, and HHC, with more on the horizon, including THCP and others. They are often sold as a form of marijuana, yet can be found in many retail outlets in states that have not legalized marijuana. In fact, such products are legally available in 34 states in the United States, plus the District of Columbia, and 25 of those states have *not* legalized marijuana for adults. In reality, products are now commonly available even in jurisdictions that banned them. These products are popular with consumers and spreading quickly.¹

What does all this mean? Is it a temporary distraction, or the first step of federal legalization? We look at these issues below.

[State by state comparison of laws](#)

[State regulatory models \(so far\)](#)

[What is delta-8 THC?](#)

[How is delta-8 sold?](#)

[Is delta-8 safe?](#)

[Is delta-8 legal?](#)

[Does delta-8 get you high?](#)

[Pros and cons of intoxicants from hemp](#)

[How did we get to this point in terms of policy and enforcement?](#)

[Planning ahead for potential solutions in the 2023 Farm Bill](#)

[What has the government said about delta-8?](#)

[What are state regulators doing?](#)

Other Delta-8 resources:

[Summary of the CDC's Health Advisory on Delta 8 Adverse Effects](#)

¹ Jessica S. Kruger, Daniel J. Kruger, "Delta-8-THC: Delta-9-THC's nicer younger sibling?" Journal of Cannabis Research, Jan 4, 2022, <https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00115-8>

[Summary of ASTM Technical Paper: "Delta-8-Tetrahydrocannabinol and the Need to Develop Standards to Protect Safety of Consumers"](#)

[Spotlight PA:Unregulated hemp derivative delta-8 thrives in Pa.'s thorny marijuana landscape](#)

[Article: What Does The Ninth Circuit's Ruling On The Legality Of Delta-8 THC Mean For The Industry?](#)

[Legislation that may change the landscape for Delta-8](#)

[Interview with Jesse Krater, scientist on staff at Curaleaf](#)

What's next in the Delta-8 landscape?

Hemp was decriminalized, or removed from law enforcement authority, in the [2018 Farm Bill](#), which is introduced approximately every five years. It is likely that special interest groups are lobbying members of Congress on the issue of Delta-8 for changes to be made in the 2023 Farm Bill, which will be introduced next year. Whether or not Congress will change the current law, and what those changes would be, is up in the air until the bill is officially introduced. Just as there will be those arguing to amend the federal law and ban hemp-based intoxicants, there will be those arguing for keeping them available. MPP believes that for most Americans, the federal government is unlikely to change positions for several years. Given the array of conflicting views now involved in this topic, and the limited opportunities for Congress to come together in support of something, it is likely that hemp policy will continue to be left to states.