



# Closing the 'Delta-8 THC loophole' in Georgia



Georgians for Responsible Marijuana Policy

## Proposal

Georgians for Responsible Marijuana Policy proposes that Georgia close the delta-8 THC loophole that currently makes products with dangerous levels of hemp-derived THC able to be sold legally in Georgia even with a concentration of over 0.3%, resulting in de facto recreational legalization.

## How to Close the THC Loophole<sup>1</sup>

Change the definition of THC concentration from delta-9 THC to Total THC.

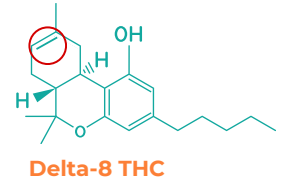
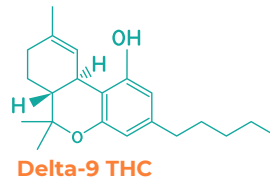


## Background

The 2018 U.S. Farm Bill legalized hemp farming and hemp products, and created a loophole by singling out only one kind of THC (delta-9) that must be 0.3% or lower. The hemp/marijuana industry then began converting the naturally occurring CBD in hemp into many other isomers (or versions) of delta THC, such as delta-8 THC and delta-10 THC.

These synthetic (man-made) versions of THC were then infused into edibles, vapes and drinks—often at very high THC levels. THC is the active compound or cannabinoid in marijuana that is psychoactive and often addictive.

In this respect, any concentration of THC is legal in Georgia with two exceptions: 1) delta-9 THC products cannot be over 0.3% and 2) THC medical cannabis products cannot be over 5% THC.



## Data and Research on Delta-8 THC and other intoxicating hemp products

The FDA warns about the extensive dangers of delta-8 THC [HERE](#),<sup>2</sup> including:

- Delta-8 THC products have not been evaluated or approved by the FDA for safe use and may be marketed in ways that put the public's health at risk.
- The FDA has received adverse event reports involving delta-8 THC-containing products.
- Delta-8 THC has psychoactive and intoxicating effects.
- Delta-8 THC products often involve use of potentially harmful chemicals to create the concentrations of delta-8 THC claimed in the marketplace.



Further, the Georgia Poison Center reports that 250 calls have been made to the Center in the last three years about toddlers ingesting delta-8.<sup>3</sup> National poison center data corroborates that this is a national trend, as shown [AT THIS LINK](#).<sup>4</sup>

## Support

The Georgia Board of Pharmacy's Rules and Regulations<sup>5</sup> (Rule 480-34-.04) state that:

- Synthetic cannabinoids [like delta-8] have an extremely high potential for abuse;
- Scientific evidence and scientific knowledge of the pharmacological effects of these compounds demonstrate that the public is at extreme risk if they are not regulated as controlled substances;
- The pattern of abuse of these compounds—and the scope and significance of that abuse—support regulation;
- There exists an imminent peril to the public health and welfare with regard to the abuse of these compounds;
- These compounds have the same risk to the public health of citizens of the State of Georgia as other substances already contained in Schedule I under the Controlled Substances Act;

Georgia's Attorney General Chris Carr joined 21 other states' Attorneys General in a March 20, 2024, letter to Congress to close the delta-8 loophole, as shown [HERE](#).<sup>6</sup>

Thirty-seven Georgia and national organizations endorsed a GRMP Cannabis Policy Letter to key Georgia legislators calling for, among other marijuana policies, closing the delta-8 THC loophole. That letter is [HERE](#).<sup>7</sup>

### Precedence

According to World Population Review [AT THIS LINK](#):<sup>8</sup>

- at least 22 states have made delta-8 THC illegal.
- fifteen of these states have banned delta-8 outright, while four make it illegal for those under 21 years old.
- three states limit the THC level of delta-8 to 0.3% or 1.0%.

Georgia has not addressed the delta loophole, so versions of THC other than delta-9 are still (essentially) legal here at any percentage level. Recently adopted Georgia [SB 494](#)<sup>10</sup> (which legalizes hemp consumables) did not go beyond regulating delta-9 THC, according to GRMP analysis corroborated by national and state legal and policy experts.



### References

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2. U.S. Food and Drug Administration: "5 Things to Know about Delta-8 Tetrahydrocannabinol – Delta-8 THC" <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc> Accessed 6/16/24.
3. From Dr. Gaylord Lopez, Georgia Poison Center, 2023.
4. National Poison Data System: "Recent Category Profile: Cannabis Edibles (Ages 0-12)": <https://www.poissoncenters.org> Accessed 6/16/24.
5. Rules and Regulations of the State of Georgia, "Chapter 480-34 Controlled Substances, Rule 480-34-.04 Synthetic Cannabinoids," <https://rules.sos.ga.gov/gac/480-34> Accessed 7/1/24.
6. Email from 21 U.S. Attorneys General to Chairman Thompson, Chair Stabenow, Ranking Members Representative Scott, and Senator Boozman re: The Five-Year Authorization of the Farm Bill: <https://hempsupporter.com/wp-content/uploads/2024/03/attorney-general-farm-bill-letter.pdf>
7. Georgians for Responsible Marijuana Policy, "Cannabis Policy Sign-on Letter," February 20, 2024, <https://publuu.com/flip-book/383172/924146>.
8. Delta 8 Legal States 2024," <https://worldpopulationreview.com/state-rankings/delta-8-legal-states>. Accessed 7/6/24.
9. Georgia General Assembly "SB 494: 'Georgia Hemp Farming Act.'" <https://www.legis.ga.gov/legislation/67002>.



### Georgians for Responsible Marijuana Policy

*Advocating for a balanced, science-based and compassionate approach to marijuana policy*

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