

In The News

Kristen F. Morris Speaks with *Vice* on Delta-8 THC’s Shifting Legal Landscape as Federal Restrictions Loom

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Akerman Cannabis Practice Special Counsel [Kristen F. Morris](#) spoke with *Vice* on the legal complexities surrounding Delta-8 THC and its status under federal and state law, in the article “Delta-8 vs. Delta-9 THC: What’s the Difference? (And What’s Better?)”

The article examines the scientific, commercial, and legal distinctions between Delta-8 and Delta-9 THC, noting that while the two cannabinoids are closely related, their regulatory treatment varies widely across federal and state jurisdictions.

Kristen noted that the 2018 Farm Bill’s 0.3% Delta-9 THC limit on hemp left a significant gap, as it was enacted “without addressing total THC concentrations, Delta-8 THC, or any other cannabinoid.” That gap allowed hemp-derived products containing enough Delta-8 THC to produce psychoactive effects to exist outside the regulatory framework governing Delta-9 cannabis. She added that state-level rules vary significantly, with some states banning Delta-8 outright, others restricting or regulating it, and still others having limited or no Delta-9 cannabis programs, a dynamic she said contributed to Delta-8’s rapid market growth.

Kristen also flagged that the legal landscape is expected to shift, noting that new federal hemp restrictions scheduled to take effect in November

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2026 are expected to significantly impact the market for Delta-8 products.

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