OLCC Primer on Delta-8 THC and CBD Conversion
February 18, 2021

OLCC staff have observed an increase in the conversion of CBD into Δ^8-THC ("Delta-8") and Δ^9-THC ("Delta-9"), in both the regulated OLCC marijuana and "general" marketplaces. Delta-8 is psychoactive (like Delta-9, but less so) and does not occur naturally in significant amounts in marijuana or hemp. The conversion process involves extracting CBD from cannabis and then subjecting the processed CBD to an acidic catalyst and heat. This process creates both known and unknown byproducts. The sophistication in manufacturing these products varies widely and it is unclear (and unlikely) that the final product has been purged of the catalyst or other impurities. Because commercial-scale use of Delta-8 is so new, the short-term and long-term health effects of Delta-8 and the other chemical byproducts are unknown. Additionally, allowing the unchecked conversion of CBD into Delta-9 would dramatically impact the OLCC-licensed marijuana marketplace by undercutting the value of an OLCC marijuana license.

Concerns regarding Delta-8 include, but are not limited to:

- Delta-8 is not contemplated in statute. Existing caps require hemp items of certain concentrations of THC to be sold exclusively by OLCC marijuana Retailers and *may not apply* to Delta-8 concentration (ex. 90% Delta-8 vape could be sold at corner store, potentially to minors);
- Delta-8 is not tested for or included in OHA marijuana concentration limits (ex. OLCC processor is limited to 50 mg Delta-9 in an edible, but could sell 250+ mg Delta-8 in an edible and could conceivably combine it with 50 mg Delta-9);
- Humans do not have a history of consuming higher concentrations of Delta-8. It is also unclear whether there are long and short term health effects of consuming the byproducts and impurities created through the manufacture of Delta-8.
- Consumer understanding of these products is incredibly limited, and as a result they are unable to make an informed decision about consuming Delta-8 products. Most assume it is "natural" and comes from hemp, likely because it is sold outside the regulated marijuana marketplace. Additionally, consumers do not know the amount of psychoactive components in the product.