

Failure in Monitoring THC – When is It Hemp?

As most already know, the Nebraska Hemp Farming Act formally legalized hemp in Nebraska. In doing so, it borrowed language from the Agriculture Improvement Act of 2018, which is what legalized hemp on the federal level. These laws categorize legal hemp as products derived from the cannabis plant, which contain less than .3% tetrahydrocannabinol, colloquially referred to as delta-9 or THC. Those products containing a greater concentration than .3% are considered marijuana, and remain a controlled substance at both the federal and state level. In the wake of this legalization, a slew of smoke-shops have cropped up, advertising “legal weed” in the forms of delta-8 and delta-10 products. These compounds, due to being far less potent and having weaker psychoactive effects than delta-9, are legal under the Farm Act, as long as their THC levels are within the legal range.

While there are many things to be aware of with these regulations, two in particular stand out. The first is that certain products have much higher densities than others. For instance, gummies are extremely dense for their size, meaning that their THC content can be very high while still remaining within the legal concentration. On top of this, edibles tend to take longer to take effect than other methods of consumption. This can lead to newer users taking multiple due to thinking that they weren’t strong enough, and ending up far more intoxicated than they intended to become. While these edibles are legal, they are misleading in how much of an effect they can have.

The other standout point is that **not every product is tested**. While all products are required by federal and state law to be under the .3% THC, not every sample is tested, which leads to some deviation from that .3% limit. Additionally, there have been allegations of falsified test results on hemp products, with the intent of hiding their true THC content. Corroborating these accusations, Nebraska has been engaging in investigations of many smoke shops in Sarpy and Lancaster Counties. Tests of several products in these stores found that they were far above the legal limit of THC, ranging up to 15% THC content, which is 50 times higher than what the law dictates. Authorities are continuing to monitor these locations, although they remain open despite their inventory having been illegal. Another study, which had 51 delta-8 products from both online stores and physical locations, found alarming results. It was reported that 76% of those products tested contained delta-9 in greater concentrations than the federal limit. One of these products was found to be at 23% delta-9, which is 77 times the legal limit. This study

also found that the substances that were more likely to have illegal concentrations of THC tended to be vapes and concentrates. Additionally, the illegal concentrations tended to be more likely in physical locations, rather than online platforms.

With these findings in mind, it's important to consider the repercussions of our lack of control of delta-9. Age checks are very often skipped, both with online platforms and physical locations. All forms of hemp can lead to long-term mental health effects, particularly in those taking it during youth. On top of this, with the unprecedented high THC concentrations in these, the effects on youth will be even stronger. It's important to discuss the long-term implications of any forms of marijuana use. While advertisements and popular culture would have you believe that delta-8 is a "weed-lite" experience, these ongoing investigations into delta-9 content show that what they're receiving is far stronger than they can know. While it's always a difficult task to keep youth substance free, making them aware of the risks is one of the greatest deterrents to substance use.

For information on marijuana use in youth, please check out these resources:

- <https://www.samhsa.gov/marijuana>
- <https://drugfree.org/article/vaping-and-marijuana-what-you-need-to-know/>
- <https://www.getsmartaboutdrugs.gov/>