



Delta-8: How did we get to this point?

Evidence of hemp use has been traced back to 8,000 BCE and has been used in North America since 1616 when it was grown in Jamestown to make sails, ropes, and clothing. In 1970, The Controlled Substances Act of 1970 classified hemp as an illegal Schedule I drug, and strict regulations were imposed on industrial hemp and marijuana.^[1] In 2018, an amendment to the 2018 Farm Bill legalized hemp and removed the hemp plant, along with any of its seeds and derivatives from the Controlled Substances Act.^[2] In terms of delta-8, the 9th Circuit Court of Appeals stated in its ruling in May 2022 that because Congress legalized hemp AND its “derivatives” and “extracts” in the 2018 Farm Bill, delta-8 is legal if it is derived from a hemp extract (CBD in this case).^[3] Licensed producers of Hemp now turn most of their crop into CBD products, from which delta-8 is synthesized. The popularity of hemp-derived products has been on the rise, with a 2019 Gallup poll finding that 14% of Americans say they use CBD products.^[4]

^[1] “History of Hemp in the US,” Ministry of Hemp, 2019, <https://ministryofhemp.com/hemp/history/>

^[2] Agriculture Improvement Act of 2018, H.R.2, 115th Cong., December 20, 2018, <https://www.congress.gov/bill/115th-congress/house-bill/2/all-info>

^[3] AK Futures v. Boyd Street Distro, D.C. No. 8:21-cv-01027- JVS-ADS, (9th Cir. 2022), <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/05/19/21-56133.pdf>

^[4] Megan Brenan, “14% of Americans Say They Use CBD Products,” Gallup, August 7, 2019, <https://news.gallup.com/poll/263147/americans-say-cbd-products.aspx>