



# CANNABIS: THC, DELTA-8, AND OTHER CANNABINOIDS

# Cannabis: THC, Delta-8, and Other Cannabinoids

Because of federal law changes starting in 2018, a new class of products derived from cannabis plants has appeared nationwide.

These cannabis-derived products aim to produce effects similar to marijuana. They are often sold at locations that lack specific licenses to sell them and are often unregulated. Consumers must know the difference to avoid the possible unintended effects of consuming these products.

## THC Delta-9 is the main psychoactive ingredient of cannabis.

When it is present in amounts greater than 0.3 percent of the cannabis plant material, federal law defines the plant as marijuana. Concentrations below 0.3 percent define the plant as hemp.

Marijuana is a Schedule I controlled substance illegal to grow, sell, or possess by federal law. State legality of marijuana differs – in Illinois, marijuana is legal to possess, grow by licensed growers or medical patients, and sell by licensed dispensaries (both adult-use and medical), yet it remains federally illegal.

Hemp is legal federally. Although it cannot contain more than 0.3 percent THC, it can be processed to create products with enough psychoactive chemicals to give the user a high. Products containing these chemicals are available in various areas due to regulatory gaps.

CBD, or cannabidiol, products also are manufactured from hemp. However, CBD by itself does not produce a high. It is important to note that it is illegal for any CBD product sold over the counter to claim any health or therapeutic benefit. Stores cannot sell products containing CBD as dietary supplements. CBD also has been regulated under Illinois's industrial hemp program.

## What do I look for?

Determining if a product contains Delta-9 THC “analog” psychoactive substances can be confusing! For now, the most common substances for sale will include these terms or phrases:

**Delta-8  
THC-0**

**Delta-10  
HHC**

**THC-A  
Hemp product**

All of these chemicals are cannabinoids, compounds that interact with our bodies' endocannabinoid system. Except for hemp product, all of these compounds are psychoactive: THC-0 may be around three times as potent as Delta-9, while the others are generally less potent than Delta-9. Hemp product can sometimes refer just to CBD but it also makes it harder to tell when a product has a psychoactive compound.

## Health Effects

All of these chemicals are either psychoactive by themselves or metabolize quickly into psychoactive chemicals. They may share some of the same health risks as Delta-9 but because of their relative newness, we need more research to fully understand their health effects. Potency may vary considerably from product to product, so predicting how each will affect someone is difficult.

CBD, while not psychoactive, may produce undesired health effects. According to the FDA, “CBD has the potential to harm you, and harm can happen even before you become aware of it:

- CBD can cause liver injury.
- CBD can affect how other drugs you are taking work, potentially causing serious side effects.
- Use of CBD with alcohol or other drugs that slow brain activity, such as those used to treat anxiety, panic, stress, or sleep disorders, increases the risk of sedation and drowsiness, which can lead to injuries.”

## Cannabis Poisoning Events

Recorded cannabis poisoning events in young children have risen tremendously since states have commercialized cannabis. Cannabis-derived products pose an additional risk as they may lack product safety standards such as child-proof packaging, clear labels, and stamped servings.

Any cannabis-derived psychoactive product may contribute to a cannabis poisoning event. Studies have examined the effects of Delta-8. Despite its relatively lower potency, it has also contributed to poisoning cases, including seizure-like symptoms. Young children are at particular risk from the most severe acute physical effects of cannabis poisoning.

## Solutions

### Environmental Scans

Before any solutions can be implemented, it is important to understand where these products are being sold in your community, how they are advertised, and whether they are accessible to youth.

Common outlets for cannabis derivatives include smoke shops, gas stations, and convenience stores. An environmental scan can help identify the exact locations in your community where they're available.

## Policy

The differences in federal and state regulation of cannabis-derived products can be confusing. The Illinois State Police maintain that hemp-derived and synthetic THC analogs should follow the regulations of the Cannabis Regulation and Tax Act (CRTA): this would mean they could only be sold by licensed dispensaries or at on-premise locations regulated by a municipality.

Municipalities may prohibit the sale of products not covered by the Cannabis Regulation and Tax Act (CRTA), the law that legalized and regulated adult-use cannabis in Illinois. As always, consult municipal attorneys to determine whether a potential ordinance agrees with the CRTA.

On the federal level, the DEA has recently clarified that Delta-8 and THC-0 products should be considered Schedule I, the same federal schedule as Delta-9 THC because they do not occur naturally in the cannabis plant and therefore do not fall under the 2018 Farm Bill, which legalized hemp cultivation.

## Point of Sale Education

Retail outlets can be educated on the legality of cannabis derivatives. In many cases, the retailer may not know the legal status of products on their shelves. For example, 51 percent of observed Chicago retail locations sold flavored tobacco products after the city banned them.

CBD products typically have age restrictions depending on where they are available. Retailers should be aware of the laws and post signage indicating the required age for purchase. Compliance requirements may vary by jurisdiction.

## Enforcement

Be aware of the current federal regulations. If you believe a product being sold as a food or a drug violates federal regulations, you can report it to the FDA using the Safety Reporting Portal located here: [safetyreporting.hhs.gov](https://safetyreporting.hhs.gov)

If you discover products violating local or state ordinances, partner with local enforcement agencies or other business regulation and oversight agencies.

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