

FOR ADULTS (21+) USE ONLY

TRUE  8
MJSTIK

Delta-8-THC

Legality

Law/Rule	Why is Delta-8 Legal?
<p>DEA</p> <ul style="list-style-type: none">• Regardless of what any product label may say & of being hemp-derived (i.e., “hemp” or otherwise), if a product has more than 0.3% Delta-9 THC, it is a controlled substance.• None of these changes, alters or affects the FDA’s jurisdiction over products containing cannabis and cannabis-derived compounds.• Naturally occurring THC’s in cannabis are not controlled substances so long as they are at or under the 0.3% Delta-9 THC threshold. Any of those that are above the 0.3% Delta-9 THC threshold are controlled substances.• Synthetically derived THC’s are all controlled substances, regardless of THC content.	<ul style="list-style-type: none">• Delta-8 is a phytocannabinoid naturally existing in the cannabis plant – it is organically derived.• Its natural occurrence is too low to be extracted outright, but there is an isomerization process that can take place to convert CBD to Delta-8 THC.• Isomerization does not convert a phytocannabinoid into a synthetic one in the manner “synthetic” is used by the DEA. The 2018 Farm Bill definition of hemp includes all “isomers” of hemp. Therefore, any isomer of a hemp plant is also hemp and, pursuant to the 2018 Farm Bill, does not fall under the Controlled Substances Act (the “CSA”).• The reference to “synthetically derived” is referring to a man-made chemical, not a process by which someone at a lab isomerizes one organic molecule to another (i.e., CBD to Delta-8 THC).

Law/Rule	Why is Delta-8 Legal?
<ul style="list-style-type: none">• In order to understand what the DEA is doing in this Rule, we need to first understand why they are doing it.• 2018 Farm Bill: “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 on a dry weight basis.”	<ul style="list-style-type: none">• The DEA Rule now follows suit in that it modifies the listing of “tetrahydrocannabinols” on the Schedule of Controlled Substances by adding the following stipulation:• “Tetrahydrocannabinols does not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in [the 2018 Farm Bill].”• This reiterates the notion that so long as the 0.3% Delta-9 THC threshold is met, then the material is hemp. It follows that any derivative THC within such material (so long as the Delta-9 THC concentration is at or below the 0.3% on a dry weight basis) is also hemp and therefore not a controlled substance.

- **Δ8THC is legal only in certain states/regions. Δ8THC is likely LEGAL in:**
 - Any country/state where cannabis is legal, Delta-8 is legal
 - Any country/state where THC and analogues are legal and approved for medical use, Delta-8 products are legal – with the correct prescription
- **Δ8THC is likely ILLEGAL in:**
 - Any country/state that prohibits all forms of cannabis, Delta-8 is illegal. This is because, in this scenario, all parts and compounds found in the cannabis plant are illegal.
 - Any country/state where THC and analogues are illegal, as well as industrial hemp and hemp flowers, then Delta-8 is also illegal. This is because all possible places the Delta-8 could be sourced from are prohibited.

Can we sell Delta-8
THC?

YES

Why is Delta-8 Legal?

- **If derived from hemp** and the end product remains at or below Delta-9 THC, then the substance is likely legal, but to **keep in mind that Delta-8 (when not derived from hemp) is on the controlled substances** schedule.
- **HEMP:** The 2014 farm bill defined industrial hemp to mean “the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis”
- Any type of THC from a cannabis plant with Delta-9 THC at or below 0.3% is legal (at the federal level). It is important to note there may be states with more restrictive laws that do criminalize Delta-8 THC, even when derived from hemp. There may also be states where marijuana-derived Delta-8 THC is legal (but illegal at the federal level).
- **Delta-8 is illegal** in Alaska, Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Mississippi, Montana, Rhode Island, and Utah.

Δ8THC FROM HEMP IS NOT A CONTROLLED SUBSTANCE

- In section 297A of the 2018 Farm Bill (or Agriculture Improvement Act), it states “The term ‘hemp’ means 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.
- Since the statutory definition of “hemp” includes “cannabinoids” such as CBD, and “derivatives” of hemp have been removed from the CSA, **Δ8THC derived from CBD falls within the statutory definition of “hemp” and is not a controlled substance.**

Δ8THC FROM HEMP ISN'T A CONTROLLED SUBSTANCE UNDER THE FEDERAL ANALOGUE ACT

- Hemp has been removed from the CSA. Hemp-derived Δ8THC meets the legal definition of “hemp” under the Farm Bill. Legally speaking, it is hemp and is not a controlled substance. For these reasons, Δ8THC from hemp is not a controlled substance under the AA.

Since delta-8 THC occurs in low concentrations naturally, it is typically produced by converting CBD into delta-8 THC with a chemical catalyst. Although CBD occurs naturally in hemp, once a catalyst is applied, **the DEA considers the resulting delta-8 THC to be “synthetically derived” and therefore a Schedule I narcotic**. According to the DEA, “Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse.”

Delta 8 is illegal in Alaska, Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Mississippi, Montana, Rhode Island, and Utah.

WARNING:

- This product has intoxicating effects and may be habit-forming.
- You must be of legal age in your jurisdiction to use this product.
- Do not operate a vehicle or machinery under the influence of this product.
- Do not use in conjunction with illicit drugs, alcohol, energy drinks, herbal and/or nutritional supplements.
- Not for use by women who are nursing, pregnant, or planning to get pregnant.
- This product does not contain any Delta-9 THC, but it may cause you to fail a drug test. Please do not take this product if you are regularly tested for drug tests for work or other reasons.
- Cannabinoid extract and ingredients are not derived from marijuana.

KEEP OUT OF REACH OF CHILDREN AND PETS. MAY INDUCE DROWSINESS.

TAMPER RESISTANT - DO NOT USE IF SEAL IS BROKEN.

Delta-8 product use and sales are not legal on the federal level of the United States. The manufacturer will not be liable for unauthorized sales of MJSTIK outside of the states where Delta-8 products are illegal. Please check with your local jurisdiction on the legality of Delta-8 product use and sales before marketing in your area.

FDA WARNING:

These statements have not been evaluated by the FDA and are not intended to diagnose, treat, or cure any disease. Always consult with your doctor to use this product.

Thank you!

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