

In The News

Akerman Partner Felicia Nowels Featured in *Nutritional Outlook* Article Discussing Delta-8 THC

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Government Affairs and Public Policy partner Felicia Nowels has been featured in a *Nutritional Outlook* article discussing the cannabinoid delta-8 THC and the laws surrounding it. The cannabinoid, which is naturally occurring in small amounts in hemp can be synthesized from cannabidiol (CBD) or delta-9 THC, the primary psychoactive constituent of cannabis. Like with CBD, manufacturers have been comfortable manufacturing and selling products with delta-8 THC because of the recent 2018 Farm Bill which removed hemp from the jurisdiction of the Drug Enforcement Agency (DEA) as a controlled substance, and put the U.S. Department of Agriculture in charge of the cultivation and harvest of the plant.

“The problem that we’re now seeing is that in the fall of 2020, the DEA issued an interim final rule. In that interim final rule, they included statements discussing synthetically derived THC, and those would remain scheduled and a controlled substance,’ says Nowels. “The confusion is: delta-8 THC is hemp-derived so it should not be scheduled – it’s outside of the DEA purview – but what is the definition of ‘synthetically derived?’”

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