HB 3000 A
DELTA-8-THC

Presented by Steven Crowley,
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Delta-8-THC (Δ^8-THC, sometimes just called “Delta 8” or “D8”) is a close chemical relative of Delta-9-THC (Δ^9-THC):

<table>
<thead>
<tr>
<th>Δ^8-THC</th>
<th>Δ^9-THC</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="Chemical Structure of Δ^8-THC" /></td>
<td><img src="image2" alt="Chemical Structure of Δ^9-THC" /></td>
</tr>
<tr>
<td>C_{21}H_{30}O_{2}</td>
<td>C_{21}H_{30}O_{2}</td>
</tr>
</tbody>
</table>

Delta-8-THC is an intoxicating cannabinoid. Users reports effects very similar to Delta-9-THC, but less potent.

Delta-8-THC has been reported to be naturally occurring in cannabis in very low concentrations, typically less than 0.1%.
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WHERE DELTA-8-THC COMES FROM

• The majority of Delta-8-THC on the market is created from CBD.

• CBD is extracted from cannabis. The extracted CBD is mixed with an acidic catalyst and heated for a period of time. This process converts much of the CBD to Delta-8-THC via “isomerization.” This also produces significant amounts of chemical byproducts with unknown health effects.
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WHY IT MATTERS

• Outside the OLCC market, these products are subject to very little regulation and may be sold by anyone and to anyone, including to minors.

• Delta-8-THC is not contemplated in statute.

• Testing for Delta-8-THC is not required.

• Testing for chemical reaction byproducts is not required.

• There are no clear potency or concentration limits on Delta-8-THC products.
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WHAT THE BILL DOES

• **Short-term:**

• Address the immediate issue of sales to minors and gaps in regulatory authority:
  • Prohibit sales of intoxicants to minors by allowing the OLCC to set potency limits for THC and artificially-derived cannabinoids.
  • Expand Oregon Department of Agriculture and OLCC authority to regulate cannabis and cannabinoids.
  • Clarify requirements for finished product testing of hemp cannabinoid consumable products.
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WHY POTENCY LIMITS?

- High-THC hemp edibles can legally be sold to consumers in Oregon, including minors, as long as they are below 0.3% Delta-9-THC.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Hemp Potency Limit</th>
<th>Adult-Use Marijuana Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 g pack of gummies</td>
<td>60 mg $\Delta^9$-THC</td>
<td>50 mg $\Delta^9$-THC</td>
</tr>
<tr>
<td>85g bar of chocolate</td>
<td>255 mg $\Delta^9$-THC</td>
<td>50 mg $\Delta^9$-THC</td>
</tr>
<tr>
<td>12 oz beverage</td>
<td>&gt;1,000 mg $\Delta^9$-THC</td>
<td>50 mg $\Delta^9$-THC</td>
</tr>
</tbody>
</table>

(item pictured is not a marijuana or hemp item)
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WHAT THE BILL DOES

• **Longer-term:**

  • Includes provision to raise the THC limit automatically if federal law increases.
    • Until federal law increase, keeps 0.3% THC as the limit. Note that 0.3% THC limit is the current limit in federal law and Oregon law.

  • Establish a Task Force to consider the larger structural issues that allow intoxicating cannabis-derived products to be unregulated:
    • Where should these products fit into Oregon's legal cannabis markets?
    • What steps are necessary for adult consumers to be capable of making informed choices about consuming these products?

  • Starts the process of bringing all processing of cannabinoids for human consumption in Oregon into a single regulated framework under OLCC.
    • The proposed change would require an OLCC Processor license by July 1, 2023 (due to a technical error, the current bill says by January 1, 2022).
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WHY LICENSURE?

• Currently, much of the supply chain is unregulated/untracked.
  • Only growers and primary processors register with ODA.
  • No Land Use Compatibility Statement required for secondary or tertiary processors.
  • Hemp extracts, including material with >0.3% THC, can be sold to unlicensed/unregulated secondary processors to formulate into vape cartridges, edibles, etc.

• Trackable supply chain so consumers have more confidence that:
  • Products have been properly compliance tested, with lab staff randomly selecting representative samples.
  • The lab results with a product actually come from the same production batch as the product the consumer is purchasing.