



Ohio Department of Commerce Medical Marijuana Control Program

MMCP Guidance – Delta-8 THC Requirements

The Medical Marijuana Control Program (MMCP), pursuant to authority in Ohio Revised Code/Ohio Administrative Code 3796, is providing guidance to licensees regarding the production, distribution, and sale of medical marijuana products containing Delta-8 THC.

Delta-8 THC Requirements

Effective immediately, all the following actions are required for the use of Delta-8 THC in medical marijuana products:

1. **MMCP Notification:** The MMCP interprets the use of Delta-8 THC as a change of operations plan, quality assurance plan, or manufacturing techniques subject to licensee notification and Department approval under Ohio Admin. Code 3796:2-2-07(E) and Ohio Admin. Code 3796:3-2-07(E) for a cultivator or a processor.
 - **Licensee notification on the use of Delta-8 THC must include a Standard Operating Procedure (SOP) that describes the process and methods with which Delta-8 THC will be used in compliance with Ohio Revised Code/Ohio Administrative Code 3796.**
2. **THC Caps:** Licensee use of THC isomers and/or analogs, including but not limited to Delta-8 THC, in medical marijuana products is subject to THC content caps in Ohio Revised Code 3796.06(D).
 - **The total THC content – combination of Delta-9 THC and any other THC isomer or analog - of the manufactured product shall not exceed seventy percent.**
3. **Packaging/Labeling:** Processor licensees must label medical marijuana packaging with Delta-8 THC content subject to Ohio Revised Code 3796.19(B)(2).
 - **“Delta-8 THC” must be fully incorporated on the package and label for patient awareness. Abbreviations, such as “Delta-8” or “D8”, are not permitted.**
4. **Recordkeeping:** Licensees must maintain all supply chain records relevant to ingredients used in medical marijuana production; including records of purchases and/or production of Delta-8 THC, CBD, or any other ingredient used in the production of medical marijuana, subject to Ohio Admin. Code 3796:3-2-08 recordkeeping provisions.



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5. **Testing:** MMCP cultivators, processors, and testing laboratories are required to test for Delta-8 THC and any other Department directed THC isomers and analogs and report the results to the Department's inventory tracking system (Metrc).

The MMCP's key priority is product safety and it continues to monitor Delta-8 THC and other THC isomer developments and reserves the right to prohibit product ingredients. The MMCP will continue to provide additional guidance as necessary.