



## AHPA guidance policy

### Marketing of concentrated delta-8 tetrahydrocannabinol, artificial, or synthesized cannabinoids

(Adopted June 2021)

AHPA recognizes that:

- “Hemp” is defined by U.S. federal law as “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 (0.3%) on a dry weight basis”<sup>1</sup>;
- The above-quoted definition of “hemp” places no quantitative limits or restrictions on other naturally occurring hemp constituents, including other tetrahydrocannabinols;
- Hemp may contain detectable levels of delta-8 tetrahydrocannabinol, which is a naturally occurring, minor cannabinoid constituent<sup>2</sup>;
- While naturally occurring at low levels in hemp, delta-8 tetrahydrocannabinol can be synthesized from other cannabinoids such as cannabidiol and delta-9-tetrahydrocannabinol; and
- At concentrations in excess of the naturally occurring level in hemp, delta-8 tetrahydrocannabinol can produce a psychoactive or intoxicating effect when consumed by humans.<sup>3</sup>

AHPA therefore:

- Discourages the marketing of goods for consumption by any route that both (i) consist of or contain any amount of synthesized cannabinoids,<sup>4</sup> including but not limited to synthesized delta-8 tetrahydrocannabinol, and (ii) are labeled as hemp products; and
- Discourages the marketing of goods for consumption by any route that consist of or contain any amount of artificial cannabinoids.<sup>5</sup>

1. 7 U.S.C. § 1639o(a).

2. For example, see Berthold et al., 2020, available at <https://j cannabisresearch.biomedcentral.com/articles/10.1186/s42238-020-00050-0>

3. For example, see National Cancer Institute Drug Dictionary, available at <https://www.cancer.gov/publications/dictionaries/cancer-drug/def/delta-8-tetrahydrocannabinol>.

4. Synthesized cannabinoids means a cannabinoid synthesized in a laboratory or by industry using directed synthetic or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting. They may be nature-identical or artificial since this definition refers only to the process of their creation (AHPA Hemp Lexicon, May 2021).

5. Artificial cannabinoids means any cannabimimetic compound that interacts with cannabinoid receptors but whose molecular structure is not found in nature ([AHPA Hemp Lexicon, May 2021](#)).