

Ohio May Ban Delta-8 THC: Backed by Cannabis, Health Sectors

Ohio Lawmakers Debate Regulation of Delta-8 THC as Lame-Duck Session Heats Up

With only weeks left in the legislative session, Ohio lawmakers are intensifying their efforts to address the controversial gray area surrounding delta-8 THC and similar cannabis-derived products. As the state grapples with unregulated sales of these intoxicating substances, Gov. Mike DeWine continues to press for action, urging legislators to prioritize consumer safety and industry accountability.

The Federal Farm Bill's Loophole

The legal ambiguity surrounding delta-8 THC stems from the federal Farm Bill of 2018, which removed cannabis products containing less than 0.3% delta-9 THC from the definition of marijuana. While delta-9 THC is the psychoactive compound most associated with cannabis, products like delta-8 THC also induce a high. These products remain unregulated in Ohio, available statewide, and, alarmingly, legal for purchase by individuals of any age.

Outgoing Senate President Matt Huffman (R-Lima) has called for a complete ban on such products, proposing criminal penalties to curb their sale. Huffman compared the situation to the “bath salts” crisis of the past, noting the widespread marketing of delta-8 THC to children as particularly troubling.

On the other hand, outgoing House Speaker Jason Stephens (R-Kitts Hill) has suggested that imposing age restrictions might be a more feasible approach than an outright ban.

Lobbying Efforts Intensify

The debate has sparked heavy lobbying from both sides. Industry members, public health advocates, and small business owners have all made their voices heard, with the stakes continuing to rise as lawmakers consider their options.

The marijuana industry largely supports stricter regulations. Sen. Steve Huffman (R-Tipp City) has proposed Senate Bill 326, which would ban the sale of unregulated synthetic THC products and establish penalties for violations. Advocates like Chris Lindsey, policy director for the American Trade Association of Cannabis and Hemp, argue that Ohio's lack of regulations poses significant risks. Lindsey cited the harms associated with synthetic THC production and sales, emphasizing the urgency of legislative action.

Unregulated Market Creates Confusion

The rise of delta-8 THC products has coincided with the legalization of recreational marijuana in many states, creating confusion among consumers. Lindsey noted that many buyers mistakenly believe these unregulated products are part of the state's cannabis legalization program.

Brian Wingfield, owner of Ohio Cannabis Co., echoed these concerns, advocating for a regulatory framework that aligns delta-8 THC products with the same standards required for licensed dispensaries. Wingfield compared the situation to food recalls, noting that even lettuce and onions are subject to strict tracking systems, whereas delta-8 THC operates in an unregulated “wild, wild west.”

Proponents Advocate for Regulation, Opponents Push Back

On Tuesday, nearly two dozen proponents, including members of the marijuana and health care industries, testified before the Senate General Government Committee in favor of stricter regulations. They argued that unregulated delta-8 THC products pose health risks and undermine efforts to create a responsible cannabis market.

Opponents of a ban, however, are preparing to testify after Thanksgiving. Retailers selling delta-8 THC, including gas stations and smoke shops, are pushing back against any measures that would threaten their businesses.

At a glass and smoke shop near Ohio State University, a sign urging customers to oppose the bill highlighted the potential economic fallout. The sign warned that “thousands of jobs and businesses could go out of business overnight” if a ban were enacted, providing contact information for state legislators.

Balancing Consumer Safety with Economic Impact

Some lawmakers have expressed concerns about the unintended consequences of broad regulations. They argue that any bill passed should narrowly target intoxicating products without harming retailers selling non-intoxicating items like CBD gummies. This approach aims to strike a balance between protecting consumers and preserving small businesses that depend on the sale of cannabis-derived products.

What’s at Stake?

The lack of regulation has allowed delta-8 THC products to flourish in Ohio, but at a cost. Without safety standards, tracking systems, or testing requirements, consumers are at risk of unknowingly purchasing harmful or mislabeled products. Meanwhile, licensed cannabis businesses argue that the unregulated market undermines their investments in compliance and safety.

For retailers, the stakes are equally high. A total ban could wipe out significant revenue streams, putting jobs and small businesses in jeopardy.

Next Steps in the Legislative Process

As Ohio’s lame-duck session nears its end, lawmakers face mounting pressure to act. Whether they choose to ban delta-8 THC outright, implement age restrictions, or create a regulatory framework remains uncertain.

Whatever decision is made, it will have far-reaching implications for the state’s cannabis industry, public health, and economy.

Finding a Middle Ground

The debate over delta-8 THC regulation in Ohio underscores the challenges of balancing public safety with economic interests. As lawmakers navigate competing pressures from industry advocates and concerned retailers, the outcome could set a precedent for how other states address similar issues.

With the legislative session winding down, the clock is ticking for Ohio's leaders to find a solution that protects consumers while supporting responsible business practices.

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