

# EMERGING REGULATORY ISSUES

## DELTA-8-THC

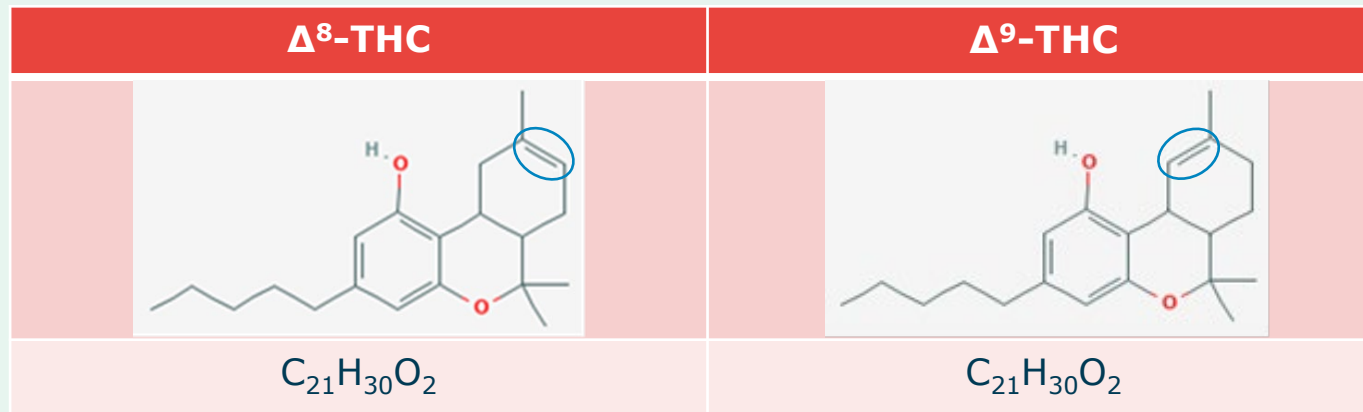
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# DELTA-8-THC

## WHAT DELTA-8-THC IS

- Delta-8-THC ( $\Delta^8$ -THC, sometimes just called “Delta 8” or “D8”) is a close chemical relative of Delta-9-THC ( $\Delta^9$ -THC):



- Delta-8-THC is an intoxicating cannabinoid. Users reports effects 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%.

# DELTA-8-THC

## WHERE IT COMES FROM

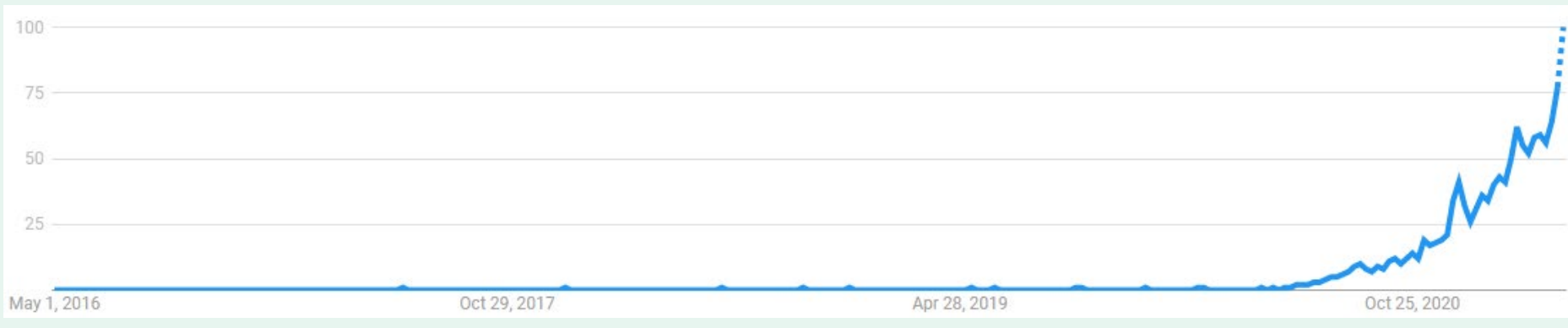
- The majority of Delta-8-THC on the market is created from CBD.
- CBD is extracted from cannabis. The extracted CBD is mixed with an acidic catalyst and heated for a period of time. This process converts much of the CBD to Delta-8-THC via “isomerization.” This also produces significant amounts of chemical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



# DELTA-8-THC

## 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 is not required for Delta-8-THC and chemical reaction byproducts.
- There are not clear potency or concentration limits on Delta-8-THC products.
- Google Trends interest over time for “delta 8” web searches:



# DELTA-8-THC

## CANNABIS REGULATION IN OREGON

- **Adult use marijuana:**
  - Oregon Liquor Control Commission licenses producers, processors, wholesalers, retailers, and laboratories.
- **Medical marijuana:**
  - Oregon Health Authority registers patients, designated caregivers, growers, processing sites, and dispensaries.
- **Hemp:**
  - Oregon Department of Agriculture registers hemp growers and handlers (primary processing).
- Overlap between programs in testing requirements, pesticide regulation, etc.

# DELTA-8-THC

## HEMP REGULATION IN OREGON

Role	Description of activities
<b>ODA-Registered Hemp Growers</b>	Grow the crop. Prior to harvest, the crop must be tested to ensure that it is below the legal threshold of 0.3% total THC.
<b>ODA-Registered Hemp Handlers</b>	Receive the crop and process it into a commodity or product (e.g. hemp extracts, smokable hemp flower, hemp seed, grain, and fiber). Can make finished consumer goods or transfer intermediate commodities to secondary processors for further processing. Registered Handlers are required to test their cannabinoid hemp materials.
<b>Secondary Processors</b> (Not registered)	Receive hemp commodities and further process these into consumer goods. Testing requirements are less clear. State agencies don't have clear regulatory oversight.
<b>Retailers</b> (Not registered)	Receive hemp consumer goods and sell them to consumers. No age restrictions. State agencies have minimal regulatory oversight.



# DELTA-8-THC COMMON PRODUCT TYPES

Candies



Vapes



Gummies



Delta 8 Sprayed  
Pre-rolls



# DELTA-8-THC

## BEYOND DELTA-8-THC

- **Two underlying factors:**

- When hemp was legalized, the conceptual framework was that hemp is the non-intoxicating side of cannabis. As a result, there is currently little room for regulation of the intoxicating products that are being made from hemp.
- When legalizing cannabis, the laws did not anticipate processors using cannabis-derived starting materials to make other cannabinoids via chemical reactions.

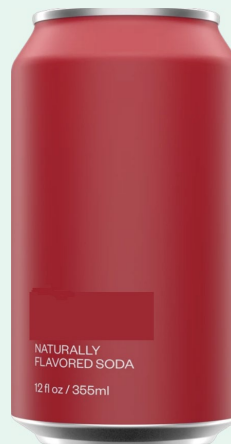
- **Consequences:**

- CBD to Delta-8-THC or Delta-9-THC isomerization.
- Other isomers of THC: Delta-10-THC, Delta-6-THC, exo-THC, etc.
- Other chemical derivatives made from extracted cannabinoids.
- Hemp products that have more Delta-9-THC than marijuana products.



# DELTA-8-THC DELTA-9-THC ON THE OPEN MARKET

- 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.



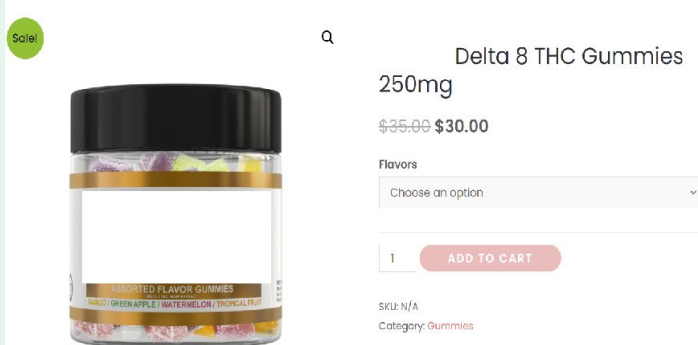
(item pictured is not a marijuana or hemp item)

## What does 0.3% look like?

	Hemp Potency Limit	Adult-Use Marijuana Limit
20 g pack of gummies	60 mg $\Delta^9$ -THC	50 mg $\Delta^9$ -THC
85g bar of chocolate	255 mg $\Delta^9$ -THC	50 mg $\Delta^9$ -THC
12 oz beverage	>1,000 mg $\Delta^9$ -THC	50 mg $\Delta^9$ -THC

# DELTA-8-THC PRODUCT EXAMPLE

- This edible has about 40% less Delta-8-THC than advertised. It is also significantly more intoxicating than the label indicates, because it contains a large amount of Delta-9-THC that is not mentioned on the label.
- Advertised: Over 25 mg  $\Delta^8$ -THC
- Actual: 15 mg  $\Delta^8$ -THC and 8 mg  $\Delta^9$ -THC



**Details:** New all natural hemp derived Delta 8 THC gummies. These gummies are packed with assorted flavors. Each of these Hemp gummies has over 25mg of Delta 8 THC and are 3rd party lab tested. Made in the USA. (250mg), 10 pieces.

**Delta 8 Gummies - 25mg**  
Matrix: Hemp Products

Source ID:  
Date Sampled: 08/24/20 Date Accepted: 08/24/20

Potency			
Date/Time Extracted: 08/25/20 12:21			
Cannabinoids	LOQ (%)	mg/g	%
Total CBD	0.0159	0.612	0.061
THCA	0.0221	< LOQ	< LOQ
delta 9-THC	0.0153	2.147	0.215
delta 8-THC	0.0192	3.936	0.394
THCV	0.0150	< LOQ	< LOQ
THCVA	0.0224	< LOQ	< LOQ
CBD	0.0159	0.612	0.061
CBDA	0.0220	< LOQ	< LOQ
CBDV	0.0154	< LOQ	< LOQ