

Ohio Report Suggests Rules for Intoxicating Hemp Products

The Ohio State University report includes steps policymakers can take to balance concerns and priorities in regulating products like delta-8 THC edibles.

Ohio remains one of 21 states where intoxicating hemp products are legal and largely unregulated—a situation raising concerns among state policymakers and public health officials, as outlined in a new report from Ohio State University’s Drug Enforcement Policy Center (DEPC).

The report, released on November 12, addresses various issues including youth use, consumer safety, and regulatory considerations for products like delta-8 THC edibles in the Buckeye State. This guidance arrives amid ongoing discussions in the Ohio General Assembly to either restrict or regulate these products, with multiple bills still under deliberation.

“The proliferation of these products in many retail outlets has led to concerns about their safety, quality, and marketing among policymakers and public health experts,” said Jana Hrdinová, DEPC’s Administrative Director and the report’s lead author.

Legislative Developments and Proposed Bills

Currently, four bills are on the table within Ohio’s legislative chambers:

Senate Bill 326 – Introduced by Senator Steve Huffman, R-Tipp City, on November 6, this bill proposes defining intoxicating hemp products and criminalizing their sale.

House Bill 86 – Passed by the Senate with amendments in December 2023, it aims to redefine hemp and eliminate loopholes permitting the sale of intoxicating THC compounds. The House has yet to approve these amendments.

Senate Bill 278 – Sponsored by Senators Kirk Schuring and Huffman, this bill seeks to prohibit sales of “adult-use hemp products” to individuals under 21, moving forward to the General Government Committee.

House Bill 642 – Proposed by Representative Sara Carruthers, this bill would require the Ohio Director of Agriculture to study and recommend regulations for adult-use hemp products.

However, the DEPC notes that these bills lack several measures found in Ohio’s adult-use cannabis regulations, including child-resistant packaging, licensed lab testing, and excise taxes. Only one bill proposes advertising restrictions to protect minors.

A Growing Market with Minimal Oversight

The DEPC report outlines the rapid expansion of intoxicating hemp products, fueled by the 2018 Farm Bill’s federal definition of hemp as containing no more than 0.3% delta-9 THC on a dry-weight basis. This definition allows for minimal federal oversight on finished hemp products, leading to a surge in intoxicating edibles and beverages. Without federal testing standards for these derivatives, states like Ohio face pressure to create their own regulations.

“The lack of restrictions on intoxicating hemp products in Ohio, compared to adult-use marijuana, means these products can be sold in any store and are accessible to people of all ages,” Hrdinová stated.

States’ Diverse Approaches to Regulation

Fifteen states currently ban intoxicating hemp products entirely, including Colorado, Delaware, and New York. Others regulate them either as consumer goods or cannabis, imposing varying levels of control over synthetic cannabinoids like delta-8 and delta-10 THC. Research indicates that the absence of such regulations correlates with higher rates of delta-8 use among youth in states lacking cannabis legalization or delta-8 controls.

“Unregulated access to psychoactive THC substances, including delta-8, can impact adolescent brain development and negatively affect young people’s lives,” Hrdinová added, echoing concerns from Ohio Governor Mike DeWine, who supports legislative action.

Regulatory Options Presented in the DEPC Report

The DEPC provides Ohio lawmakers with options for regulating intoxicating hemp products across four policy arenas:

Preventing Youth Use and Accidental Exposure

Implement a minimum purchasing age of 21.

Require child-resistant packaging similar to Ohio’s adult-use cannabis standards.

Limit advertising targeting minors.

Restrict store locations near schools, libraries, and parks.

Ensuring Consumer Safety

Establish manufacturing standards.

Implement testing protocols for wholesale intoxicating hemp products.

Enforce clear labeling requirements.

Balancing Hemp and Cannabis Industry Interests

Apply equivalent excise taxes on intoxicating hemp products.

Regulate retail outlets and set penalties for noncompliance.

Administrative Considerations

Define what constitutes an intoxicating hemp product.

Regulate all products sold within Ohio, regardless of origin.

Gather data and promote public education on product safety and use.

As Ohio lawmakers weigh potential regulatory paths, the DEPC report encourages them to consider a range of options for protecting youth, ensuring consumer safety, and balancing the interests of the hemp and cannabis industries. With the U.S. cannabinoid market projected to reach \$28.4 billion, the need for clear and enforceable guidelines is only growing more urgent.

As Ohio debates its approach, the outcome may set a precedent for other states navigating similar challenges in this rapidly evolving industry.

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