

NORTH AMERICA

State of confusion

U.S. laws and regulations regarding hemp-derived cannabinoids—including delta-8 THC and similar intoxicants—are evolving rapidly. Here's how states are handling the controversial substances.

[Summaries are based on the most recent publicly available information as of May 2025.]

■ **Alabama:** On May 14, 2025, Governor Ivey signed legislation banning smokable hemp, limiting THC to 10mg per serving, and restricting sales to individuals 21 and older.

■ **Alaska:** Delta-8 and similar hemp-derived THC products are banned; Alaska treats these cannabinoids similarly to cannabis-derived THC, limiting to marijuana dispensaries.

■ **Arizona:** Delta-8 is considered a controlled substance and can only be sold in state-regulated cannabis dispensaries.

■ **Arkansas:** In 2023, Arkansas enacted Act 629, banning the production and sale of hemp-derived cannabinoids like delta-8 THC. However, a federal judge issued a preliminary injunction in September 2023, blocking enforcement of the law pending a trial scheduled for September 2024. The case was reassigned to U.S. District Judge Kristine Baker in April 2025.

■ **California:** Emergency regulations prohibit the sale of hemp products containing THC outside licensed cannabis dispensaries, effective through September 2025.

■ **Colorado:** June 7, 2023, Colorado enacted SB 23-271, establishing a regulatory framework that classifies cannabinoids into non-intoxicating, potentially intoxicating, and intoxicating categories. The law sets specific THC limits and CBD-to-THC ratios for hemp products and requires licensing for the manufacture and sale of products containing intoxicating cannabinoids.

■ **Connecticut:** January 1, 2025, Connecticut implemented new regulations requiring hemp-derived products containing certain levels of THC to be sold exclusively through licensed cannabis establishments. This change aims to regulate products that, while derived from hemp, possess psychoactive properties due to THC content.

■ **Delaware:** Delaware classifies all tetrahydrocannabinols (THC) and their isomers, including Delta-8 THC, as Schedule I controlled substances. This classification renders the manufacture, distribution, sale, and possession of Delta-8 THC illegal within the state, regardless of its hemp-derived origin.

■ **Florida:** The Florida House and Senate ended the legislative session without agreeing on a unified framework to control the state's booming market for high-potency hemp products.

■ **Georgia:** As of October 1, 2024, Georgia enforces stringent regulations on hemp-derived cannabinoids under SB 494. The law mandates that all consumable hemp products must contain no more than 0.3% total THC, which includes both Delta-9 THC and THCa. This effectively bans high-THCa hemp flower. Additionally, the sale of consumable hemp products is restricted to individuals aged 21 and over, and retailers must obtain proper licensing.

■ **Hawaii:** As of May 2025, Hawaii is implementing stricter regulations on hemp-derived cannabinoids. House Bill 1482, passed by the legislature in April 2025, mandates registration for manufacturers and retailers of hemp products, with enforcement beginning January 1, 2026. The bill also introduces penalties for unregistered sales and grants inspection authority to the Department of Health and Attorney General. Additionally, House Bill 302 aims to crack down on unlicensed CBD stores selling cannabis illegally, enhancing enforcement against unregulated hemp products. While these measures indicate a move toward regulation, a complete ban on hemp-derived cannabinoids has not been enacted.

■ **Idaho:** Based on the most recent and credible sources, Idaho enforces stringent regulations on hemp-derived cannabinoids. The state mandates that all hemp-derived products must contain 0.0% THC, effectively prohibiting any detectable amount of THC in such products. This regulation applies to both in-state and out-of-state manufacturers, and any product exceeding this limit is subject to law enforcement actions.

■ **Illinois:** As of May 2025, Illinois does not have specific regulations governing hemp-derived cannabinoids like delta-8 THC. Proposed legislation to regulate these products stalled in the Illinois House in January 2025 due to internal disagreements among lawmakers. Consequently, the sale and distribution of hemp-derived cannabinoids remain unregulated in the state.

■ **Indiana:** As of May 2025, Indiana is in the process of regulating hemp-derived cannabinoids, particularly Delta-8 THC. Senate Bill 478 has passed the Indiana Senate and is under consideration in the House. This legislation aims to establish a regulatory framework for Delta-8 THC products, including licens-

ing, testing, packaging, and age restrictions. However, the bill has faced opposition from Indiana Attorney General Todd Rokita, who expressed concerns that the legislation could create a loosely regulated market for high-potency THC products.

■ **Iowa:** HF 2605 enacted July 1, 2024, imposing THC limits and banning certain hemp products.

■ **Kansas:** Delta-8 THC is considered a Schedule I controlled substance in Kansas. It is only lawful if derived from industrial hemp and contained in a product with no more than 0.3% total THC. Certain products, such as vapes and edibles, are excluded from this exemption. Enforcement actions have been taken against non-compliant products.

■ **Kentucky:** Delta-8 and other cannabinoids are legal but regulated with packaging, testing, and retail compliance requirements.

■ **Louisiana:** Delta-8 THC is considered a Schedule I controlled substance in Louisiana. It is only lawful if derived from industrial hemp and contained in a product with no more than 0.3% total THC. Certain products, such as vapes and edibles, are excluded from this exemption. Enforcement actions have been taken against non-compliant products.

■ **Maine:** Delta-8 THC and similar hemp-derived cannabinoids are legal but regulated under Maine's cannabis laws, requiring licensing and adherence to potency limits.

■ **Maryland:** Delta-8 THC and similar hemp-derived cannabinoids are legal but regulated under Maryland's cannabis laws, requiring licensing and adherence to potency limits.

■ **Massachusetts:** Intoxicating hemp-derived products, including Delta-8 THC, are prohibited outside of licensed cannabis dispensaries. Enforcement is inconsistent due to regulatory gaps.

■ **Michigan:** Delta-8 THC and similar hemp-derived cannabinoids are legal but regulated under Michigan's cannabis laws, requiring licensing and adherence to potency limits.

■ **Minnesota:** Allows sales of hemp-derived edibles with up to 5 mg THC per serving and 50 mg per package; products must meet packaging, labeling, and testing requirements; sales restricted to individuals 21 and older.

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■ **Missouri:** Multiple bills have been introduced to regulate intoxicating hemp-derived products, including Delta-8 THC, under existing cannabis laws. These proposals are currently under legislative review.

■ **Montana:** Montana prohibits the manufacture, sale, and distribution of synthetic cannabinoids, including Delta-8 THC and similar compounds.

■ **Nebraska:** Legislative Bill 316 proposes banning most hemp-derived THC products exceeding 0.3% THC by weight or 10 mg per package; includes a consumer safe harbor period through 2025.

■ **Nevada:** Delta-8 THC and similar hemp-derived cannabinoids are legal but regulated under Nevada's cannabis laws, requiring licensing and adherence to potency limits.

■ **New Hampshire:** As of October 9, 2023, New Hampshire prohibits the sale, possession, and distribution of hemp-derived products containing more than 0.3% THC, including Delta-8 THC and other THC isomers.

■ **New Jersey:** Legislation advancing to ban synthetics and limit hemp THC sales to licensed dispensaries only.

■ **New Mexico:** Delta-8 THC and similar cannabinoids are currently legal and available. HB 346, under legislative review, seeks to regulate these substances, granting authority to the Environmental Improvement Board and establishing penalties for violations.

■ **New York:** New York prohibits the manufacture, sale, and distribution of Delta-8 THC and similar synthetic cannabinoids under its Cannabinoid Hemp Program.

■ **North Carolina:** Delta-8 THC and similar hemp-derived cannabinoids are currently legal and unregulated in North Carolina. However, pending legislation (S.B. 265 and H.B. 607) seeks to establish a regulatory framework, including licensing, testing, and age restrictions.

- Banned
- Regulated
- Unregulated

■ **North Dakota:** The North Dakota Century Code bans specific cannabinoids, including Delta-8 THC, THC-O Acetate, THC-O, HHC, and THCP. These substances are considered psychotropic and are not permitted in any hemp products sold within the state.

■ **Ohio:** Delta-8 THC and similar hemp-derived cannabinoids are currently legal and available. Senate Bill 86, passed by the Ohio Senate, seeks to restrict sales to licensed marijuana dispensaries, impose a 10% tax, and enforce product testing and labeling requirements.

■ **Oklahoma:** Delta-8 THC and other hemp-derived cannabinoids are currently legal in Oklahoma. However, recent directives from the Governor indicate a move towards stricter regulation and enforcement.

■ **Oregon:** Oregon mandates that all intoxicating hemp-derived cannabinoids, including Delta-8 THC, be processed and sold exclusively through OLCC-licensed marijuana businesses, ensuring compliance with state safety, testing, and labeling standards.

■ **Pennsylvania:** Delta-8 THC and other hemp-derived cannabinoids are legal in Pennsylvania under HB 967 (2016). However, there is currently no state-level regulation overseeing their sale, testing, or labeling, leading to concerns about product safety and consumer protection.

■ **Rhode Island:** Delta-8 THC and other hemp-derived cannabinoids are subject to stringent regulations in Rhode Island. While not entirely banned, these products face strict licensing, potency limits, and testing requirements that significantly limit their availability.

■ **South Carolina:** Delta-8 THC and other hemp-derived cannabinoids are currently legal in South Carolina. However, pending legislation (House Bill 3924) seeks to impose age restrictions, licensing requirements, and product limitations on these substances.

■ **South Dakota:** South Dakota prohibits the sale and production of chemically modified hemp-derived cannabinoids, including Delta-8 THC. Possession remains legal, but enforcement targets the manufacture and distribution of these substances.

■ **Tennessee:** Gov. Bill Lee signed House Bill 1376 into law in late May. The legislation bans sales of products containing THCA and synthetic cannabinoids, prohibits direct-to-consumer sales, and transfers regulatory oversight from the state Department of Agriculture to the Tennessee Alcoholic Beverage Commission.

■ **Texas:** As of May 26, Senate Bill 3, which would ban all consumable hemp products that contain THC—including delta-8 and delta-9—regardless of concentration, awaited the signature of Gov. Greg Abbott.

■ **Utah:** Utah prohibits the sale, possession, and use of Delta-8 THC and similar hemp-derived cannabinoids by classifying all THC as controlled substances, without exemptions for hemp-derived products.

■ **Vermont:** Vermont prohibits the manufacture, sale, and distribution of Delta-8 THC and other synthetic cannabinoids derived from hemp. The state's Hemp Rules explicitly ban synthetic cannabinoids in hemp products, and violations may lead to enforcement actions.

■ **Virginia:** Virginia permits the sale of hemp-derived THC products under strict regulations, including a 2 mg THC per package limit or a minimum 25:1 CBD-to-THC ratio. Synthetic cannabinoids are banned, and retailers must comply with packaging, labeling, and registration requirements.

■ **Washington:** Bans all synthetic and hemp-derived cannabinoids—including delta-8 THC—outside the licensed cannabis retail system. Only licensed cannabis retailers may sell products with any detectable level of THC. This was enacted under Engrossed Second Substitute Senate Bill (E2SSB) 5367.

■ **West Virginia:** Delta-8 THC is currently legal in West Virginia. While Senate Bill 546 was signed into law in 2023 to classify Delta-8 as a Schedule I substance, its enforcement has been delayed. As of now, Delta-8 THC remains legal and unregulated in the state.

■ **Wisconsin:** Delta-8 THC is legal in Wisconsin under the state's hemp laws, which align with the 2018 Farm Bill. The state defines hemp as cannabis with a delta-9 THC concentration of no more than 0.3% on a dry weight basis. Consequently, hemp-derived cannabinoids like delta-8 THC are permitted. However, the market remains largely unregulated, with no specific state laws addressing delta-8 THC. Consumers should be aware that while delta-8 products are available, their quality and safety are not guaranteed due to the lack of regulation.

■ **Wyoming:** Wyoming enacted Senate File 32 in March 2024, prohibiting the addition of synthetic substances or other additives to hemp. This legislation effectively bans the sale, possession, and distribution of Delta-8 THC and similar psychoactive hemp-derived cannabinoids. The law took effect on July 1, 2024.