



How is Delta-8 sold?

Delta-8 products can be found in a wide range of shops, from gas stations and convenience stores, to head shops and dispensaries. In some locations, they may be sold in their own dedicated store. Products are also available for sale online, with some online retailers specializing in particular types of delta-8 products such as vape cartridges, edibles such as gummies, and delta-8 oils - all product areas that are familiar to those who purchase marijuana products at dispensaries around the U.S. Some even sell delta-8 “flower,” which is often hemp plant material that has been sprayed or dipped in a solution containing delta-8 distillate.

Products can include the wide variety of familiar-sounding products a person might find in a large dispensary, including gummies, vape cartridges, edibles, pre-rolls, joints, dabs, oil, and capsules. Flower (raw plant material) is also available, and while delta-8 is not naturally found in hemp, harvested hemp is sprayed or dipped in a delta-8 solution and dried. Retail prices for products sold online tend to be more costly than comparable products sold in dispensaries for delta-9 products.

Of paramount concern is that delta-8 products are often not limited by age, or “age-gated.” Intoxicants should not be available to minors except with the help of a physician. We hope regulations can be put in place quickly to limit access.

Beyond age, consumers should keep in mind that delta-8 products could contain residual chemicals left over from processing that are harmful, and products often contain delta-9 THC as well. Without a regulatory system, we don’t have the consistent testing standards or oversight, and it means buyers need to be careful. Not all companies will put the same level of care into their products, and promises make little difference when there is no oversight.^[1] Experiences and brands vary widely. Above all, keep in mind that for now, all these products are loosely regulated at best, and we simply don’t know if they are as safe as naturally-derived marijuana until regulations appear that consumers can rely on.^[2]

^[1] Consumers should be careful about counterfeits of brands they trust. For instance, In *AK Futures LLC v. Boyd St. Distro, LLC*, 35 F.4th 682 (9th Cir. 2022), the plaintiff alleged that the defendant was selling counterfeit versions of its “Cake” brand e-cigarette and vaping products containing Δ8-THC.

^[2] Men’s Journal Editors, “Delta-8 THC Near Me: Where is Delta-8 Available?,” *Men’s Journal*, accessed June 30, 2021, <https://www.mensjournal.com/health-fitness/delta-8-thc-near-me-where-is-delta-8-available/#:~:text=Delta%2D8%20THC%20products%20can,than%20what%20is%20federally%20allowed>.