

**Federal Legality of Hemp and Hemp Derived Products
Such as delta-8 THC
Containing Less than 0.3% delta-9 THC on a Dry Weight Basis**

Controlled Substances Act

- As a result of the 2018 Farm Bill, the Controlled Substances Act (CSA) definition of “marijuana” set forth in 21 USC §802(16) now specifically excludes “hemp, as it is defined in 7 USC § 1639o”, which definition is “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.”
- “Tetrahydrocannabinols in hemp” are also now removed from Schedule I of the CSA’s controlled substances list pursuant to 21 USC § 812 (c)(17).

USDA

- The rules promulgated by the USDA enforcing the 2018 Farm Bill state that in order to determine the “Acceptable hemp THC level” from a sample plant, what must be measured is the “delta-9 tetrahydrocannabinol content concentration level on a dry weight basis.” 7 CFR § 990.1.
- Furthermore, for the purposes of the USDA rules, the terms “delta-9-THC and THC are interchangeable,” which indicates that any rule reference to THC level is only referring to delta-9 THC. *See* 7 CFR § 990.1.

Conclusion

Hemp and hemp derived products, such as delta-8 THC, that comply with the .3% or less delta-9 THC concentration requirement are no longer illegal substances under federal criminal law. *See* 7 USC 1639o *et seq.*; 7 CFR § 990.1 *et seq.*

Lifted Made has obtained a written opinion from nationally-recognized cannabis legal counsel which indicates agreement with this conclusion.