

Written Testimony on Intoxicating Hemp Products
Senate Law & Justice Committee
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Introduction

Chairman Laughlin and Minority Chairman Fontana, thank you for the opportunity to submit testimony on hemp intoxicants like Delta-8 and Delta-9 THC that pose a grave public health threat to all Pennsylvanians.

I am a former three-time White House ONDCP appointee serving as the President and CEO of Smart Approaches to Marijuana (SAM), a non-partisan non-profit that I co-founded in 2013 with former Congressman Patrick Kennedy. SAM advocates for a health-first approach to marijuana policy, aiming to reduce use and prevent the commercialization of a new addiction-for-profit industry. We hope that committee members will prioritize the health and safety of their constituents and ban hemp-derived THC products such as Delta-8 and Delta-9 THC, which continue to harm children across the Commonwealth of Pennsylvania.

Background

Despite federal lawmakers' good intentions to support the industrial hemp industry, the 2018 Farm Bill unintentionally opened the door for hemp-derived, kid-friendly THC products that flooded gas station and convenience store shelves. Almost overnight, corporations across the nation began creating, marketing, and selling these products, knowing full well that they were operating against the interests of families, public health, and public safety.

As you may also know, both species of cannabis contain hundreds of cannabinoids, including CBD, a non-psychoactive component of the cannabis plant. Through a chemical process called isomerization, the CBD in hemp can be converted into Delta-8 THC, a psychoactive component that is nearly identical to the Delta-9 THC in marijuana plants. Like Delta-9 THC, Delta-8 THC is psychoactive, intoxicating, and addictive. It can be as addictive as marijuana and has many of the same consequences.¹ According to the FDA, Delta-8 THC use is known to cause hallucinations, vomiting, tremors, anxiety, dizziness, confusion, and loss of consciousness.² In 2022, a four-year-old child died after eating Delta-8 THC edibles.³ The Virginia Department of Health determined that the sole cause of death was Delta-8-THC toxicity.

Health-Related Harms of Hemp Intoxicants Like Delta-8 THC

Children are particularly vulnerable to obtaining Delta-8 THC because manufacturers market it to young people. Delta-8 THC is being infused into brownies, cookies, gummies, and other

¹ <https://www.sciencedirect.com/science/article/pii/S2773021222000220#bbib0013>.

² <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc>.

³ <https://www.cnn.com/2022/10/21/us/virginia-mother-childs-death-thc>.

candies, for example, and the packaging is being made to look like traditional candies and snacks. For instance, a local Pennsylvania store offers products like “Delta-9 Rice Treat”⁴ and “Sunnee D9 Delta-9 Drink”⁵ to customers.



“Delta-9 Rice Treat” sold in Pennsylvania

From 2021-2025, for example, over 10,000 Americans were poisoned by Delta-8 THC.⁶ Many of these exposures were in young children. Additionally, the Monitoring the Future survey found that 12.3% of 12th graders used Delta-8 THC in 2024, up almost a full percentage point from 2023. Delta-8 THC has the same harmful impacts on teens and their developing brains as Delta-9 THC.⁷ Indeed, the FDA recently warned THC marketplace Puredozo that Delta-8 is “an unsafe food additive” and that it is “a prohibited act to introduce adulterated food into interstate commerce”; the agency also cited U.S. Code mandating fines and possible jail time for violating this law.⁸ Anyone concerned about youth use of marijuana, alcohol, tobacco, or any other drug must be equally concerned about the sale and use of hemp-derived cannabinoids.

Recommendations

SAM recommends that members of this committee prioritize banning the production and sale of hemp-derived THC. For too long, we have allowed these dangerous products to remain on the shelves of stores across the nation.

⁴ <https://www.pennschoice.com/product-page/delta-9-rice-treat>.

⁵ <https://www.pennschoice.com/product-page/sunnee-d9-delta-9-drink>.

⁶ <https://poisoncenters.org/track/delta-8-THC#:~:text=As%20of%20April%2030%2C%202025,8%20THC%20related%20exposure%20cases>.

⁷ <https://monitoringthefuture.org/wp-content/uploads/2024/12/mtf2025.pdf>.

⁸ <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/latro-inc-698196-03252025>.

Conclusion

Thank you for allowing me to submit testimony on this matter before this Committee. I urge members of this Committee to prioritize the health of Pennsylvanians by banning dangerous products such as Delta-8 and Delta-9 THC. By banning these dangerous products, you would be putting the safety and well-being of children and families above the bottom line of an addiction-for-profit industry.

While these companies profit, Pennsylvania kids are suffering the consequences. By banning these products, Pennsylvania has the opportunity to take a significant step in the fight for public health and safety.

Sincerely,

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