



Testimony before the Senate Law & Justice Committee
June 24, 2025
submitted by Heather Adams, District Attorney, Lancaster County
and Kelly Callihan, Executive Director of PDAA

Good morning, Chairman, Senator Daniel Laughlin, and Chairman, Senator Wayne Fontana and all the members of the committee. Thank you for inviting me to participate in this hearing focused on the concerns of law enforcement related to Delta 8 products being sold in Pennsylvania and giving me the opportunity to offer remarks on behalf of the Pennsylvania District Attorneys Association today.

My name is Heather Adams. I am the District Attorney in Lancaster County. I also oversee the Lancaster County Drug Task Force and work with Executive Director Kelly Callihan and the PDAA on legislative issues.

Unregulated intoxicants and psychoactive substances, particularly Delta 8, are not tested for toxicity levels and are potentially dangerous to individuals ingesting them without certainty of what they contain or how they are manufactured. Delta 8, a hemp-based product, has become readily available for purchase in retail locations such as convenience stores, smoke shops and online despite it being illegal under Pennsylvania law. Ease of accessibility and intense online advertising along with a lack of oversight or age restrictions has created a pipeline for adolescents and young people to obtain it despite the risks.

Delta 8 is often advertised as a legal alternative to marijuana due to conflicting federal and state laws. That assertion is wrong. Under Pennsylvania law, Delta-8 tetrahydrocannabinol (THC), is explicitly illegal. Those who possess it, sell it, manufacture it, or possess it with the intent to sell or manufacture it, are subject to prosecution under Pennsylvania state law. *(35 P.S. § 780-102 (2019), 35 P.S. § 780-104 (1)(iii)(16) (2020), and 35 P.S. § 780-104 (1)(vii)(1) (2020)*

In addition to being illegal in Pennsylvania, Delta-8 products may be dangerous to use. The federal Food and Drug Administration (FDA) [warned consumers](#) that Delta-8 products could result in serious health risks, including hallucinations, vomiting, anxiety, and loss of consciousness. The FDA also issued [warning letters to manufacturers](#) selling Delta-8 THC products warning of the dangers.

Delta-8 is unregulated in Pennsylvania. It is not subject to the type of testing that is required to manufacture legal medical marijuana. This leads to concerns that there could be chemicals, pesticides and contaminants in the products left behind in the manufacturing process.

So why do stores think it is okay to sell Delta-8?

In 2018, Congress passed a federal Farm Bill legalizing hemp production. Some manufacturers believed the change in federal law made products like Delta-8 legal in Pennsylvania. That's incorrect.

Pennsylvania statute allows some forms of industrial hemp, which are cultivated for fiber, seed, and floral extracts. However, state law requires that the concentration of THC be less than 0.3% in hemp. (See FAQs at state [Department of Agriculture](#)).

Several state prosecutors have responded by warning store owners that products like Delta-8, which may contain more than 0.3 % THC, are classified as Schedule 1 controlled substances. In Lancaster County, law enforcement has gone as far as conducting consent searches and confiscating several products, including vapes and edibles, then issuing warnings to remove the products from their shelves rather than face possible criminal charges.

Berks County law enforcement purchased a random assortment of products being sold and had each tested at the Pennsylvania State Police laboratory, which found that every product had THC levels exceeding the legal limit.

Testing is necessary to confirm samples exceed the .03% limit. It is time-consuming and comes at a cost. Manufactures are continually changing the chemical composition in products.

Marketing to minors is a concern of Pennsylvania district attorneys. Many products depict cartoon characters or packaging logos that are appealing to young purchasers. The Committee should consider safeguards to protect minors. Without oversight, there is no restriction on minors purchasing, possessing or using these harmful products nor can law enforcement monitor sales to minors.

Cannabinoid products like Delta-8 are illegal in Pennsylvania and may cause serious health problems. Prosecutors are regularly questioned by their constituents as to why these retail sites can sell these products and what law enforcement is doing to stop it. PDAA appreciates the Senate Law & Justice Committee exploring the issues arising from the use of these unregulated products, the dangers they pose and the false assumption that they are legal to manufacture and sell in Pennsylvania.