



State Law Enforcement Efforts Against Synthetic Intoxicants

As the popularity of Delta-8 THC and other synthetic intoxicants has risen, states have responded with various enforcement mechanisms to address the legal ambiguities and public health concerns surrounding these products. Despite confusion at the federal level, many states have acted independently to regulate or ban Delta-8, citing concerns about its intoxicating effects and the dangers of unregulated sales.

State enforcement strategies against synthetic THC vary widely, with some classifying it as a controlled substance, while others focus on public health and safety, consumer protection, or regulatory compliance. Law enforcement efforts have ranged from civil penalties and fines to full-scale raids, product seizures, and criminal penalties. Additionally, many states are dealing with ongoing legal challenges from businesses arguing that Delta-8 THC is federally protected under hemp laws.

Here is an overview of state efforts to respond:

1. California

- **Legal Theory:** Public health and safety
- **Action:** In September 2024, Governor Newsom issued an emergency order banning any detectable THC in hemp products sold outside regulated cannabis dispensaries. This was enacted to protect children and public health, targeting products marketed like candy
- **Background:** In California, the enforcement against Delta-8 THC and other intoxicating hemp-derived products has escalated dramatically following Governor Gavin Newsom's emergency order in September 2024. This emergency regulation prohibits any detectable THC or other intoxicating cannabinoids in hemp-derived food, beverages, or dietary supplements. The state has made it clear that these products must be removed from retail shelves unless sold through licensed cannabis dispensaries

The emergency order was driven by concerns over the public health risks posed by these products, particularly their appeal to children. Products like Delta-8 THC edibles, often resembling candy, have been linked to rising incidents of child hospitalizations. As part of the new rules, products must be sold only to individuals over 21 and limited to five servings per package.

- **Current Disposition:** State regulators—including the Department of Public Health and Department of Cannabis Control—have already begun enforcing these regulations, with support from local law enforcement. The state has focused on ensuring compliance through inspections, fines, and the removal of non-compliant products. Recently,

California courts upheld the regulations, rejecting industry attempts to block their enforcement, underscoring the urgency of protecting public health

2. Connecticut

- **Legal Theory:** Consumer protection under the Connecticut Unfair Trade Practices Act (CUTPA).
- **Enforcement:** Connecticut has aggressively pursued enforcement actions against businesses selling unregulated hemp intoxicants. In 2024, the Attorney General's Office, led by William Tong, brought a series of lawsuits against wholesalers accused of selling intoxicating hemp products that contained more than 5 milligrams of THC per serving based, in part, on violations of CUTPA.
- **Background:** The state's enforcement efforts are primarily focused on preventing the sale of products that mislead consumers into thinking they are part of Connecticut's regulated cannabis market. The Attorney General's lawsuits emphasize that these products are not properly tested by the state and pose a risk to public health. The state brought legal action against RZ Smoke Inc., which attempted to argue that its products, derived from federally legal hemp, were preempted by federal law. However, the U.S. District Court ruled that the federal Farm Bill's definition of hemp did not preempt Connecticut's consumer protection laws. The court sent the case back to state court, allowing the state to continue its enforcement under CUTPA.
- **Current Disposition:** Enforcement remains active, with Connecticut targeting businesses selling intoxicating hemp products that violate state laws on labeling, packaging, and THC content. Businesses face significant legal and financial penalties for non-compliance.

3. District of Columbia

- **Legal Theory:** Controlled substances enforcement, with possible health and safety violations.
- **Enforcement:** The District of Columbia has been actively enforcing its Controlled Substances Act (CSA) against retailers selling hemp-derived products, treating them as illegal cannabis. In 2024, an interagency task force led by the Alcoholic Beverage and Cannabis Administration (ABCA), with support from the Department of Licensing and Consumer Protection (DLCP), DC Health, and the Metropolitan Police Department (MPD), conducted inspections of hemp retailers.
- **Background:** During inspections, products containing CBD and Delta-8 THC were embargoed. The inspectors claimed the products were illegal cannabis under the District's CSA. Inspectors also cited unspecified health and safety concerns. Notices of Infraction were issued.

- **Current Disposition:** Enforcement remains active, with licensed hemp businesses in the District facing legal challenges as the authorities treat hemp intoxicants as illegal cannabis. Hemp interests are pursuing a claim against the district challenging enforcement in a proceeding entitled Capitol Hemp LLC et al. v. Fred Moosally et al.. in Superior Court of DC.

4. Florida

- **Legal Theory: Controlled substances enforcement.**
- **Action:** Florida has fined businesses selling products like THC-O and Delta-8 THC-O in food products, considering them outside the legal definition of hemp.
- **Background:** In Florida, while a legislative effort to regulate hemp intoxicants fell short, there have been products that the state has sought to remove from the marketplace. Initial enforcement against Delta-8 THC and other hemp-derived intoxicants has primarily focused on products like THC-O and Delta-8 THC-O, which are considered outside the state's definition of hemp. The Florida Department of Agriculture and Consumer Services, alongside the Attorney General's office, has targeted businesses that sell these products in food items. These enforcement actions are largely driven by health and safety concerns, and businesses violating the rules face fines of up to \$5,000 per occurrence. The products are also considered controlled substances, which opens businesses up to potential criminal penalties

In October 2023, however, the Florida Attorney General's office learned that many businesses were selling hemp-synthesized intoxicants that fell outside the state definition of hemp, resulting in increased scrutiny and enforcement actions. Despite efforts to implement stricter regulations, Governor Ron DeSantis vetoed a bill (SB 1698) in June 2024 that would have imposed even more restrictions, arguing that it would overburden small businesses. However, DeSantis did encourage the state legislature to reconsider regulatory measures focused on quality control, packaging, and retail practices in the 2025 session.

- **Current Disposition:** Florida's enforcement continues to be active against some Delta-8 THC and THC-O products, with regulatory and criminal penalties in place for non-compliance. Governor DeSantis' veto prevented further restrictions for now, but more legislation is expected in 2025.

5. Georgia

- **Legal Theory: Controlled substances enforcement.**
- **Action:** Local law enforcement continues to target Delta-8 THC products as controlled substances, leading to ongoing legal challenges.

- **Background:** In Georgia, law enforcement had been actively targeting Delta-8 THC products, treating them as controlled substances over the past few years. However, in 2023, the Georgia Court of Appeals ruled that Delta-8 and Delta-10 THC are not controlled substances, setting a legal precedent that challenges previous law enforcement efforts. This ruling stemmed from a case involving a 2022 raid by the Gwinnett County District Attorney's Office, which led to a lawsuit arguing that hemp-derived cannabinoids like Delta-8 were legal under state law.

Despite the court ruling, local law enforcement continues to enforce restrictions based on interpretations of the federal Controlled Substances Act and Georgia's state regulations. However, this court decision has provided some businesses with a legal defense, leading to a reduction in aggressive enforcement in certain areas while appeals are considered. The decision has brought a temporary halt to some law enforcement activities, but challenges continue.

- **Current Disposition:** In addition to a patchwork of law enforcement responses in 2024, Georgia also passed Senate Bill 494, which introduces stricter packaging, sales, and licensing rules for hemp-derived products, including a framework for delta-8 THC which was previously in more uncertain territory. This new legislation is aimed at curbing sales to minors and ensuring product safety, marking a shift in regulatory focus while legal disputes over controlled substance status continue.

6. Indiana

- **Legal Theory:** Delta-8 THC as a controlled substance.
- **Action:** The state Attorney General issued guidance that hemp-synthesized intoxicants, including Delta-8 THC, are controlled substances. Legal challenges are ongoing, but enforcement actions have been initiated, with some counties notifying retailers.
- **Background:** In Indiana, the legal battle over Delta-8 THC has intensified since Attorney General Todd Rokita issued an opinion in January 2023 declaring that Delta-8 and other hemp-synthesized intoxicants are controlled substances under state law. This has prompted local law enforcement to begin cracking down on businesses selling Delta-8 products. For example, in August 2023, Evansville police ordered a local shop to remove Delta-8 products or face criminal charges. Several businesses have already reported significant financial impacts, with some seeing sales drop by over 80%.

The legal challenges are ongoing. Notably, 3Chi, a major Delta-8 manufacturer, and the Midwest Hemp Council filed a lawsuit against the state, arguing that Delta-8 should be legal under the 2018 federal Farm Bill. However, the court recently denied their request for a preliminary injunction, allowing the state's enforcement to continue while the lawsuit proceeds. Local law enforcement continues to act on the Attorney General's guidance, with some counties proactively notifying retailers of the risks involved in selling Delta-8.

- **Current disposition:** Paused, with law enforcement previously targeting Delta-8 sellers, while the legal status remains contested in court.

7. Kansas

- **Legal Theory: Controlled substances enforcement.**
- **Enforcement:** Local law enforcement, led by the Sedgwick County District Attorney, has issued warnings and initiated crackdowns on businesses selling Delta-8 THC products exceeding the 0.3% THC limit, citing a 2021 Attorney General ruling that considers these products controlled substances.
- **Background:** Local law enforcement has been cracking down on businesses selling Delta-8 THC products that exceed the state's 0.3% THC limit. This action stems from a 2021 ruling by the Kansas Attorney General, which declared Delta-8 THC a controlled substance under state law. The ruling effectively classified Delta-8 THC products that surpass the allowable THC concentration as illegal, leading to enforcement actions across the state.
- **Current Disposition:** Since the ruling, Kansas has initiated enforcement efforts focusing on products that mislead consumers with inaccurate labeling or that claim to meet legal hemp standards but exceed the federal and state THC limits. Many businesses selling these products, particularly vape shops, have received warnings or have been raided for failing to comply with the controlled substances law.

The crackdown has resulted in the seizure of products that law enforcement claims are being sold as legal hemp but contain levels of THC that push them into the category of illegal marijuana under state law. Businesses have faced penalties for violations, although the legal battle over these products continues as some retailers challenge the state's interpretation of the law

8. Maryland

- **Legal Theory:** Outside regulated system (controlled substance)
- **Action:** Maryland enforces penalties against businesses selling Delta-8 and Delta-10 THC products outside of licensed cannabis channels.
- **Background:** In Maryland, the enforcement of Delta-8 THC and other hemp-derived intoxicants is focused on businesses that sell these products outside the licensed cannabis system. The Maryland legislature passed laws in 2023, particularly HB 556, which established strict limits on THC levels in hemp-derived products. Under this law, products containing more than 0.5 mg of THC per serving or 2.5 mg per package must

be sold through licensed cannabis dispensaries. This includes most Delta-8 and Delta-10 THC products.

In 2023, the Maryland Alcohol, Tobacco, and Cannabis Commission (ATCC) began issuing penalties and enforcing these regulations. However, there has been significant pushback from the hemp industry. In October 2023, a Maryland court issued a temporary injunction blocking the state's enforcement of these restrictions, citing concerns that the regulations create a monopoly for licensed dispensaries and undermine the hemp industry. As a result, Delta-8 THC products remain temporarily legal and available outside of licensed dispensaries until the litigation is resolved

- **Current Disposition:** Enforcement is currently paused due to this ongoing litigation, but the state is expected to continue pursuing tighter controls on Delta-8 THC through licensed cannabis channels once the court case is resolved. In the meantime, businesses selling Delta-8 products are operating in a legal gray area.

9. Missouri

- **Legal Theory: Public health and safety.**
- **Action:** In August 2024, Governor Mike Parson issued Executive Order 24-10, banning the sale of hemp-derived intoxicants, such as Delta-8 THC, in food and drink products. The ban is motivated by health concerns, especially the increased number of cases of cannabis poisoning in children under 5. The order prohibits these products unless sourced from an “approved source,” which currently does not exist under state or federal regulations
- **Background:** In Missouri, enforcement of Delta-8 THC and other intoxicating hemp-derived products has escalated following Governor Mike Parson’s Executive Order 24-10, issued in August 2024. This order bans the sale of psychoactive hemp products, such as Delta-8 THC, in food and beverages unless sourced from an “approved source.” However, no approved sources currently exist under either state or federal law, effectively prohibiting the sale of these products until regulations are established

The motivation for the order is primarily public health and safety, with growing concerns about the impact of these products on children. Missouri has reported a 600% increase in cannabis-related poisonings among children under five since 2018. The products in question, often marketed in a way that appeals to children, have been linked to a significant number of emergency room visits

Current Disposition: To enforce the order, the Department of Health and Senior Services (DHSS) and the Division of Alcohol and Tobacco Control (ATC) have been tasked with overseeing compliance. Establishments holding liquor licenses are at risk of losing them if they are found selling these unapproved products

The executive order, which went into effect on September 1, 2024, represents a substantial shift in Missouri's regulation of hemp-derived intoxicants. Enforcement is expected to be strict, with state agencies prioritizing public health, particularly in response to concerns about the risks these products pose to children

10. Nebraska

- **Legal Theory: Consumer protection, mislabeled products**
- **Action:** Nebraska's Attorney General coordinated enforcement across several counties to seize hemp-based intoxicants, though criminal charges have not been widespread.
- **Background:** In Nebraska, Attorney General Mike Hilgers has taken an aggressive stance against hemp-derived intoxicants like Delta-8 and Delta-10 THC, focusing on consumer protection and mislabeling rather than criminal prosecution. Since launching the litigation campaign in 2024, Hilgers' office has targeted businesses for selling products that are mislabeled, contain synthetic cannabinoids, or are marketed in ways that appeal to children. Many of these products were also found to contain incorrect or undisclosed cannabinoid levels, posing significant health risks, especially to minors.

The enforcement effort has resulted in numerous lawsuits and settlements across the state. For instance, in July 2024, four vape shops agreed to stop selling these products and faced heavy fines for violations. These settlements often require the businesses to destroy all remaining prohibited products and include substantial financial penalties for any future breaches.

- **Current Disposition:** The campaign has not focused on criminal charges, but instead on violations of Nebraska's Consumer Protection Act, Uniform Deceptive Trade Practices Act, and Pure Food Act. The AG's office is seeking injunctive relief, civil penalties, and other remedies to stop retailers from selling mislabeled and harmful synthetic THC products.

The focus remains on protecting consumers, particularly children, from the risks posed by these misrepresented products.

11. New York

- **Legal Theory:** Outside regulated system (controlled substance)
- **Action:** New York has initiated statewide raids targeting vendors selling unregulated hemp intoxicants. The effort is part of a broader crackdown on illegal cannabis sales.
- **Background:** In New York, enforcement against unlicensed sales of Delta-8 THC and other cannabis products has been aggressive throughout 2024. The state, led by **Governor Kathy Hochul** and **Mayor Eric Adams**, launched a significant crackdown as

part of a broader effort to regulate the legal cannabis market and eliminate illegal competitors. This initiative includes closing unlicensed cannabis shops under **Operation Padlock**, which was given enhanced enforcement powers in the 2024 state budget.

As of October 2024, over 750 illegal cannabis shops have been shuttered across New York City, with approximately 400 closures occurring in just a few weeks of enforcement. These actions are intended to curb the sale of unregulated and often dangerous hemp-derived intoxicants, including Delta-8 THC, that were being sold outside the state's regulated cannabis system. Products were often marketed toward children and sold in improper packaging, leading to a public health concern

- **Current Disposition:** Businesses caught violating these laws face substantial penalties, with fines up to \$30 million issued for illegal sales. Law enforcement agencies, including the Office of Cannabis Management (OCM) and the Department of Taxation and Finance (DTF), are conducting ongoing inspections, issuing violations, and in some cases, padlocking stores that refuse to comply

New York's crackdown focuses not only on the sale of intoxicating hemp products like Delta-8 but also on ensuring that only licensed dispensaries can sell any cannabis products. This initiative aims to support the legal market, protect public safety, and ensure tax compliance from businesses operating in the cannabis industry.

12. North Carolina

- **Legal Theory: Controlled substances enforcement.**
- **Enforcement:** North Carolina's Alcohol Law Enforcement (ALE) has been actively cracking down on vape and tobacco shops selling Delta-8 THC products that exceed the legal THC limit. Multiple businesses have been targeted, and the products in question often exceed the 0.3% Delta-9 THC limit. ALE, working alongside local law enforcement, has made numerous arrests and conducted raids, particularly after receiving community complaints. The focus has also been on products marketed toward children, like Delta-8 THC-infused candies
- **Background:** In North Carolina, law enforcement has largely targeted vape and tobacco shops selling Delta-8 THC products that exceed the legal limit of 0.3% Delta-9 THC as defined by the 2018 Farm Bill.
- **Current Disposition:** Throughout 2024, multiple businesses have been raided, and products seized after being found non-compliant with state and federal law. Arrests have also been made, with a focus on shops selling Delta-8 THC products marketed to children, such as candies and other edibles that resemble traditional sweets. These products are often seen as a public safety hazard, particularly for minors, which has driven the ALE's enforcement efforts

Local law enforcement has collaborated with ALE to respond to community complaints, and the raids often result in significant penalties, including confiscation of products and potential business closures. The issue has raised concerns about the lack of regulation and oversight for these products, leading to further scrutiny and legal action in the state.

13. Pennsylvania

- **Legal Theory:** Outside regulated system (controlled substance)
- **Action:** County-level actions in Pennsylvania, particularly in Lancaster County, have targeted businesses selling Delta-8 THC products, treating them as controlled substances.
- **Background:** In Pennsylvania, particularly in Lancaster County, law enforcement has aggressively targeted Delta-8 THC products, treating them as controlled substances. The Lancaster County Drug Task Force, led by District Attorney Heather Adams, has conducted multiple raids on local vape and smoke shops throughout 2023 and 2024. These efforts have resulted in the seizure of nearly \$300,000 worth of Delta-8 and Delta-10 THC products from 25 stores.

The legal theory in Pennsylvania rests on the classification of Delta-8 THC as a Schedule I controlled substance under state law, despite federal ambiguity. Pennsylvania law is clear that any THC products exceeding 0.3% Delta-9 THC are illegal, and Delta-8 is similarly classified due to its synthetic production process. This led to the issuance of cease-and-desist orders across Lancaster County, followed by enforcement raids targeting stores selling these products

Many of the products seized were marketed in packaging resembling popular candy brands, which raised concerns about their appeal to children. Officials have emphasized public safety risks and the potential harm to minors.

- **Current Disposition:** Several businesses have responded by filing lawsuits, arguing that these products were legal under state and federal hemp laws. The outcome of these cases may have far-reaching implications for hemp-derived products in Pennsylvania, however law enforcement has continued during the litigation process.

14. Texas

- **Legal Theory: Controlled substances** enforcement.
- **Action:** Texas, supported by the DEA, conducted raids on businesses selling hemp products like Delta-8 THC that exceed state THC limits. Products with THC levels as high as 78% have been seized.

- **Background:** In Texas, law enforcement has been actively cracking down on the sale of Delta-8 THC products, treating them as controlled substances if they exceed the state's legal THC limit. As of 2024, this enforcement has intensified, especially in North Texas, where several vape shops were raided. In August 2024, the DEA, in coordination with local police, conducted a series of raids on nine vape shops in Allen, Texas, seizing products with THC levels ranging from 7% to 78%, far exceeding the 0.3% legal threshold for Delta-9 THC.

These actions follow months of undercover operations, with some shops allegedly selling products to minors. Texas law enforcement has focused on businesses selling Delta-8 and other hemp-derived products in a legal "gray area," claiming that many of these products contain illicit levels of THC. Shop owners argue that their products, such as Delta-8 and THCA, are legal under Texas' hemp laws, but law enforcement has used Certificates of Analysis (COAs) to secure warrants, sometimes misinterpreting them as showing illegal levels of THC.

- **Current Disposition:** The situation remains complex due to ongoing legal battles. A major case concerning the classification of Delta-8 THC is currently before the Texas Supreme Court, with potential rulings that could either restrict or bolster the legal standing of these products in the state.

In summary, Texas is continuing to treat Delta-8 THC as a controlled substance when it exceeds THC limits, with raids and product seizures ongoing, particularly in North Texas. Legal challenges, however, could change the trajectory of enforcement depending on future court decisions.

15. Virginia

- **Legal Theory:** Outside regulated system (controlled substance)
- **Action:** Virginia enforces regulations against hemp intoxicants sold outside its licensed cannabis market. Civil fines have been issued to businesses violating health and safety regulations, especially those selling intoxicants in food.
- **Background:** In Virginia, enforcement against hemp-derived intoxicants, including Delta-8 THC, has ramped up significantly since new regulations took effect in July 2023. These regulations, aimed at closing loopholes in the sale of Delta-8 and other intoxicating hemp products, introduced stringent limits on total THC content (capped at 0.3%) and enforced a maximum of 2 milligrams of THC per package unless a product has a CBD-to-THC ratio of 25:1 to mitigate intoxicating effects.

The Virginia Department of Agriculture and Consumer Services (VDACS) is spearheading these efforts. Between July 2023 and June 2024, more than 346 businesses were found in violation of the new rules, with 17,715 individual violations recorded. This resulted in \$10.77 million in fines, although only a fraction has been

collected so far. Many of these violations involved products exceeding the THC limit or improper packaging, particularly with edibles resembling candies.

Despite these enforcement efforts, some businesses have opted to settle fines for reduced amounts, and compliance inspections are ongoing. The state is hoping these actions will curb illegal sales, especially in light of public health concerns, such as increasing reports of children being exposed to these products.

- **Current Disposition:** Virginia's enforcement is active, with VDACS continuing inspections and issuing fines, while businesses face significant penalties for non-compliance. The enforcement is primarily civil, with the focus on regulatory violations rather than criminal charges.