



MEDIA RELEASE

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Enquiries: Doctors For Life
Telephone: 032 4815550

USA - Closing the Loophole on Hemp-Derived Cannabis Products

Article contributors: Alyssa F. Harlow, Adam M. Leventhal, Jessica L. Barrington-Trimis, Keck School of Medicine, University of Southern California, Los Angeles.

A recent authoritative article from the USA has exposed a loophole in the American legislation concerning hemp. The general public in South Africa, and to a certain extent medical practitioners, also consider hemp as an innocent drug. DFL would like to make the South African public aware of this loophole that is becoming very relevant to South Africa. The following is a shorted version of the original article (link at bottom)

The USA federal policy loophole allows psychotropic ie, mind-altering or intoxicating, cannabis products to be commercially marketed and sold across the US—including in states where recreational cannabis is not legal.

The Agriculture Improvement Act of 2018, commonly known as the 2018 Farm Bill,¹ legalized the growth and sale of hemp. Hemp is defined as a botanical class of the *cannabis sativa* plant that contains low concentrations of Δ 9-tetrahydrocannabinol (Δ 9-THC, which is the most well-studied psychotropic cannabis-specific compound [ie, cannabinoid]) and high concentrations of non-psychotropic cannabidiol (CBD).¹

However, hemp also contains low concentrations of hundreds of other cannabinoids besides CBD and THC,² which, until recently, were believed to be present in amounts too small to produce psychotropic effects.

Under the protection of the Farm Bill,¹ manufacturers can synthesize and sell hemp-derived cannabis products with psychotropic doses of cannabinoids, such as Δ 8-THC, Δ 0-THC, Δ 10-THC, and hexahydrocannabinol, and others.

These hemp-derived cannabis products produce similar psychotropic effects as Δ 9-THC and are being sold across the US as vape cartridges, edibles, concentrates (eg, potent extracts), and tinctures (eg, infused liquids). Hemp-derived cannabis products are also being marketed and sold widely in South Africa, all largely unregulated. Clinicians and policy makers should be aware of public health concerns of widely available, psychotropic, hemp-derived cannabis products that are being manufactured and sold with little regulation, leading to potential health and safety risks. There are 6 main concerns:

1) First, unlike traditional state-regulated Δ 9-THC cannabis that is sold in medical or recreational dispensaries for adult use, psychotropic, hemp-derived cannabis products are sold online and by retailers (eg, vape and smoke shops, convenience stores, and gas stations). Retailers selling these products do not have the same safeguards in place that state-run cannabis control bureaus have developed to reduce potential harm to consumers.³ For example, there is no established minimum purchasing age for hemp-derived cannabis products. In addition, there are no requirements for hemp-derived products to include warning labels for the presence of THC, or instructions on their packaging regarding appropriate doses. Retailers that sell psychotropic, hemp-derived cannabis products may also sell alcohol and tobacco products like e-cigarettes and cigarettes; this increases the potential for co-use of multiple substances, which can lead to excessive impairment and greater risk of drug dependence.

2) Second, hemp-derived cannabis products have marketing features that may appeal to youth. For example, such products are available as chocolates, gummies, cookies, and brownies and the packaging and advertisements often use bright and colorful designs. In addition, hemp-derived cannabis vape cartridges come in a wide range of sweet and fruity flavors, which increase appeal among youth and young adults. Because of their similarity to candy and food products, accidental exposure by children, adults, and animals is a concern. **Between January 1, 2021, and February 28, 2022, national poison control centers received reports of 2362 cases of Δ 8-THC exposures, of which 40% involved accidental exposure to Δ 8-THC (82% among youth), 70% required evaluation at a health care facility, 8% were admitted to a critical care unit, and 1 pediatric death was reported.** ² Animal poison control centers have also seen an increase in reports of accidental pet exposure to Δ 8-THC.²

3) Third, there is no standardized approach or certification process to synthesizing psychotropic, hemp-derived cannabinoids, and such products could contain dangerous and toxic byproducts. Hemp plants naturally contain low concentrations of psychotropic cannabinoids; manufacturers must first extract CBD from hemp, which they then convert to psychotropic cannabinoids through a series of chemical reactions. Independent laboratory tests of legally purchased hemp-derived cannabis products have revealed the presence of toxic heavy metals (eg, lead), residual solvents (eg, acetone), and multiple unidentified compounds with unknown toxicological harms.⁴ Inhalation of contaminated cannabis vaping products can lead to serious lung injury, as evidenced by the 2019 EVALI (e-cigarette, or vaping, product use–associated lung injury) outbreak.⁵

4) Fourth, the psychotropic properties of some hemp-derived cannabis products may be less potent than Δ 9THC. Because of lower potency, individuals may consume higher volumes of hemp-derived cannabis products than traditional Δ 9-THC products, leading to adverse effects such as hallucinations, vomiting, tremor, anxiety, dizziness, confusion, and loss of

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consciousness.² It is not uncommon to see gummies with 50 mg of Δ 8-THC per serving (compared with 5-10 mg of Δ 9-THC in a standard product sold in a dispensary).

In addition, other synthesized THC isomers may be more potent than Δ 9-THC. For example, at the same dose, Δ 0-THC is considered 3 times stronger⁶ than traditional Δ 9-THC, and products often contain a blend of different hemp-derived THC isomers. Consumers may not be aware of such differences and may be at risk for adverse effects from receiving a dose of a hemp-derived cannabinoid with higher potency than anticipated.

6) Under the Federal Food, Drug, and Cosmetic Act,⁷ hemp-derived cannabis products cannot be sold as dietary supplements, food products, or marketed with medical claims. However, beyond issuing a health alert and several warning letters to a small number of companies, there has been little action by the FDA to regulate hemp-derived cannabis products. In the absence of federal regulatory action, 21 states have enacted legislation to restrict or ban the sale of psychotropic, hemp-derived cannabis products.⁸

However, the sale of psychotropic, hemp-derived cannabis products remains legal in 29 states and in Washington DC, and online sales may render state regulations ineffective.

In conclusion, many of the potential harms of hemp-derived cannabis products stem from a lack of regulation, including the potential for harmful contaminants, accidental exposure, cross-product sale with tobacco and alcohol, and youth appeal. This we believe contributes to the public perception, especially our youth, that all hemp-derived cannabis products are safe. Government regulators should prioritize new hemp policies that ensure prohibition of sale to minors; set requirements for testing, packaging, and labeling; and place limits on potency and concentration of psychotropic products.

Footnotes

Doctors For Life International is not the author of the above article. This is a shortened version of the original article that can be found here: <https://pmc.ncbi.nlm.nih.gov/articles/PMC10406389/>

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Contributor Information

Alyssa F. Harlow, Department of Population and Public Health Sciences and Institute for Addiction Science, Keck School of Medicine, University of Southern California, Los Angeles..

Adam M. Leventhal, Department of Population and Public Health Sciences and Institute for Addiction Science, Keck School of Medicine, University of Southern California, Los Angeles..

Jessica L. Barrington-Trimis, Department of Population and Public Health Sciences and Institute for Addiction Science, Keck School of Medicine, University of Southern California, Los Angeles..

Doctors for Life International represents more than 1500 medical doctors and specialists, three-quarters of whom practice in South Africa. Since 1991 DFL has been actively

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promoting sound science in the medical profession and health care that is safe and efficient for all South Africans. For more information visit: <http://www.doctorsforlife.co.za>

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