



# Ohio Medical Marijuana Control Program

## MMCP Dispensaries – Delta-8 THC Guidance

The Medical Marijuana Control Program (MMCP) recently issued Delta-8 THC [guidance](#) (dated June 15, 2021) and respective [updates](#) (dated July 14, 2021) providing licensing requirements for the production, distribution, and sale of medical products containing Delta-8 THC and THCV.

### THC Caps

The guidance states that 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). **Delta-8 THC** and **THCV** are the current THC isomers and analogs that the MMCP is considering as part of the THC content cap under R.C. 3796.06(D) in combination with Delta-9 THC and 87.7 percent of the amount of THCA.

Specifically, the total THC content – **the total amount of Delta-8 THC, Delta-9 THC, THCV, and 87.7 percent of the amount of THCA** – shall not exceed the THC content caps in Ohio Revised Code 3796.06(D).

The Department of Commerce has directed testing laboratories to formally report Delta-8 THC and THCV content results in Metrc. The Department will utilize Metrc and product testing results to identify and enforce the THC content cap requirements in the guidance.

The total THC content calculation for the purposes of reporting test results into Metrc, product ID registrations, and product labeling will remain as stated pursuant to Ohio Admin. Code 3796:1-1-01(49) until the THC definition is updated via the rulemaking process.

**Dispensaries must add the Delta-8 THC and THCV content to the “Total THC” calculation (Delta-9 THC and THCA) to determine if the product is compliant with the guidance and THC content caps under R.C. 3796.06(D).**

### Compliant vs Non-Compliant Products (THC Caps)

#### **Compliant Product (Label Below):**


$$[(\text{Delta-9}) \text{ THC}] + [\text{THCA} \times .877] + [\text{Delta-8 THC}] + [\text{THCV}] = 350\text{mg Capped THC}$$

350mg / 500mg = 70% Capped THC Content which is equal to the statutory maximum THC content.

Note: “Total THC” =  $[(\text{Delta-9}) \text{ THC}] + [\text{THCA} \times .877]$  and is used to determine the THC per dose that is indicated in the Product ID.



# Ohio Medical Marijuana Control Program


<b>Product Facts</b>	
Sativa, oil for vaporization, extracted using butane Net weight: 0.5g	<b>Product ID:</b> M123456789 Oil Vap-10-1.4-35 Manufactured by MMJ Processor LLC, Lic. MMCPPO1234 Batch #: A1234567891565321 Manufactured on 1/1/2020 Packaged on 1/3/2020 Expiration date 1/2/2021 Tested on 1/2/2020 by Testing Lab LLC, Lic. MMCPL00123
<b>Cannabinoids (per package)</b> <b>Total THC</b> 350mg THC 350mg THCA 0mg <b>Total CBD</b> 50mg CBD 50mg CBDA 0mg <b>Other cannabinoids</b> Delta-8 THC 0mg THCV 0mg CBG 50mg CBN 0mg CBC 5mg CBV 0mg	 <p>This product is for medical use and not for resale or transfer to another person. This product may cause impairment and may be habit-forming. Should not be used by women who are pregnant or breastfeeding. This product may be unlawful outside the State of Ohio.</p> <p><b>THIS PRODUCT CONTAINS THC.</b></p>
<b>Terpenes (mg/g):</b> pinene 0.2, myrcene 0.3, limonene 0.2, linalool 0.3	

## Non-Compliant Product (Label Below):

$$[(\text{Delta-9}) \text{ THC}] + [\text{THCA} \times .877] + [\text{Delta-8 THC}] + [\text{THCV}] = 400\text{mg Capped THC}$$

400mg / 500mg = 80% Capped THC Content which exceeds the statutory maximum THC content.

Note: "Total THC" =  $[(\text{Delta-9}) \text{ THC}] + [\text{THCA} \times .877]$  and is used to determine the THC per dose that is indicated in the Product ID.

<b>Product Facts</b>	
Sativa, oil for vaporization, extracted using butane Net weight: 0.5g	<b>Product ID:</b> M123456789 Oil Vap-10-1.4-35 Manufactured by MMJ Processor LLC, Lic. MMCPPO1234 Batch #: A1234567891565321 Manufactured on 1/1/2020 Packaged on 1/3/2020 Expiration date 1/2/2021 Tested on 1/2/2020 by Testing Lab LLC, Lic. MMCPL00123
<b>Cannabinoids (per package)</b> <b>Total THC</b> 350mg THC 350mg THCA 0mg <b>Total CBD</b> 50mg CBD 50mg CBDA 0mg <b>Other cannabinoids</b> Delta-8 THC 25mg THCV 25mg CBG 20mg CBN 0mg CBC 5mg CBV 0mg	 <p>This product is for medical use and not for resale or transfer to another person. This product may cause impairment and may be habit-forming. Should not be used by women who are pregnant or breastfeeding. This product may be unlawful outside the State of Ohio.</p> <p><b>THIS PRODUCT CONTAINS THC.</b></p>
<b>Terpenes (mg/g):</b> pinene 0.2, myrcene 0.3, limonene 0.2, linalool 0.3	