

States Where Legislative Prohibitions or Regulatory Clarifications are Currently Being Considered or Have Been Enacted

State	Language	Notes
Alabama (Med Only)	<p>April 29, 2021: Alabama House Bill 2 (passed) provides in relevant part, provides that (3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: q. Tetrahydrocannabinols, except for tetrahydrocannabinols in hemp, as defined in Section 2-8-381.</p>	<p>Alabama State Board of Health relies on federal CSA to define THC (most recent update to the Alabama Schedule I list was Jan 1, 2021:</p> <p>(31) Tetrahydrocannabinols...meaning tetrahydrocannabinols naturally contained in a plant of the genus cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:</p> <p>Δ 1 cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>Δ 6 cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>Δ 3,4 cis or trans tetrahydrocannabinol, and its optical isomers</p>
Colorado (Med/Adult Use)	<p>C.R.S.A §18-18-102:</p> <p>(34.5)(a) "Synthetic cannabinoid" means any chemical compound that is chemically synthesized and either:</p> <p>(I) Has been demonstrated to have binding activity at one or more cannabinoid receptors; or</p> <p>(II) Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors.</p> <p>(b) "Synthetic cannabinoid" includes but is not limited to the following substances:</p> <p>(I) HU-210: (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;</p> <p>(II) HU-211: dexamabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol;</p>	<p>Colorado MED has broad statutory and regulatory authority over cannabis.</p> <p>May 14, 2021: Colorado Marijuana Enforcement Division (MED) issued a bulletin that provides, "<u>Industrial Hemp Product is not permitted to be further processed or extracted</u> either before or after inclusion in a marijuana product by a Medical or Retail Marijuana Products Manufacturer. This prohibition includes any process that converts an Industrial Hemp Product, such as CBD isolate,</p>

<p>(III) JWH-018: 1-pentyl-3-(1-naphthoyl)indole; (IV) JWH-073: 1-butyl-3-(1-naphthoyl)indole; (V) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone; (VI) JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole; (VII) JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone; and (VIII) CP 47, 497, and homologues: 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol.</p> <p>(c) “Synthetic cannabinoid” does not mean: (I) Any tetrahydrocannabinols, as defined in subsection (35) of this section; or (II) Nabilone.</p> <p>(d) As used in this subsection (34.5), “analog” means any chemical that is substantially similar in chemical structure to a chemical compound that has been determined to have binding activity at one or more cannabinoid receptors.</p> <p>(35)(a) “Tetrahydrocannabinols” means synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis, sp., or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as the following: (I) ¹Cis or trans tetrahydrocannabinol, and their optical isomers; (II) ⁶Cis or trans tetrahydrocannabinol, and their optical isomers; (III) ^{3,4}Cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>(b) Since the nomenclature of the substances listed in paragraph (a) of this subsection (35) is not internationally standardized, compounds of these structures, regardless of the numerical designation of atomic positions, are included in this definition.</p>	<p>into delta-9, delta-8, delta-10-THC, or other tetrahydrocannabinol isomers or functional analogs.”</p> <p>May 14, 2021: Colorado Department of Public Health and Environment provided a notice to industrial hemp registrants that “<u>chemically modifying or converting any naturally occurring cannabinoids from industrial hemp is non-compliant with the statutory definition of ‘industrial hemp product.</u> This includes any process that converts an industrial hemp cannabinoid, such as CBD isolate, into delta-9, delta-8, delta-10-THC, or other tetrahydrocannabinol isomers or functional analogs.” Notice further provides that, “Additionally, a complete profile of reactionary byproducts has not been established in association with the conversion or creation of delta-9, delta-8, delta-10-THC; <u>therefore, insufficient evidence exists to determine whether or not any toxic or otherwise harmful substances are produced during these reactions and may remain in the regulated industrial hemp products ingested or applied/used by consumers. Therefore, these tetrahydrocannabinol isomers are not allowed in food, dietary supplements or cosmetics.”</u>”</p>
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<p style="text-align: center;">Illinois (Med/Adult Use)</p>	<p>May 25, 2021: CBD Safety Act (HB 147) broadens definition of “cannabinoid product” to include “...product offered for sale that contains cannabinoids and is not regulated under the Compassionate Use of Medical Cannabis Program Act or the Cannabis Regulation and Tax Act.</p> <p>Proposed legislation provides that "cannabinoid product" includes foods, and only foods, containing cannabinoids and that are not time/temperature control for safety foods, as defined in Section 1-201.10 of the Food Code 2017 Recommendations of the United States Public Health Service Food and Drug Administration.”</p> <p>Current definition of “cannabis” is broad: “Cannabis” means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means concentrate and cannabis-infused products.</p> <p>Current Illinois CSA identifies THC specifically as delta-9. Proposed legislation would broaden that definition.</p>	<p>Bill broadens authority to regulate compounds other than delta-9. There is no limit on the legislation session.</p>
<p style="text-align: center;">Michigan (Med/Adult Use)</p>	<p>June 2, 2021: House Bill 4517 was referred to the Committee on Regulatory Reform. First introduced on March 16, 2021, the bill has been amended several times and includes provisions as follows:</p> <p>The definition of industrial hemp would be revised as follows:</p>	<p>Current Michigan CSA provides (M.C.L.A. 333.7212 Schedule 1; substances included:</p> <p>(1) (d) Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis and synthetic substances, derivatives, and their isomers with</p>

	<p>A plant, or a part of a plant, of the genus <i>Cannabis</i>, whether growing or not, with a THC concentration of 0.3% or less on a dry-weight basis.</p> <ul style="list-style-type: none"> The seeds of a plant of the genus <i>Cannabis</i> with a THC concentration of 0.3% or less on a dry-weight basis. If it has a THC concentration of 0.3% or less on a dry-weight basis, a compound, manufacture, salt, derivative, mixture, preparation, extract, cannabinoid, acid, salt, isomer, or salt of an isomer of a plant, or a part of a plant, of the genus <i>Cannabis</i>. A product to which one of the following applies: If it is intended for human or animal consumption, consumption, the product, in the form in which it is intended for sale to a consumer, meets both of the following requirements: Has a THC concentration of 0.3% or less on a dry weight or per volume basis. Contains a total amount of THC that is less than or equal to the limit established in the bill. (The bill would require the MRA to establish, by rule, a limit on the total amount of THC that a product intended for human or animal consumption could contain and still fall under this provisions.) If it is not intended for human or animal consumption, the product meets both of the following requirements: <ul style="list-style-type: none"> Contains any of the substances described above. Has a THC concentration of 0.3% or less on a dry-weight basis. <p>The definition of marihuana would be revised to mean any of the following:</p> <ul style="list-style-type: none"> A plant, or a part of a plant, of the genus <i>Cannabis</i>, whether growing or not. The seeds of a plant of the genus <i>Cannabis</i>. Marihuana concentrate (the resin extracted from any part of a plant of the genus <i>Cannabis</i>). A compound, manufacture, salt, derivative, mixture, extract, acid, isomer, salt of an isomer, or preparation of any of the above. 	<p>similar chemical structure or pharmacological activity, or both, such as the following, are included in schedule 1:</p> <p>(i) Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>(ii) Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>(iii) $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>(e) Synthetic cannabinoids. As used in this subdivision, “synthetic cannabinoids” includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:</p>
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	<ul style="list-style-type: none"> • A marihuana-infused product (a topical formulation, tincture, beverage, edible substance, or similar product that contains marihuana or other ingredients and is intended for human consumption). • A product with a THC concentration of more than 0.3% on a dry-weight basis or per volume or weight in the form in which it is intended for sale to a consumer. <p>Except for marihuana concentrate extracted from any of the following, marihuana would not include any of the following:</p> <ul style="list-style-type: none"> • The mature stalks, or fiber produced from the mature stalks, of a plant of the genus <i>Cannabis</i>. • Oil or cake made from the seeds of a plant of the genus <i>Cannabis</i>. • A compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks of a plant of the genus <i>Cannabis</i>. • Industrial hemp. • An ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products. • A drug for which an application filed in accordance with 21 USC 355 is approved by the federal Food and Drug Administration (FDA). <p>The bill would define THC to mean any of the following:</p> <ul style="list-style-type: none"> • Tetrahydrocannabinolic acid. • A tetrahydrocannabinol, regardless of whether it is artificially or naturally derived, unless excluded by the MRA as described below. • A tetrahydrocannabinol that is a structural, optical, or geometric isomer of a tetrahydrocannabinol that is not excluded by MRA rule. <p>The bill provides that MRA could promulgate rules to <i>exclude</i> a tetrahydrocannabinol from the definition of THC if the MRA determines, after making findings with respect to each of the following factors, that the tetrahydrocannabinol does not have a potential for abuse:</p> <ul style="list-style-type: none"> • The actual or relative potential for abuse of the tetrahydrocannabinol. • The scientific evidence of the tetrahydrocannabinol’s pharmacological effect, if known. • The state of current scientific knowledge regarding the tetrahydrocannabinol. 	
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	<ul style="list-style-type: none"> • The history and current pattern of abuse of the tetrahydrocannabinol. • The scope, duration, and significance of abuse of the tetrahydrocannabinol. • The tetrahydrocannabinol's risk to the public health. • The potential of the tetrahydrocannabinol to produce psychic or physiological dependence liability. 	
<p>New York (Med/Adult Use Legal)</p>	<p>§ 3306. Schedules of controlled substances</p> <p>(20) Tetrahydrocannabinols. Synthetic tetrahydrocannabinols not derived from the cannabis plant that are equivalents of the substances contained in the plant, or in the resinous extractives of cannabis sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol, and their optical isomers</p> <p>delta 6 cis or trans tetrahydrocannabinol, and their optical isomers</p> <p>delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers (since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).</p> <p>Any Federal Food and Drug Administration approved product containing tetrahydrocannabinol shall not be considered a synthetic tetrahydrocannabinol.</p>	<p>May 19, 2021: Proposed regulations expressly prohibits hemp producers from using “synthetic cannabinoids, or delta-8 or delta-10 created through isomerization in the extraction or manufacture of cannabinoid hemp products.” Provides that cannabinoid hemp products sold in New York may not contain “synthetic cannabinoids, or delta-8 or delta-10 created through isomerization in the extraction or manufacture of cannabinoid hemp products.”</p>
<p>North Dakota (Med Only)</p>	<p>April 26, 2021: House Bill 1045 was signed into law, expanding the definition of THC to include delta-7, delta-8 and delta-10. Among other things, the bill explicitly prohibits licensees from:</p> <ol style="list-style-type: none"> 1. Engage[ing] in the isomerization of cannabinoids to create isomers of tetrahydrocannabinol, including delta-8, delta-9, and delta-10 tetrahydrocannabinol; and 2. Sell[ing] hemp or hemp products that were created using the isomerization of cannabinoids to create isomers of tetrahydrocannabinol, including delta-8, delta-9, and delta-10 tetrahydrocannabinol. 	<p>Convened January 5, 2021; adjourned April 29, 2021.</p> <p>Explicit prohibition of isomerized delta-8, delta-9, and delta-10.</p> <p>“Isomer” and “isomerization” are not defined in statute or rule.</p> <p>North Dakota CSA (NDCC, 19-03.1-05. Schedule I provides:</p> <p>(5) m. (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis</p>

		<p>plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; such as the following:</p> <p>(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.</p> <p>(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8-tetrahydrocannabinol.</p> <p>(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.</p>
Oklahoma (Med Only)	<p>January 20, 2021: House Bill 1961 introduced creating Oklahoma Adult Access to Marijuana Act. Specifically, provides an updated definition of "marijuana:"</p> <p>"Marijuana" shall have the same meaning as such term is defined in Section 2-101 of Title 63 of the Oklahoma Statutes and shall also include delta-8 and delta-10 tetrahydrocannabinol with a concentration in excess of three-tenths of one percent (0.03%) on a dry weight basis;</p>	<p>Oklahoma CSA (63 Okl.St. Ann. § 2-101) provides:</p> <p>38. "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinols of marijuana;</p> <p>39. "Isomer" means the optical isomer, except as used in subsections C and F of Section 2-204 of this title and paragraph 4 of subsection A of Section 2-206 of this title. As used in subsections C and F of Section 2-204 of this title, "isomer" means the optical, positional or geometric isomer. As used in paragraph 4 of subsection A of Section 2-206 of this title, the term "isomer" means the optical or geometric isomer;</p>
Oregon (Med/Adult Use)	<p>March 20, 2021 OLCC Statement: "OLCC's proposed rulemaking would only address the presence of Delta-8-THC and other artificially- derived cannabinoids in products grown, manufactured and sold in Oregon's recreational marijuana market. But for OLCC and the Oregon Department of Agriculture to take effective action on total THC measurement and tamp down the availability of such products to minors, legislative action is required."</p> <p>January 2021: HB 3000 was first read. June 3: Referred to Ways and Means.</p>	<p>Bill expands OLCC's authority. Current legislative session ends June 27. Legislation expands definition of THC and tightly regulates hemp production.</p> <p>Oregon's CSA references the federal CSA under 21 USC 811 to 812. The definition of "THC" resides in rule and is specific to delta-9.</p>

	<p>Highlights:</p> <p>Defines “tetrahydrocannabinol” (“THC”) to include all artificially or naturally derived tetrahydrocannabinols including Delta-8, Delta-9, optical isomers of Delta-8 or Delta-9, and any artificially derived cannabinoid that may have an intoxicating effect.</p> <p>Defines “adult use cannabis item” as an item derived from the cannabis plant family and contains THC, a marijuana item, or an industrial hemp product containing a THC concentration that exceeds limits established by the Oregon Liquor Control Commission (OLCC) in consultation with the Oregon Health Authority (OHA) by rule, or the greater of 0.3 percent or the concentration of THC allowed under federal law.</p> <p>Immediately prohibits sale of hemp-derived intoxicants to minors. Ensure all adult use cannabis products, whether from hemp or marijuana, are only for sale to persons 21 and older.</p> <p>Gives OLCC authority to set potency thresholds for marijuana and hemp items.</p> <p>Defines THC to include all isomers of THC and any other intoxicating cannabinoid made by chemical manipulation of material extracted from cannabis. This definition does not apply to the hemp crop, which is evaluated for Delta-9-THC only, in accordance with the 2018 federal farm bill.</p> <p>Allows ODA and OLCC to regulate artificially-derived cannabinoids within their respective markets.</p> <p>Explicitly requires finished product testing of consumable hemp products containing cannabinoids.</p> <p>By July 2023, requires that all processing of hemp for cannabinoids be done at OLCC-licensed Processors. This addresses several current gaps in regulation:</p> <ul style="list-style-type: none"> ○ Processor safety and land use issues: OLCC-licensed Extract Processors are subject to more robust safety requirements than hemp handlers or unregulated secondary hemp processors. 	
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	<ul style="list-style-type: none"> ○ Brings high-THC “byproduct” out of the unregulated market and into a tracked system. ○ Creates better transparency and traceability for hemp product consumers. <p>Creates a task force to look at cannabis convergence issues generally, and specifically the structural issues that lead to unregulated cannabis intoxicants being legally sold to minors.</p> <p>Provides the authority ODA needs to have a state plan approved by USDA.</p>	
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States Where Delta 8 is explicitly or implicitly referenced under State Controlled Substances Act, Schedule I or Similar (drug or other substance has a high potential for abuse)

State	Schedule I (or Similar) Language	Notes
<p style="text-align: center;">Alaska (Med/Adult Use)</p>	<p>AS §11.71.900:</p> <p>(15) “marijuana” means the seeds, and leaves, buds, and flowers of the plant (genus) Cannabis, whether growing or not; it does not include the resin or oil extracted from any part of the plants, or any compound, manufacture, salt, derivative, mixture, or preparation from the resin or oil, including hashish, hashish oil, and natural or synthetic tetrahydrocannabinol; it does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; it does not include industrial hemp as defined in AS 03.05.100;</p>	
<p style="text-align: center;">Arizona (Med/Recent Adult Use Leg. Passed in 2020)</p>	<p>A.R.S. §36-2512(3):</p> <p>(w) Cannabis, except the synthetic isomer of delta-9-tetrahydrocannabinol.</p>	<p>A.R.S. § 36-2501. Definitions</p> <p>2. “Cannabis” means the following substances under whatever names they may be designated:</p> <p>(a) Marijuana.</p> <p>(b) All parts of any plant of the genus cannabis, whether growing or not, its seeds, the resin extracted</p>

		<p>from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.</p> <p>(c) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such plants from which the resin has not been extracted.</p>
<p>Arkansas (Med only)</p>	<p>A.C.A. 5-64-215. Additional substances to be placed in Schedule VI:</p> <p>(a) In addition to any substance placed in Schedule VI by the Secretary of the Department of Health under § 5-64-214, any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation, is included in Schedule VI:</p> <p>(1) Marijuana;</p> <p>(2) Tetrahydrocannabinols, unless the tetrahydrocannabinol is:</p> <p>(A) Contained in hemp-derived cannabidiol;</p> <p>(B) Not more than three-tenths of one percent (0.3%) of the hemp-derived cannabidiol on a dry weight basis as verified by a nationally accredited laboratory for quality, purity, and accuracy standards; and</p> <p>(C) Not approved by the United States Food and Drug Administration for marketing as a medication;</p> <p>(3) A synthetic equivalent of:</p> <p>(A) The substance contained in the Cannabis plant; or</p> <p>(B) The substance contained in the resinous extractives of the genus Cannabis;</p> <p>(4) Salvia divinorum or Salvinorin A, which includes all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds of the plant, any extract from any part of the plant, and every compound, manufacture, derivative, mixture, or</p>	<p>A.C.A. § 5-64-214. Criteria for Schedule VI:</p> <p>The Secretary of the Department of Health shall place a substance in Schedule VI if he or she finds that:</p> <p>(1) The substance is not currently accepted for medical use in treatment in the United States;</p> <p>(2) There is lack of accepted safety for use of the drug or other substance even under direct medical supervision;</p> <p>(3) The substance has relatively high psychological or physiological dependence liability, or both; and</p> <p>(4) Use of the substance presents a definite risk to public health.</p>

	<p>preparation of the plant, its seeds, or its extracts, including salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation;</p> <p>(5) Synthetic substances, derivatives, or their isomers in the chemical structural classes described below in subdivisions (a)(5)(A)-(J) of this section and also specific unclassified substances in subdivision (a)(5)(K) of this section. Compounds of the structures described in this subdivision (a)(5), regardless of numerical designation of atomic positions, are included in this subdivision (a)(5). The synthetic substances, derivatives, or their isomers included in this subdivision (a)(5) are:</p> <p>(A)(i) Tetrahydrocannabinols, including without limitation the following:</p> <p>(a) Delta-1 cis or trans tetrahydrocannabinol, and its optical isomers;</p> <p>(b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers; and</p> <p>(c) Delta-3.4 cis or trans tetrahydrocannabinol, and its optical isomers.</p> <p>(ii) Dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration is not a tetrahydrocannabinol under this subdivision (a)(5)(A);</p>	
Delaware (Med Only)	<p>16 Del.C § 4714. Schedule I:</p> <p>(19) Any material, compound, combination, mixture, synthetic substitute or preparation which contains any quantity of marijuana or any tetrahydrocannabinols, their salts, isomers or salts of isomers and is not approved for use by the US Food and Drug Administration;</p>	<p>16 Del.C. § 4701. Definitions</p> <p>(28) "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. Marijuana does not include products approved by the US Food and Drug Administration.</p>
Kentucky	KRS § 218A.010:	March 25, 2021: House Bill 307 passed, extending the definition of "marijuana" to include "...a cannabinoid

<p>(Hemp derived CBD with no more than 0.3% THC; no adult use or med market)</p>	<p>(55) “Tetrahydrocannabinols” means synthetic equivalents of the substances contained in the plant, or in the resinous extractives of the plant Cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:</p> <p>(a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;</p> <p>(b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and</p> <p>(c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;</p>	<p>product derived from industrial hemp or a cannabinoid product approved as a prescription medication by the United States Food and Drug Administration.”</p> <p>April 19, 2021: Kentucky Department of Agriculture drafted a guidance document for hemp licensees reaffirming both that delta-8 was a Schedule I drug under both the federal and state CSA.</p>
<p>Idaho (Only CBD with 0% THC allowed; no adult use of med market)</p>	<p>I.C. § 37-2705. Schedule 1.</p> <p>(27) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:</p> <p>i. Tetrahydrocannabinols, except for the permitted amount of tetrahydrocannabinol found in industrial hemp:</p> <p>a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.</p> <p>b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.</p> <p>c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)</p> <p>d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).</p>	
<p>Iowa (Med Only)</p>	<p>I.C.A. § 124.101. Definitions</p> <p>20. “Marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other</p>	<p>The provision of the Controlled Substances Act schedule which incorporates by reference any material which contains any quantity of tetrahydrocannabinols (THC) is broad enough to include all cannabis. Cassady v. Wheeler, 1974, 224 N.W.2d 649.</p>

	compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.	Registered patients and caregivers are allowed to purchase medical CBD products from a state-licensed dispensary. Iowa specifies the allowed forms of CBD medication as well as the CBD to THC ratios.
Mississippi	<p>Miss. Code Ann. § 41-29-113. Schedule I</p> <p>(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant such as the following:</p> <p>(A) 1 cis or trans tetrahydrocannabinol;</p> <p>(B) 6 cis or trans tetrahydrocannabinol;</p> <p>(C) 3,4 cis or trans tetrahydrocannabinol.</p> <p>(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of atomic positions, are covered.)</p> <p>(“Tetrahydrocannabinols” excludes dronabinol and nabilone.) For purposes of this paragraph, tetrahydrocannabinols do not include hemp or hemp products regulated under Sections 69-25-201 through 69-25-221.</p> <p>However, the following products are exempted from control:</p> <p>(i) THC-containing industrial products made from cannabis stalks (e.g., paper, rope and clothing);</p> <p>(ii) Processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope;</p> <p>(iii) Animal feed mixtures that contain sterilized cannabis seeds and other ingredients (not derived from the cannabis plant) in a formula designed, marketed and distributed for nonhuman consumption;</p> <p>(iv) Personal care products that contain oil from sterilized cannabis seeds, such as shampoos, soaps, and body lotions (if the products do not cause THC to enter the human body);</p> <p>(v) Hemp as regulated under Sections 69-25-201 through 69-25-221; and</p> <p>(vi) Any product derived from the hemp plant designed for human ingestion and/or consumption that is approved by the United States Food and Drug Administration;</p>	<p>April 16, 2019: House Bill 1547 revised Schedule I of the Mississippi Controlled Substances Act to include “...certain synthetic cannabinoids, fentanyl and fentanyl-like substances that have no accepted medical use...” A handful of online sources indicate that HB 1547 amended the CSA to include delta-8 and delta-9. However, this is not accurate.</p> <p>While the bill was primarily aimed at addressing concerns related to fentanyl and FDA approved CBD, and the language of the CSA pertaining to tetrahydrocannabinol and synthetic cannabinoids did not change. Amendatory language addressed FDA approved use of cannabidiol under Schedule V, and specifically calls out CBD derived from cannabis with no more than 0.1% residual tetrahydrocannabinol.</p> <p>November 2020: Voters approved an initiative making medical cannabis legal. But the state's Supreme Court struck down the measure on a technicality. So all cannabis use remains illegal. CBD oil with at least 15% CBD and no more than 0.5% THC is legal for patients with debilitating epilepsy.</p>

<p>Montana (Med/Adult Use Legal)</p>	<p>MCA 50-32-222. Specific dangerous drugs included in Schedule I</p> <p>(ff) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:</p> <p>(i) delta 1 (delta 9) cis or trans tetrahydrocannabinol and its optical isomers;</p> <p>(ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and</p> <p>(iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;</p>	<p>January 1, 2021: Montana residents age 21 and older will be allowed to possess, use, and grow up to 1 ounce of marijuana. Medical marijuana is already legal for patients who have a qualifying condition and a state-issued medical marijuana ID card.</p>
<p>Rhode Island (Med Only)</p>	<p>CHAPTER 2-26 – HEMP GROWTH ACT</p> <p>2-26-3. Definitions</p> <p>(2) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana” and “industrial hemp” or “industrial hemp products” which satisfy the requirements of this chapter.</p> <p>(3) “Cannabidiol” or “CBD” means cannabidiol (CBD) derived from a hemp plant as defined in §2-26-3(8), not including products derived from exempt cannabis plant material as defined in 21 C.F.R. §1308.35.</p> <p>(8) “Hemp” or “industrial hemp” means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight or per volume basis regardless of moisture content, and which satisfies the requirements of this chapter.</p> <p>(9) “Hemp-derived consumable CBD product” means any product meant for ingestion, including but not limited to concentrates, extracts, and cannabis-infused foods and products, which contains cannabidiol derived from a hemp plant as defined in § 2-26-3(8),</p>	<p>In Rhode Island, all forms of tetrahydrocannabinol and its isomers are classified as Schedule I Controlled Substances.</p> <p>Rhode Island has updated hemp laws to legalize CBD and other hemp extracts and derivatives. However, the state has made extensive amendments to the Controlled Substances list that prohibit the manufacture and sale of Delta-8-THC. While certain forms of hemp are specifically exempt from scheduling under the Controlled Substances Act, the law prohibits any product that contains any amount of THC that is intended for human or animal consumption. Any product that effectively delivers any form of THC to the body is prohibited.</p>

	<p>which shall only be sold to persons age twenty-one (21) or older, and which shall not include products derived from exempt cannabis plant material as defined in 21 C.F.R. §1308.35.</p> <p>(10) “Hemp products” or “industrial hemp products” means all products made from the plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, hemp-derived consumable CBD products, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and seed certified for cultivation., which satisfy the requirements of this chapter.</p> <p>(13) “THC” means tetrahydrocannabinol, the principal psychoactive constituent of cannabis.</p> <p>SECTION 3.Section 21-28-1.02 of Chapter 21-28 of the General Laws entitled “Uniform Controlled Substances Act” is hereby amended as follows:</p> <p>21-28-1.02. Definitions. [Effective until January 1, 2023.]</p> <p>(30) “Marijuana” means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp” or” industrial hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.</p>	
<p>Utah (Med Only)</p>	<p>Subsection 58-37-4(2)(a)(iii)</p> <p>(AA) Tetrahydrocannabinols, naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: $\Delta 1$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 6$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 3,4$ cis or trans tetrahydrocannabinol, and its optical isomers, and since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered;</p>	<p>Utah does not make any exceptions for hemp-derived cannabinoids in their Controlled Substances Act.</p>

<p style="text-align: center;">Vermont (Med/Adult Use)</p>	<p>Vermont relies on the federal Controlled Substances Act under 21 U.S.C. § 801 et seq., specifically:</p> <p>1308.11 Schedule I. (d) Hallucinogenic substances. (23) Marihuana (31) Tetrahydrocannabinols Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: 1 cis or trans tetrahydrocannabinol, and their optical isomers 6 cis or trans tetrahydrocannabinol, and their optical isomers 3,4 cis or trans tetrahydrocannabinol, and its optical isomers</p>	<p>Vermont Hemp Rules were adopted in May 2020 and ban the “use of synthetic cannabinoids in the production of any hemp product or hemp-infused product.” (Vermont Hemp Rules § 6.3). So, while naturally occurring delta-8-THC is not barred from hemp or hemp products, Vermont producers cannot manufacture the delta-8-THC cannabinoid from hemp.</p>
<p style="text-align: center;">Washington (Med/Adult Use)</p>	<p>RCW 69.50.204(c):</p> <p>(30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genera Cannabis, as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of the genera Cannabis, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: (A) 1--cis--or trans tetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration; (B) 6--cis--or trans tetrahydrocannabinol, and their optical isomers; (C) 3,4--cis--or trans tetrahydrocannabinol, and its optical isomers; or (D) That is chemically synthesized and either: (I) Has been demonstrated to have binding activity at one or more cannabinoid receptors; or (II) Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors; (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)</p>	<p>LCB only has regulatory authority over marijuana as defined in RCW 69.50.101(y) and RCW 69.50.11(uu) as follows:</p> <p>RCW 69,50.101(y): “Marijuana” or “marihuana” means all parts of the plant Cannabis, whether growing or not, with a <u>THC concentration greater than 0.3 percent on a dry weight basis</u>; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.</p> <p>RCW 69.50.101(uu): “THC concentration” means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content.</p>

	(ii) Hemp and industrial hemp, as defined in RCW 15.140.020 , are excepted from the categories of controlled substances identified under this section;	
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