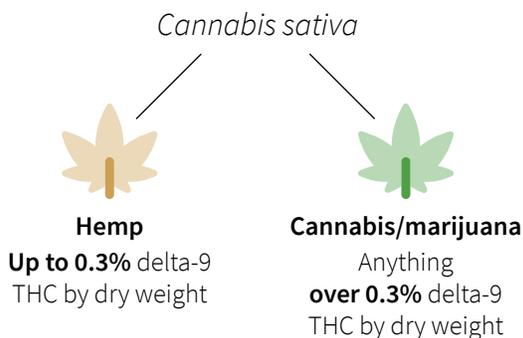


# Hemp-Derived Synthetic Cannabinoids: A Health and Safety Concern

Intoxicating cannabinoids that have escaped labeling requirements, THC content limits, and age restrictions.

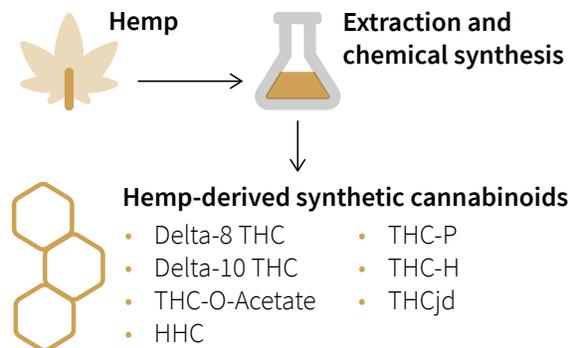
## What is the difference between hemp and cannabis?

“Hemp” refers to certain types of cannabis and cannabis-derived products. Both “marijuana” (referred to here as cannabis) and “hemp” refer to the same plant, *Cannabis sativa*. The difference between cannabis and hemp is the amount of delta-9 tetrahydrocannabinol (THC) they contain by weight<sup>1</sup>.



## What are hemp-derived synthetic cannabinoids?

The vast majority of hemp-derived cannabinoids are derived through a chemical process. An extraction process is used to extract the CBD from the hemp, and then acids, heat and solvents are used to produce other cannabinoids<sup>2</sup>. Hemp-derived synthetic cannabinoids include delta-8 THC and many others.



## Where are intoxicating hemp products sold?

These products are currently sold in stores not licensed for cannabis retail sales. **This includes convenience stores and online retailers.** No warning labels are required to indicate their intoxicating effects.

 **The sale of hemp-derived synthetic cannabinoids is not restricted to adults.** In 2021, approximately 40% of the reported exposure cases to the hemp-derived synthetic cannabinoid delta-8 THC involved pediatric patients<sup>3</sup>.

## What are the public health and safety concerns?

### Youth and young adults under 21 have access

- For sale in various stores and online
- No minimum purchase age
- Less expensive products (no excise tax)
- May contribute to normalization of use for those under 21, contributing to increased use

### Consumer and public safety is at risk

- No warning labels indicating intoxicating effects. Consumers may engage in risky behaviors (driving, operating machinery) putting selves and others at risk.
- No product testing. Potential exposure to harmful chemicals, by-products, heavy metals, foreign contaminants.
- No packaging and labeling requirements

1 [ams.usda.gov/rules-regulations/hemp/enforcement](https://ams.usda.gov/rules-regulations/hemp/enforcement)

2 [static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/632b8ac34869e5498b2fcbf5/1663797957567/CANNRA+Hemp+Overview+-+Long\\_FINAL.pdf](https://static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/632b8ac34869e5498b2fcbf5/1663797957567/CANNRA+Hemp+Overview+-+Long_FINAL.pdf)

3 [fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc](https://fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc)

## Which hemp products are intoxicating?

Currently, there is a wide range of intoxicating hemp products being sold on the market. These intoxicating products fall into two categories:

- **“Edibles”** with large doses of delta-9 THC. Under current interpretation of federal law, hemp products are limited to no more than 0.3% delta-9 THC by weight. In dried plant matter, this is a very small amount of THC. But in foods and beverages, which weigh more than dried plant matter, 0.3% can be a lot of THC, even more than WA allows in the legal adult use cannabis market<sup>2,4</sup>.
- **Products containing hemp-derived synthetic cannabinoids.** Because hemp is federally defined only in terms of delta-9 THC, there is no limit on the amount of other potentially intoxicating cannabinoids that can be present in hemp products. These products include edibles, dabs, and smokable products sprayed with delta-8 THC extract.

There are plenty of non-intoxicating hemp products on the market. Hemp seeds can be processed into ingredients for foods, cosmetics, or industrial purposes. Food products made from hemp seeds generally contain non-detectable amounts of THC. Hemp stalks can be processed into fiber for a wide variety of uses, such as paper and textiles. Hemp is also a source of CBD, which is not intoxicating.



Hemp-derived synthetic cannabinoids act on the same brain receptor as delta-9 THC, are intoxicating like delta-9 THC, and are far less regulated than delta-9 THC.

## How are these products regulated?

### Hemp and hemp products

### Cannabis and cannabis products

|                                       | Hemp and hemp products   | Cannabis and cannabis products  |
|---------------------------------------|--|---|
| <b>Description</b>                    | Products containing hemp-derived synthetic cannabinoids. Contain less than 0.3% delta-9 THC. | Found in licensed retail stores. Contain greater than 0.3% delta-9 THC.   |
| <b>State regulatory authority</b>     | Department of Agriculture (WSDA)   | Liquor and Cannabis Board (LCB); WSDA and Department of Health for food processing establishment and retail food code, respectively |
| <b>Age of sale restriction</b>        | None   | Limited to 21+  |
| <b>Concentration and serving size</b> | No concentration limit for serving size or container   | Infused edibles limited to 10 mg/serving, 100 mg container  |
| <b>Packaging and labeling</b>         | Minimum labeling standards   | Packaging and labeling rules; approval required   |
| <b>Taxation</b>                       | Subject to sales tax   | 37% excise tax plus sales tax   |



**National poison control centers received 2,362 exposure cases of delta-8 THC products between Jan. 1, 2021 and Feb. 28, 2022. 40% involved unintentional exposure (likely an under-report of cases).<sup>3</sup>**

<sup>2</sup> [static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/632b8ac34869e5498b2fcbf5/1663797957567/CANNRA+Hemp+Overview+-+Long\\_FINAL.pdf](https://static1.squarespace.com/static/5f7e577e23ad7c718c269776/t/632b8ac34869e5498b2fcbf5/1663797957567/CANNRA+Hemp+Overview+-+Long_FINAL.pdf)

<sup>3</sup> [fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc](https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc)

<sup>4</sup> [cannabisbusinesstimes.com/news/delta-9-thc-edible-hemp-products-dry-weight-basis/](https://cannabisbusinesstimes.com/news/delta-9-thc-edible-hemp-products-dry-weight-basis/)

## What are some examples of regulatory efforts in other states?<sup>5</sup>

| State, Bill # (Year)             | Actions  |
|----------------------------------|--|
| <b>Oregon, HB 3000 (2021)</b>    | <ul style="list-style-type: none"><li>• Gave regulatory authority to Oregon Liquor and Cannabis Commission to regulate impairing hemp-derived cannabinoids</li><li>• Defined “adult use cannabis” item</li><li>• Set THC limit per serving in hemp (2mg/serving; 20mg/package)</li></ul>   |
| <b>Michigan, HB 4517 (2021)</b>  | <ul style="list-style-type: none"><li>• Gave Cannabis Regulatory Agency authority to limit THC in products</li><li>• Requires licensing from CRA for sales of Delta-8 and other THC</li></ul>  |
| <b>Nevada, SB 49 (2021)</b>      | <ul style="list-style-type: none"><li>• Broadly defines THC (e.g., Delta-8,9,10 THC, THC-O-acetate, etc.)</li><li>• Requires license from NV Cannabis Control Board to make or sell Delta-8 THC</li></ul>  |
| <b>Minnesota, HB 3595 (2022)</b> | <ul style="list-style-type: none"><li>• Legalized consumable hemp-derived products up to 5mg/serving, 50mg/package</li><li>• No purchase limits or required licensing</li></ul>  |
| <b>Colorado, SB22-205</b>        | <ul style="list-style-type: none"><li>• Gave Department of Public Health and Environment authority to prohibit synthetic derivation of intoxicating forms of THC</li><li>• Established task force to determine intoxicating forms of THC and provide recommendations<sup>6</sup></li></ul> |
| <b>Virginia, HB 30 (2022)</b>    | <ul style="list-style-type: none"><li>• Established task force to analyze industrial hemp extracts and other substances containing THC intended for human consumption<sup>7</sup></li></ul>  |

5 [app.leg.wa.gov/committeeschedules/Home/Documents/30199](http://app.leg.wa.gov/committeeschedules/Home/Documents/30199)

6 [drive.google.com/file/d/1Kj4\\_VNIUQsN9ft468iGpIHsMv45PbV1L/view](https://drive.google.com/file/d/1Kj4_VNIUQsN9ft468iGpIHsMv45PbV1L/view)

7 [rga.lis.virginia.gov/Published/2022/RD679/PDF](http://rga.lis.virginia.gov/Published/2022/RD679/PDF)