



DOUGLAS COUNTY DISTRICT ATTORNEY

Seventh Judicial District
Judicial & Law Enforcement Center
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Suzanne Valdez
District Attorney

Joshua D. Seiden
Deputy District Attorney

[Date]

[Address of business]

Dear Sir/Madam:

Since the enactment of the Kansas Commercial Industrial Hemp Act (Act) in 2018, misinformation has been disseminated to businesses, consumers, and the public about the legality of a cannabinoid known as Delta-8 THC in Kansas. On December 2, 2021, the Kansas Attorney General issued a legal opinion finding that Delta-8 THC is a Schedule I controlled substance and is unlawful to possess or sell in Kansas. The only exception is when it is (1) made from industrial hemp; and (2) if it is industrial hemp, it must contain no more than .3% *total* tetrahydrocannabinols. The Attorney General's entire opinion can be found at: <https://ag.ks.gov/media-center/ag-opinions/2021>.

Importantly, pursuant to the Act, it is unlawful to manufacture, market, sell, or distribute the following hemp products: cigarettes, cigars, teas, or substances for use in vaping devices in Kansas. It is also unlawful under the Act to market, sell, or distribute the buds of industrial hemp plants and ground floral or leaf material from industrial hemp plants to consumers in Kansas. Moreover, the Attorney General's opinion, states that other state and federal law place additional legal limits on the sale of consumer products (e.g., gummies and dietary supplements) containing THC and other cannabinoids.

This letter is to inform you my office has learned that your business may be marketing and/or selling unlawful Delta-8 THC products as set forth above and specifically covered in the Attorney General's opinion. The sale or distribution Delta-8 products is an illegal distribution of a controlled substance. Thus, should a local or state-wide law enforcement agency choose to enforce violations of the Act, this office will review all investigation materials submitted to us and will prosecute violations under the Act accordingly.

To be clear, this office does not normally prosecute end users for possession of small quantities of THC products. This policy allows my office to allocate prosecutorial resources to address other serious criminal conduct, and it reflects the will of the Douglas County community at large. However, our office does prosecute distribution and sale of any and all illegal controlled substances because such operations pose community health and safety concerns, such as attracting other criminal enterprises with violent tendencies.

We are providing your business written notice of the illegality of marketing and/or selling Delta-8 THC products to consumers. We ask that you voluntarily remove these products from your store shelves and no longer sell them to consumers.

Should the Kansas Legislature choose to revisit the legal status of Delta-8 THC, then this office will certainly reassess its position on this issue.

I appreciate your compliance with this notice.

Sincerely,

/s/ Suzanne Valdez

Suzanne Valdez
District Attorney