



What are state regulators doing?

What are state regulators doing about delta-8?

In many states that already regulate cannabis products (such as through adult-use programs or even medical use programs), regulators are looking to adapt existing regulations or ask lawmakers to introduce new legislation so that products can be regulated.

There are two related issues from the perspective of regulators:

- Do hemp products fall under the current set of laws and regulations or does the state need to make changes to the law first?
- Once products are subject to regulation, what should those standards be?

Although hemp is legalized at the federal level under the 2018 Farm Bill, states have their own regulations and legislation in place for hemp products. While some states have no specific regulations regarding delta-8, other states have fully prohibited it. Delta-8 is outlawed in 13 states—Alaska, Colorado, Delaware, Idaho, Iowa, Montana, New York, Nevada, North Dakota, Rhode Island, Vermont, Utah, and Washington. Another seven states have regulated or restricted delta-8, including Arizona, Arkansas, California, Connecticut, Kentucky, Mississippi, and Michigan. Another four states—Alabama, Illinois, Oklahoma, and Oregon—are reviewing its status.

A brief state-by-state overview is included below, and a more detailed breakdown of delta-8 regulations by state can be found [here](#).

Alabama

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Alabama. State lawmakers passed [Senate Bill 225](#) in 2019 that legalized hemp and hemp-derived compounds. Subsequent legislative efforts have fallen short.

Regulation Status: Unregulated

Summary: State lawmakers passed SB 225, which legalized hemp and hemp-derived compounds in 2019. Subsequent legislative efforts to ban have fallen short.

Alaska

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Alaska. Delta-8 and all tetrahydrocannabinol are classified as Schedule IIIA controlled substances under [state law](#).

Regulation Status: Fully Prohibited

Summary: All forms of THC are clearly prohibited under state law as a Schedule IIIA controlled substance.

Arizona

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Arizona. All tetrahydrocannabinol derivatives, isomers, and preparations are classified as controlled substances under the [Arizona Controlled Substances Act](#)

Regulation Status: Fully Prohibited

Summary: Clearly prohibited under state law. All tetrahydrocannabinol derivatives, isomers, and preparations are classified as controlled substances under the Arizona Controlled Substances Act.

Arkansas

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Arkansas. State lawmakers passed [House Bill 1640](#) in 2021 removing delta-8 from the state's list of controlled substances.

Regulation Status: Unregulated

Summary: State lawmakers passed HB 1640 in 2021, removing delta-8 from the state's list of controlled substances.

California

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and regulated in California. State lawmakers passed [Assembly Bill 45](#) in 2021 redefined THC and regulating hemp products.

Regulation Status: Fully Prohibited

Summary: State lawmakers passed AB 45 in 2021 redefining THC redefined "THC" to include delta-8 and other THC isomers. All forms of THC now must be included in the total of .3% THC.

Colorado

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Colorado. Previously legal, delta-8 is not classified as a controlled substance and is prohibited under [state law](#).

Regulation Status: Fully Prohibited

Summary: Previously legal following passage of Senate Bill 19-220, in 2019, delta-8 is now classified as a controlled substance following a notice from the CO Department of Health & Environment, which re-criminalized it under state law. A task force is considering options.

Connecticut

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and regulated in Connecticut. In 2021, state lawmakers passed [Senate Bill 1202](#), legalizing and regulating delta-8 products.

Regulation Status: Regulated

Summary: State lawmakers passed Senate Bill 1202 in 2021 legalizing and regulating delta-8 products.

Delaware

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Delaware. All tetrahydrocannabinol are banned substances under Schedule I of Delaware's [Uniform Controlled Substances Act](#).

Regulation Status: Fully Prohibited

Summary: Clearly prohibited under state law. All tetrahydrocannabinols are banned substances under Schedule I of Delaware's Uniform Controlled Substances Act.

Florida

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Florida. State lawmakers passed [Senate Bill 1020](#) in 2019 legalizing hemp-derived delta-8.

Regulation Status: Unregulated

Summary: State lawmakers passed SB 1020 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

Georgia

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Georgia. State lawmakers enacted the [Georgia Hemp Farming Act](#) in 2019 which legalized hemp-derived delta-8.

Regulation Status: Unregulated

Summary: State lawmakers passed the The Georgia Hemp Farming Act in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

Hawaii

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and regulated in Hawaii. State lawmakers passed [House Bill 2689](#) in 2020, legalizing hemp products. In 2022, the [Hawaii Administrative Rules](#) prohibited edible and inhalable hemp products.

Regulation Status: Fully Prohibited

Summary: State lawmakers passed House Bill 2689 in 2020 legalizing hemp products. In April 2022, edible and inhalable hemp products were prohibited through agency rule. One retailer has sought relief after a police raid, claiming the government did not tell him products were prohibited.

Idaho

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Idaho. Hemp cultivation and production only became legal in 2021 through [House Bill 126](#), which also prohibited all THC isomers including delta-8.

Regulation Status: Fully Prohibited

Summary: Hemp cultivation and production only became legal in 2021 through passage of HB 126, which also prohibited all THC isomers including delta-8.

Illinois

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in Illinois. State lawmakers passed [Illinois' Industrial Hemp Act](#) in 2018 legalizing hemp-derived delta 8, but a [policy statement](#) by the Illinois Department of Agriculture in March 2022 has led to confusion about the legality of chemically synthesized delta-8.

Regulation Status: Unregulated

Summary: State lawmakers passed the Illinois' Industrial Hemp Act in 2018, legalizing hemp-derived delta 8, but a policy statement in 2022 has led to confusion about the legality of chemically synthesized delta-8.

Indiana

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Indiana. State lawmakers passed [Senate Bill 516](#) in 2019 legalizing hemp-derived compounds. New legislation ([Senate Bill 209](#)) introduced in January 2022, attempts to create a study committee on the effects of delta-8.

Regulation Status: Unregulated

Summary: State lawmakers passed SB 516 in 2019, legalizing hemp-derived compounds, which implicitly included intoxicants. Legislation introduced in 2022 would create a study committee on the effects of delta 8, but products are legal in the meantime.

Iowa

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Iowa. [Iowa Controlled Substances Act](#) states that all tetrahydrocannabinol are Schedule I controlled substances.

Regulation Status: Fully Prohibited

Summary: The state's controlled substances act clearly prohibits all forms of THC, and the state passed HF 2581 in 2020 which states that all inhalable cannabis products are prohibited.

Kansas

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are currently legal and slightly regulated in Kansas. State lawmakers passed [Senate Bill 282](#) in 2018 legalizing all hemp products as long as they do not contain delta 9. The State

General Attorney released an [opinion piece](#) in 2021 declaring delta 8 "unlawful".

Regulation Status: Unregulated

Summary: State lawmakers passed SB 282 in 2018 legalizing all hemp products implicitly including all intoxicants other than delta-9. The State General Attorney released an opinion piece in 2021 declaring delta-8 "unlawful," but it lacks force of law and products are widely considered legal there now.

Kentucky

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Kentucky. State lawmakers aligned their hemp laws with the Federal Farm Bill in 2018 through [House Bill 197](#), but recent legal battles have questioned the legality of delta 8 products. In February 2022, an [injunction](#) officially but temporarily legalized delta-8 products.

Regulation Status: Unregulated

Summary: State lawmakers aligned their hemp laws with the Federal Farm Bill passing HB 197 in 2018, and despite a statement from the state Attorney General to the contrary, a circuit court judge ruled that delta-8 products are legal in the state.

Louisiana

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and regulated in Louisiana. State lawmakers passed [House Bill 491](#) in 2019 legalizing hemp-derived products. [House Bill 758](#), passed in June 2022 regulated the production and sale of delta 8.

Regulation Status: Regulated

Summary: Louisiana was the first state to adopt regulations related to production and sale of hemp intoxicants, when it passed House Bill 491 in June 2019 - later refined in 2022 in HB 758. Theirs is the most robust of all the regulatory system so far.

Maine

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in Maine. State lawmakers passed [Legislative Document 1159](#) in 2009 legalized hemp-derived delta 8.

Regulation Status: Unregulated

Summary: State lawmakers passed Document 1159 in 2019, which legalized hemp-derived delta 8.

Maryland

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and regulated in Maryland. State lawmakers aligned their hemp laws with the 2018 Federal Farm Bill through [House Bill 1123](#) in 2019, and passed [Senate Bill 0788](#) in 2021 regulating delta-8 products.

Regulation Status: Regulated

Summary: State lawmakers aligned their hemp laws with the Federal Farm Bill in HB 1123 in 2019, and passed Senate Bill 0788 in 2021 regulating setting a 21 year age limit and further regulating delta-8 products.

Massachusetts

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in Massachusetts. State lawmakers aligned their hemp laws with the 2018 Federal Farm Bill through [Bill H. 4001](#) in 2018, but recent [government statements](#) have made the state's regulations on delta-8 unclear.

Regulation Status: Unregulated

Summary: State lawmakers aligned their hemp laws with the Federal Farm Bill in 2018 with passage of Bill H. 4001, but recent government statements have made the state's regulations on delta-8 unclear.

Michigan

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and regulated in Michigan. State lawmakers passed [House Bill 4517](#) in 2021 regulating hemp and cannabis-derived delta 8.

Regulation Status: Regulated

Summary: State lawmakers passed HB 4517 in 2021 regulating hemp and cannabis-derived delta 8. Only state-licensed companies can sell, distribute, and manufacture delta-8 products, they must be licensed by Michigan Marijuana Regulatory Agency, and customers must be 21 to purchase.

Minnesota

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and regulated in Minnesota. State lawmakers passed The [Industrial Hemp Development Program](#) in 2015 legalizing naturally existing delta-8. [House File 3595](#) was introduced in March 2022, and if passed would limit edible hemp products to 5mg of THC per serving, require that all other hemp products can only contain up to 0.3% of any tetrahydrocannabinol, and require customers to be 21 years old.

Regulation Status: Regulated

Summary: State lawmakers passed a bill in 2015 legalizing hemp and updated it in 2019 to align with federal law on hemp. House File 3595 passed in 2022, regulating hemp products including edibles containing THC.

Mississippi

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Mississippi. [House Bill 1547](#) of 2019 classified all forms of tetrahydrocannabinol from the cannabis plant as a Schedule I drug.

Regulation Status: Fully Prohibited

Summary: Clearly prohibited under state law. House Bill 1547, effective July 2019, classified all forms of tetrahydrocannabinol from the cannabis plant as schedule I drugs.

Missouri

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Missouri. State lawmakers passed [House Bill 2034](#) in 2018 legalizing hemp-derived delta-8.

Regulation Status: Unregulated

Summary: State lawmakers passed HB 2034 in 2018 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

Montana

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Montana. Delta-8 is classified as a state-

controlled substance under the [Controlled Substances Act](#) in 2019.

Regulation Status: Fully Prohibited

Summary: The state's controlled substances act was amended in 2019 to include delta-8. Not clear if other isomers or analogs might be allowed.

Nebraska

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Nebraska. State lawmakers removed hemp from the list of Controlled Substances following the [Nebraska Hemp Farming Act](#) of 2019.

Regulation Status: Unregulated

Summary: State lawmakers removed hemp from the list of Controlled Substances in the Nebraska Hemp Farming Act of 2019. No clear regulations on delta 8.

Nevada

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and regulated in Nevada. State lawmakers legalized hemp-derived compounds through [Senate Bill 209](#) in 2019, but prohibited products made using hemp carrying more than 0.3% THC and artificially produced cannabinoids in [Senate Bill 42](#) (2021).

Regulation Status: Fully Prohibited

Summary: State lawmakers legalized hemp derived compounds in Senate Bill 209 in 2019, but later prohibited products made using hemp carrying more than 0.3% THC and artificially produced cannabinoids in Senate Bill 42 in 2021.

New Hampshire

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in New Hampshire. State lawmakers passed [House Bill 459](#) in 2019 legalizing hemp-derived delta 8.

Regulation Status: Unregulated

Summary: State lawmakers passed House Bill 459 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

New Jersey

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in New Jersey. State lawmakers passed [Bill A5322 \(The New Jersey Hemp Program\)](#) in 2019 legalizing hemp-derived compounds.

Regulation Status: Unregulated

Summary: State lawmakers passed A5322 which established the New Jersey Hemp Program in 2019, which legalized hemp and hemp-derived compounds.

New Mexico

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in New Mexico. State lawmakers passed [The New Mexico Hemp Manufacturing Act](#) in 2019 legalizing hemp-derived compounds.

Regulation Status: Unregulated

Summary: State lawmakers passed the New Mexico Hemp Manufacturing Act in 2019, legalizing hemp-derived compounds.

New York

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in New York. [The New York Cannabis Control Board](#) banned the sale, distribution, and production of delta-8 products.

Regulation Status: Fully Prohibited

Summary: The New York Cannabis Control Board banned the sale, distribution, and production of delta-8 products. While clearly prohibited under state law, sales are common and there are discussions of a regulatory system.

North Carolina

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in North Carolina. State lawmakers permanently exempted hemp from their list of controlled substances in [Senate Bill 455](#) of 2022.

Regulation Status: Unregulated

Summary: State lawmakers permanently exempted hemp from their list of controlled substances with passage of Senate Bill 455 in June 2022. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

North Dakota

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in North Dakota. [House Bill 1045](#) amended North Dakota's existing hemp bill to include delta-8 as a prohibited substance.

Regulation Status: Fully Prohibited

Summary: House Bill 1045 passed in 2021, amending North Dakota's existing hemp bill to include delta-8 and delta-10 as a prohibited substance. Not clear if other isomers or analogs might be allowed.

Ohio

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Ohio. State lawmakers passed [Senate Bill 57](#) in 2019 legalizing hemp and hemp compounds.

Regulation Status: Unregulated

Summary: State lawmakers passed Senate Bill 57 in 2019 legalizing hemp and hemp compounds. No clear regulations on delta 8.

Oklahoma

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Oklahoma. [The Oklahoma Industrial Hemp Program of 2018](#) legalized hemp and hemp-derived compounds.

Regulation Status: Unregulated

Summary: State lawmakers passed Oklahoma Industrial Hemp Program of 2018, legalizing hemp-derived delta 8. Marijuana-derived compounds remain technically illegal in accordance with the state's cannabis laws.

Oregon

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in Oregon. State lawmakers passed [House Bill 3000](#) in 2021 granting the Oregon Liquor and Cannabis Commission more authority under which they prohibited all “artificially derived cannabinoids” in 2022.

Regulation Status: Restricted

Summary: State lawmakers passed HB 3000 in 2021, granting the Oregon Liquor and Cannabis Commission more authority under which they prohibited all “artificially derived cannabinoids” in 2022. The agency rule effectively creates a ban.

Pennsylvania

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Pennsylvania. State lawmakers passed [House Bill 967](#) in 2016 legalizing hemp-derived cannabinoids. There have been [recent efforts](#) to ban hemp-derived delta-8 products.

Regulation Status: Unregulated

Summary: State lawmakers passed House Bill 967 in 2016 legalizing hemp-derived cannabinoids.

Rhode Island

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Rhode Island. Delta-8 is classified as a Schedule I controlled substance under the state’s [Uniform Controlled Substances Act](#).

Regulation Status: Fully Prohibited

Summary: Most consider delta-8 to be illegal following passage of the Hemp Growth Act and its inclusion in the definition of THC contained in the states uniform controlled substances act.

South Carolina

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and regulated in South Carolina. State lawmakers passed [House Bill 3449](#) in 2019 legalizing all hemp derivatives (as long as the source hemp carries no more than 0.3% delta-9 THC).

Regulation Status: Unregulated

Summary: State lawmakers passed HB 3449 in 2019 legalizing all hemp derivatives. The state's AG has issued a contrary statement, but it is currently treated as legal.

South Dakota

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and regulated in South Dakota. State lawmakers passed [House Bill 1292 in 2022](#) regulating delta-8 for those under the age of 21. Regulation Status: Regulated

Summary: State lawmakers passed HB 1292 in 2022 regulating delta-8 for those under the age of 21.

Tennessee

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Tennessee. State lawmakers passed [Senate Bill 357](#) in 2018 descheduling all hemp-derived cannabinoids, including delta-8. [Attempts](#) have been made to ban delta-8, but have been unsuccessful.

Regulation Status: Unregulated

Summary: State lawmakers passed SB 357 in 2018 descheduling all hemp derived cannabinoids, including delta-8. Attempts have been made to ban delta-8, but have been unsuccessful. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

Texas

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Texas. Delta-8 is currently legal after a county judge temporarily blocked the state from classifying it as a controlled substance, granting an [injunction](#) and placing delta-8 as temporarily legal.

Regulation Status: Unregulated

Summary: Delta-8 is currently legal after a county judge temporarily blocked the state from classifying it as a controlled substance, granting an injunction and placing delta-8 as temporarily legal.

Utah

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are illegal and fully prohibited in Utah. Under [Chapter 37](#) of the Utah Controlled Substances Act, hemp-derived tetrahydrocannabinols are prohibited.

Regulation Status: Fully Prohibited

Summary: State law clearly prohibits all forms of hemp-derived THC in Chapter 37 of the Utah Controlled Substances Act.

Vermont

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Vermont. [The Vermont Hemp rules](#) of 2020 ban the use of synthetic cannabinoids in the production of hemp products.

Regulation Status: Fully Prohibited

Summary: The Vermont Hemp rules adopted by the Vermont Agency of Agriculture, Farms, and Markets in 2020 ban the use of synthetic cannabinoids in the production of hemp products.

Virginia

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are legal and unregulated in Virginia. State lawmakers passed [House Bill 1839](#) in 2019 legalizing hemp and hemp-derived products.

Regulation Status: Regulated

Summary: State lawmakers passed House Bill 1839 in 2019 legalizing hemp and hemp-derived products. Regulations went into effect in July 2022.

Washington

Medicinal-use State: YES

Adult-use State: YES

Hemp-based intoxicants are illegal and fully prohibited in Washington. As per a [policy statement](#) by the state's Liquor and Cannabis Board in 2021, the purchase, sale, and production of delta-8 products chemically synthesized from CBD are prohibited.

Regulation Status: Fully Prohibited

Summary: In 2021, the state's regulatory agency, the Liquor and Cannabis Board, declared that the purchase, sale, and production of delta-8 products chemically synthesized from CBD are prohibited. A bill was filed in 2022 that would have made it law, but failed to advance.

West Virginia

Medicinal-use State: YES

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in West Virginia. Hemp is legal in West Virginia per the Federal Farm Bill. [Attempts](#) were made in 2022 to restrict and regulate delta-8.

Regulation Status: Unregulated

Summary: Hemp is considered legal in West Virginia in accordance with the Federal Farm Bill. Attempts were made in 2022 to restrict and regulate delta-8.

Wisconsin

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Wisconsin. Under state definitions of legal hemp in [WI Stat § 94.55](#), delta-8 is not excluded and is currently legal.

Regulation Status: Unregulated

Summary: Under state definitions of legal hemp, delta-8 is not excluded and is currently legal. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.

Wyoming

Medicinal-use State: NO

Adult-use State: NO

Hemp-based intoxicants are legal and unregulated in Wyoming. State lawmakers passed [House Bill 0171](#) in 2019 legalizing hemp-derived delta 8.

Regulation Status: Unregulated

Summary: State lawmakers passed HB 0171 in 2019 legalizing hemp-derived delta 8. Marijuana-derived compounds remain illegal in accordance with the state's cannabis laws.