

MPP's State by State Guide to Hemp Intoxicants Regulations

	Medical Marijuana?	Adult-use marijuana?	Legal status of hemp-based intoxicants	Regulation Status	Summary	Current Statutory Authority	Notes		
Alabama	Yes	No	Legal	Unregulated	State lawmakers passed SB 225, which legalized hemp and hemp-derived compounds in 2019. Subsequent legislative efforts to ban have fallen short.	Senate Bill 225, passed in May 2019, legalized hemp and hemp-derived compounds	In April 2021, lawmakers attempted to ban delta-8 and delta-10 and place it on their list of controlled substances (House Bill 2)- failed to pass	In February 2022, State Senator Tim Melson introduced House Bill 144 attempting to ban delta-8 and other intoxicating hemp compounds - failed to pass.	
Alaska	Yes	Yes	Illegal	Fully Prohibited	All forms of THC are clearly prohibited under state law as a Schedule IIIA controlled substance.	Classified as a Schedule IIIA controlled substance under state law (including all tetrahydrocannabinols)			
Arizona	Yes	Yes	Illegal	Fully Prohibited	Clearly prohibited under state law. All tetrahydrocannabinol derivatives, isomers, and preparations are classified as controlled substances under the Arizona Controlled Substances Act.	All tetrahydrocannabinol derivatives, isomers, and preparations are classified as controlled substances under the Arizona Controlled Substances Act and 36-2501	Senate Bill 1715, introduced in February 2022, seeks to make the sale and manufacturing of delta-8 products a felony but did not pass		
Arkansas	Yes	No	Legal	Unregulated	State lawmakers passed HB 1640 in 2021, removing delta-8 from the state's list of controlled substances.	House Bill 1640, passed in March 2021, removed provisions that formerly classified delta-8 as a controlled substance.			
California	Yes	Yes	Legal	Fully Prohibited	State lawmakers passed AB 45 in 2021 redefining THC redefined "THC" to include delta-8 and other THC isomers. All forms of THC now must be included in the total of .3% THC.	Assembly Bill 45, passed in September 2021, redefined "THC" to include delta-8 and other THC isomers and required that hemp products cannot contain more than 0.3% delta-8 or other intoxicating cannabinoids.			
Colorado	Yes	Yes	Illegal	Fully Prohibited	Previously legal following passage of Senate Bill 19-220, in 2019, delta-8 is now classified as a controlled substance following a notice from the CO Department of Health & Environment, which re-criminalized it under state law. A task force is considering options.	Classified as a controlled substance after a Notice from CO Department of Health & Environment stating that "chemically modifying or converting any naturally occurring cannabinoids from industrial hemp is Non-compliant with the statutory definition of 'industrial hemp product'"	Senate Bill 205, passed in May 2022, created a task force to study intoxicating hemp compounds	Senate Bill 19-220, passed in 2019, had previously legalized hemp and all hemp-derived compounds before the issuance of the notice from Colorado's Department of Public Health & Environment	
Connecticut	Yes	Yes	Legal	Regulated	State lawmakers passed Senate Bill 1202 in 2021 legalizing and regulating delta-8 products.	Senate Bill 1202, passed in June 2021, legalized any product with a total THC concentration exceeding 0.3% under special rules including that only allows licensed dispensaries and hybrid retailers to sell delta-8 products.			
Delaware	Yes	No	Illegal	Fully Prohibited	Clearly prohibited under state law. All tetrahydrocannabinols are banned substances under Schedule I of Delaware's Uniform Controlled Substances Act.	All tetrahydrocannabinols are banned substances under Schedule I of Delaware's Uniform Controlled Substances Act			
District of Columbia	Yes	Yes	Legal	Unregulated	Local law does not prohibit intoxicants from hemp (where there are, for instance, limitations on marijuana use). Otherwise the District follows federal law.				
Florida	Yes	No	Legal	Unregulated	State lawmakers passed SB 1020 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	Florida Senate Bill 1020, passed in 2019, removed all hemp derivatives, cannabinoids, flavonoids, and all other compounds from its Drug Abuse Prevention and Control Act and created a state hemp program.	Marijuana and marijuana-derived compounds are strictly illegal in Florida (delta-8 derived from marijuana is Not legal)		
Georgia	No	No	Legal	Unregulated	State lawmakers passed the The Georgia Hemp Farming Act in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	The Georgia Hemp Farming Act, enacted in 2019, removed delta-8 and other THC variants from the state's controlled substance list (provided they're derived from hemp carrying no more than 0.3% delta-9 THC.)	Marijuana and marijuana-derived compounds are strictly illegal in Florida (delta-8 derived from marijuana is Not legal)		

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Hawaii	Yes	No	Illegal	Fully Prohibited	State lawmakers passed House Bill 2689 in 2020 legalizing hemp products. In April 2022, edible and inhalable hemp products were prohibited through agency rule. One retailer has sought relief after a police raid, claiming the government did not tell him products were prohibited.	House Bill 2689, passed in February 2020, legalized hemp products (including delta 8) containing no more than 0.3% delta-9 THC.	Per the Hawaii Administrative Rules, as of April 2022, the sale and distribution of edible and inhalable hemp products is prohibited. The only permitted products are tinctures, tablets, capsules, and softgels.		
Idaho	No	No	Illegal	Fully Prohibited	Hemp cultivation and production only became legal in 2021 through passage of HB 126, which also prohibited all THC isomers including delta-8.	House Bill 126, passed in April 2021, finally allowed for the production and cultivation of hemp in the state but categorized all THC isomers as Schedule I controlled substances under Idaho's Controlled Substances Act.	No hemp-derived product can carry any percentage of THC or its isomers		
Illinois	Yes	Yes	Legal	Unregulated	State lawmakers passed the Illinois' Industrial Hemp Act in 2018, legalizing hemp-derived delta 8, but a policy statement in 2022 has led to confusion about the legality of chemically synthesized delta-8.	Under Illinois' Industrial Hemp Act, effective in August of 2018, hemp-derived delta-8 is legal and its use, possession, sale, distribution, purchase, and production are permitted.	Illinois Department of Agriculture issued a policy statement in March 2022 disallowing producers from chemically synthesizing delta-8 from CBD (It is unclear if this statement is legally binding)		
Indiana	No	No	Legal	Unregulated	State lawmakers passed SB 516 in 2019, legalizing hemp-derived compounds, which implicitly included intoxicants. Legislation introduced in 2022 would create a study committee on the effects of delta 8, but products are legal in the meantime.	Senate Bill 516, passed in May 2019, legalized hemp-derived compounds (including delta-8) and removed them from Indiana's list of controlled substances.	Senate Bill 209, introduced in January 2022, attempts to assign the interim study committee on corrections and criminal code the task of studying "delta-8 THC" and any of its related psychoactive cannabinoids.		
Iowa	No	No	Illegal	Fully Prohibited	The state's controlled substances act clearly prohibits all forms of THC, and the state passed HF 2581 in 2020 which states that all inhalable cannabis products are prohibited.	Iowa Controlled Substances Act states that all tetrahydrocannabinols are Schedule I controlled substances	The Iowa Department of Agriculture & Land Stewardship declares the possession and manufacturing of delta-8 products prohibited	House File 2581, signed by the Governor in June 2020, states that all inhalable cannabis products are illegal	
Kansas	No	No	Legal	Unregulated	State lawmakers passed SB 282 in 2018 legalizing all hemp products implicitly including all intoxicants other than delta-9. The State General Attorney released an opinion piece in 2021 declaring delta-8 "unlawful," but it lacks force of law and products are widely considered legal there now.	Senate Bill 282, passed in May 2018, legalized all hemp products (including delta-8 but excluding delta-9) which the exception that no hemp product could carry any quantity of delta-9.	Kansas State Attorney General released an opinion piece in December 2021 stating that the use, possession and sale of delta-8 products are "unlawful" unless it contains No more than 0.3% total tetrahydrocannabinols (Not binding).		Murray Dines, Terpene Distribution vs. Laura Kelly and Derek Schmidt
Kentucky	No	No	Legal	Unregulated	State lawmakers aligned their hemp laws with the Federal Farm Bill passing HB 197 in 2018, and despite a statement from the state Attorney General to the contrary, a circuit court judge ruled that delta-8 products are legal in the state.	House Bill 197, aligned Kentucky's hemp laws with the federal Farm Bill of 2018.	In April 2021 the Kentucky Department of Agriculture's legal counsel stated that hemp and marijuana-derived delta-8 is a controlled substance and is therefore prohibited.	Law enforcement began raiding several delta-8 vendors and the Kentucky Hemp Association sued the state. A judge ruled in their favor and implemented an injunction that officially but temporarily legalized delta-8 products in February 2022	Senate Bill 170 was introduced in February 2022 in an attempt to prohibit the production of intoxicating hemp-derived products, but failed to pass
Louisiana	Yes	No	Legal	Regulated	Louisiana was the first state to adopt regulations related to production and sale of hemp intoxicants, when it passed House Bill 491 in June 2019 - later refined in 2022 in HB 758. There is the most robust of all the regulatory system so far.	House Bill 491, passed in June 2019, legalized hemp and hemp-derived compounds and removed them from Louisiana's list of controlled substances.	According to House Bill 758, which passed in June 2022, unlicensed hemp vendors selling delta-8 must become licensed by the state and submit each product to safety testing, no product can contain more than 0.5 mg of delta-8 or any THC isomer, and customers must be 21 to purchase.		
Maine	Yes	Yes	Legal	Unregulated	State lawmakers passed Document 1159 in 2019, which legalized hemp-derived delta 8.	After the passage of Legislative Document 1159, in June 2019, hemp-derived delta-8 is not considered a state-controlled illegal substance.			
Maryland	Yes	No	Legal	Regulated	State lawmakers aligned their hemp laws with the Federal Farm Bill in HB 1123 in 2019, and passed Senate Bill 0788 in 2021 regulating setting a 21 year age limit and further regulating delta-8 products.	House Bill 1123, passed in 2019, created the Hemp Farming Program, authorizing the state to regulate commercial hemp farming according to the 2108 Farm Bill.	Senate Bill 0788, passed in May 2021, requires that customers must be 21 to use, possess, or purchase delta-8 products and created a taskforce to "study and make recommendations on the classification and regulation of tetrahydrocannabinols, other than delta-9, that are artificially, synthetically, or naturally-derived"		

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Massachusetts	Yes	Yes	Legal	Unregulated	State lawmakers aligned their hemp laws with the Federal Farm Bill in 2018 with passage of Bill H. 4001, but recent government statements have made the state's regulations on delta-8 unclear.	Bill H. 4001 (2018) coincides with the federal hemp laws set out by the Farm Bill	Massachusetts government website claims that delta-8 is a controlled substance and the sale or production is Not allowed (unknown about use or possession) (May not be legally binding)		
Michigan	Yes	Yes	Legal	Regulated	State lawmakers passed HB 4517 in 2021 regulating hemp and cannabis-derived delta 8. Only state-licensed companies can sell, distribute, and manufacture delta-8 products, they must be licensed by Michigan Marijuana Regulatory Agency, and customers must be 21 to purchase.	House Bill 4517, passed in July 2021, regulated hemp and cannabis-derived delta 8, stating that only state-licensed companies can sell, distribute, and manufacture delta-8 products, they must be licensed by Michigan Marijuana Regulatory Agency, and customers must be 21 to purchase.			
Minnesota	Yes	No	Legal	Regulated	State lawmakers passed bill in 2015 legalizing hemp and updated it in 2019 to align with federal law on hemp. House File 3595 passed in 2022, regulating hemp products including edibles containing THC.	Minnesota's existing hemp pilot program, the Industrial Hemp Development was established in 2015, legalizing naturally existing delta-8 and was amended in 2019 to coincide with the Farm Bill.	House File 3595, introduced in March 2022, would limit edible hemp products to 5 mg of THC per serving, require that all other hemp products can only contain up to 0.3% of any tetrahydrocannabinol, and require customers be at least 21 to purchase		
Mississippi	Yes	No	Illegal	Fully Prohibited	Clearly prohibited under state law. House Bill 1547, effective July 2019, classified all forms of tetrahydrocannabinol from the cannabis plant as schedule I drugs.	House Bill 1547, effective July 2019, classifies all forms of tetrahydrocannabinol from the cannabis plant as schedule I drugs.			
Missouri	Yes	No	Legal	Unregulated	State lawmakers passed HB 2034 in 2018 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	House Bill 2034, passed in June 2018, legalized hemp and hemp-derived compounds	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
Montana	Yes	Yes	Illegal	Fully Prohibited	The state's controlled substances act was amended in 2019 to include delta-8. Not clear if other isomers or analogs might be allowed.	Classified as a state-controlled substance under the Controlled Substances Act in 2019	(unclear whether marijuana-derived delta-8 is permitted)		
Nebraska	No	No	Legal	Unregulated	State lawmakers removed hemp from the list of Controlled Substances in the Nebraska Hemp Farming Act of 2019. No clear regulations on delta 8.	Not considered a controlled substance following the Nebraska Hemp Farming Act of 2019			
Nevada	Yes	Yes	Illegal	Fully Prohibited	State lawmakers legalized hemp derived compounds in Senate Bill 209 in 2019, but later prohibited products made using hemp carrying more than 0.3% THC and artificially produced cannabinoids in Senate Bill 42 in 2021.	Senate Bill 42, passed in June 2021, prohibited all products made using hemp carrying more than 0.3% THC and prohibited all artificially produced cannabinoids.	Previous to Senate Bill 42, hemp derived delta-8 was legal under Senate Bill 209 which legalized hemp and hemp-derived compounds in July 2019.		
New Hampshire	Yes	No	Legal	Unregulated	State lawmakers passed House Bill 459 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	House Bill 459, passed in July 2019, broadly legalized hemp and hemp-derived compounds	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
New Jersey	Yes	Yes	Legal	Unregulated	State lawmakers passed A5322 which established the New Jersey Hemp Program in 2019, which legalized hemp and hemp-derived compounds.	Bill A5322 (the New Jersey Hemp Program), passed in 2019, legalized hemp and hemp-derived compounds.			
New Mexico	Yes	Yes	Legal	Unregulated	State lawmakers passed the New Mexico Hemp Manufacturing Act in 2019, legalizing hemp-derived compounds.	New Mexico Hemp Manufacturing Act, enacted in 2019, legalized Hemp and hemp compounds			
New York	Yes	Yes	Illegal	Fully Prohibited	The New York Cannabis Control Board banned the sale, distribution, and production of delta-8 products. While clearly prohibited under state law, sales are common and there are discussions of a regulatory system.	New York Cannabis Control Board banned the sale, distribution, and production of delta-8 products	Delta-8 may eventually be regulated through an adult-use program		

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North Carolina	No	No	Legal	Unregulated	State lawmakers permanently exempted hemp from their list of controlled substances with passage of Senate Bill 455 in June 2022. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	Senate Bill 455, passed in June 2022, made permanent the exception for hemp, and specifically tetrahydrocannabinols found in hemp or hemp products, in the definition of marijuana in the North Carolina Controlled Substances Act.	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
North Dakota	Yes	No	Illegal	Fully Prohibited	House Bill 1045 passed in 2021, amending North Dakota's existing hemp bill to include delta-8 and delta-10 as a prohibited substance. Not clear if other isomers or analogs might be allowed.	House Bill 1045 amended North Dakota's existing hemp bill to include delta-8 as a prohibited substance	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
Ohio	Yes	No	Legal	Unregulated	State lawmakers passed Senate Bill 57 in 2019 legalizing hemp and hemp compounds. No clear regulations on delta 8.	Senate Bill 57, passed in 2019, legalized hemp and hemp compounds			
Oklahoma	Yes	No	Legal	Unregulated	State lawmakers passed Oklahoma Industrial Hemp Program of 2018, legalizing hemp-derived delta 8. Marijuana-derived compounds remain technically illegal in accordance with the state's cannabis laws.	Oklahoma Industrial Hemp Program of 2018 legalized hemp and hemp-derived compounds	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
Oregon	Yes	Yes	Legal	Restricted	State lawmakers passed HB 3000 in 2021, granting the Oregon Liquor and Cannabis Commission more authority under which they prohibited all "artificially derived cannabinoids" in 2022. The agency rule effectively creates a ban.	HB 3000, passed in 2021, gave the Oregon Liquor and Cannabis Commission more authority and oversight over the hemp industry.	Under HB 300, the Oregon Liquor and Cannabis Commission established a new rule defining adult-use cannabis products and prohibiting all Oregon businesses from selling any and all "artificially derived cannabinoids" as of 7/1/2022	Apparently the bar is so high that it makes it a de facto ban. Requires FDA approval.	
Pennsylvania	Yes	No	Legal	Unregulated	State lawmakers passed House Bill 967 in 2016 legalizing hemp-derived cannabinoids.	House Bill 967, passed in 2016, legalized delta-8 and other hemp-derived cannabinoids	In April, 2022, state senators introduced a memorandum proposing a ban on hemp-derived delta-8 products (has Not yet passed)		
Rhode Island	Yes	Yes	Illegal	Fully Prohibited	Most consider delta-8 to be illegal following passage of the Hemp Growth Act and its inclusion in the definition of THC contained in the states uniform controlled substances act.	Classified as a Schedule I controlled substance under the state's Uniform Controlled Substances Act			
South Carolina	No	No	Legal	Unregulated	State lawmakers passed HB 3449 in 2019 legalizing all hemp derivatives. The state's AG has issued a contrary statement, but it is currently treated as legal.	House Bill 3449, passed in 2019, states that all hemp derivative, tetrahydrocannabinols, cannabinoids, terpenes, flavonoids, isomers, and salts are legal and not considered controlled substances.	Attorney General Alan Wilson claims that delta-8 products derived from hemp plants carrying the federal 0.3% THC limit aren't permitted (this may not be legally binding)	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)	
South Dakota	Yes	No	Legal	Regulated	State lawmakers passed HB 1292 in 2022 regulating delta-8 for those under the age of 21.	House Bill 1292, passed in 2022, allows adults 21+ legal access to delta-8 and other intoxicating hemp products	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
Tennessee	No	No	Legal	Unregulated	State lawmakers passed SB 357 in 2018 descheduling all hemp derived cannabinoids, including delta-8. Attempts have been made to ban delta-8, but have been unsuccessful. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	Senate Bill 357, passed in 2018, removed hemp from the definition of marijuana and descheduled all hemp-derived cannabinoids from the state's controlled substances list.	House Bill 1927 aimed to ban delta-8 and all other hemp-derived products carrying more than the 0.3% THC limits (did Not pass)	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)	
Texas	No	No	Legal	Unregulated	Delta-8 is currently legal after a county judge temporarily blocked the state from classifying it as a controlled substance, granting an injunction and placing delta-8 as temporarily legal.	House Bill 2593 (2021) attempted to ban delta-8 products (limit the quantity of all tetrahydrocannabinols to 0.3%) (failed to pass)	In December 2021, the Texas Department of State Health Services claimed on its website that delta-8 was an illegal controlled substance. A delta-8 vendor sued and requested an injunction. The court granted the vendor a temporary injunction, placing delta-8 as temporarily legal.		
Utah	Yes	No	Illegal	Fully Prohibited	State law clearly prohibits all forms of hemp-derived THC in Chapter 37 of the Utah Controlled Substances Act.	Under Chapter 37 of the Utah Controlled Substances Act, hemp-derived tetrahydrocannabinols are prohibited (although delta-8 is not specifically mentioned).	As per the Utah Medical Cannabis Act of 2018, only medical marijuana patients with a qualifying condition can use, possess, and purchase delta-8 products. Delta-8 companies and products must be licensed by Utah's department of health.		

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Vermont	Yes	Yes	Illegal	Fully Prohibited	The Vermont Hemp rules adopted by the Vermont Agency of Agriculture, Farms, and Markets in 2020 ban the use of synthetic cannabinoids in the production of hemp products.	The Vermont Agency of Agriculture, Farms, and Markets considers the possession, sale, and manufacturing of synthetically-derived delta-8 products prohibited.	H. 548, introduced in 2022, seeks to regulate delta-8 products under the state's existing marijuana laws		
Virginia	Yes	Yes	Legal	Regulated	State lawmakers passed House Bill 1839 in 2019 legalizing hemp and hemp-derived products. Regulations went into effect in July 2022. HB 30 passed in 2022 to impose an age limit if 21 or older and the State AG has interpreted the Virginia Food and Drink Act to ban delta-8 sales based on potential health risks	House Bill 1839, passed in 2019, legalized hemp and hemp-derived compounds, separating them from marijuana and marijuana-derived compounds.			
Washington	Yes	Yes	Illegal	Fully Prohibited	In 2021, the state's regulatory agency, the Liquor and Cannabis Board, declared that the purchase, sale, and production of delta-8 products chemically synthesized from CBD are prohibited. A bill was filed in 2022 that would have made it law, but failed to advance.	Washington's Liquor and Cannabis Board requested the ban on the sale and manufacturing of delta-8 in a 2021 policy statement. (legally binding?)	Senate Bill 5983, introduced in 2022 attempted to ban delta 8 to "protect consumers from untested and unregulated cannabinoid products." (failed to pass)		
West Virginia	Yes	No	Legal	Unregulated	Hemp is considered legal in West Virginia in accordance with the Federal Farm Bill. Attempts were made in 2022 to restrict and regulate delta-8.	West Virginia hemp laws are in accordance with the Federal Farm Bill of 2018	Senate Bill 666, introduced in 2022, attempted to restrict and regulate delta-8 (failed to pass)		
Wisconsin	No	No	Legal	Unregulated	Under state definitions of legal hemp, delta-8 is not excluded and is currently legal. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	Under WI Stat § 94.55, Wisconsin defines legal, state-compliant hemp as "any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers of hemp, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent."	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		
Wyoming	No	No	Legal	Unregulated	State lawmakers passed HB 0171 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.	House Bill 0171, passed in 2019, legalized hemp and hemp-derived compounds	Marijuana and marijuana-derived compounds are illegal (delta-8 derived from marijuana is Not legal)		