



## What has the Government said about Delta-8?

Several government agencies have released statements warning about delta-8 and the rise of its popularity. On September 14, 2021, the CDC (Center for Disease Control and Prevention) issued a Health Alert Network Health Advisory to alert public health departments, healthcare professionals, first responders, poison control centers, laboratories, and the public to the increase in availability and use of delta-8 products. The alert issued stressed the potential for adverse effects which could occur due to insufficient labeling of delta-8 products.<sup>[1]</sup> Additionally, on September 15, 2021, the DEA wrote a letter responding to the Alabama Board of Pharmacy clarifying the control status of delta-8 under the Controlled Substances Act (CSA). The letter explained that “cannabinoids extracted from the cannabis plant that has a  $\Delta$ 9-THC concentration of not more than 0.3 percent on a dry weight basis meet the definition of ‘hemp’ and thus are not controlled under the CSA.”<sup>[2]</sup> On May 4, 2022, the Food and Drug Administration (FDA) issued several warning letters to companies it claims are illegally marketing products labeled as containing delta-8 in ways that violate the Federal Food, Drug, and Cosmetic Act (FDCA). The FDA asserts that the manufacturers have deceived consumers by labeling delta-8 products as “hemp products” which can mislead consumers into thinking that they are not psychoactive. The letter to manufacturers also expressed concern about delta-8 products that are branded and marketed to appeal to young children.<sup>[3]</sup> At the same time, the FDA also issued a consumer update titled “5 Things to Know about Delta-8 Tetrahydrocannabinol - Delta-8 THC.” The consumer update warns that delta-8 products have not been evaluated or approved by the FDA, can cause adverse events, have psychoactive and intoxicating effects, use potentially harmful chemicals in production, and should be kept out of the reach of children and pets.<sup>[4]</sup>

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<sup>[1]</sup> “Increases in Availability of Cannabis Products Containing Delta-8 THC and Reported Cases of Adverse Events,” Center for Disease Control and Prevention, September 14, 2021, <https://emergency.cdc.gov/han/2021/han00451.asp>

<sup>[2]</sup> Drug Enforcement Administration, September 15, 2021, <https://hempindustrydaily.com/wp-content/uploads/2021/11/DEA-letter-to-AL-BOP.pdf>

<sup>[3]</sup> “FDA Issues Warning Letters to Companies Illegally Selling CBD and Delta-8 THC Products,” U.S. Food and Drug Administration, May 4, 2022, <https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-companies-illegally-selling-cbd-and-delta-8-thc-products>

<sup>[4]</sup> “5 Things to Know about Delta-8 Tetrahydrocannabinol- Delta-8 THC,” U.S. Food and Drug Administration, May 4, 2022, <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>