



# NOVEL CANNABINOID INTOXICANTS

## SUMMARY OF ISSUES

### OVERVIEW

Intoxicants derived from the hemp plant have presented a regulatory challenge in recent years. While Congress removed hemp from the Controlled Substances Act in the 2018 Farm Bill, a regulatory system has yet to emerge in response to many of the concerns arising in the wake of its passage. Since then, products have appeared across the country that are derived from the hemp plant and have little or no delta-9 THC, but which are similarly intoxicating. Because the federal government and most states removed hemp and all derivatives from their criminal statutes related to drugs, these products are not considered illegal except where they may be in violation of FDA regulations, or state or local law.

### HEALTH AND SAFETY

Hemp-derived intoxicants are not currently regulated by the federal government or by most states where legal. A number one concern is lack of age limits for purchases. Also troubling are harmful residual chemicals and mislabeled products.

### LAW ENFORCEMENT

Most states removed restrictions on hemp products without creating regulations for intoxicants, leaving law enforcement sidelined. With federal decriminalization of hemp and prohibition of marijuana (both the same plant), law enforcement is left to sort between rules and jurisdictions.

### POSSIBLE REGULATORY SOLUTIONS

Hemp-based intoxicants are here to stay, with 36 states currently allowing these products (25 of which have not legalized marijuana for adults). Several have or are adopting regulations and Congress should consider effective options to support sensible regulatory solutions. From empowering TTB, to getting needed guidance from FDA, there are practical and available solutions for policy makers to consider.

**A collaborative effort by:**



**Marijuana Policy  
Project**



**Global Alliance for  
Cannabis Commerce**

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