

Budding Enforcement on Synthetic Cannabinoids

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Cannabinoids have been a popular topic of conversation for regulators as the cannabis landscape continues to evolve. Since the days of the tobacco [Master Settlement Agreement](#) and related investigations, Attorneys General (AGs) have long focused on protecting minors from health effects of both legal and illegal drugs (see, e.g., [here](#) and [here](#)). AGs are continuing to use their consumer protection powers in unique ways to protect against alleged misrepresentations relating to THC containing products.

Connecticut:

In March, Connecticut Attorney General William Tong [announced](#) a PSA on concerns related to deceptive THC products and protecting children. Last year, AG Tong, along with Stamford Police, confiscated thousands of illegal Delta-8 THC, Delta-8 THCO, Delta-9 THCO, and other high THC cannabis products found for sale at Stamford vape shops. Some of the products were allegedly packed with THC and put kids in danger, including products that resembled Oreos, Cheetos, and Sour Patch Kids. In addition, AG Tong recently [announced a settlement](#) with a company that operated events – that were accessible to individuals under the age of 21 – involving allegedly illegal marketing and sale of cannabis.

Missouri:

Missouri Attorney General Andrew Bailey [issued civil investigative demands](#) (CIDs) in April 2024 to multiple businesses that sell Delta-8 and Delta-9 goods after reports of alleged violations of the [Missouri Merchandising Practices Act](#). AG Bailey stated that Missourians have a right to know if they will be subject to potentially dangerous side effects and highlighted the danger of marketing potentially harmful products directly to children. AG Bailey issued CIDs to both retailers selling Delta-8 and Delta-9 products, and manufacturers and distributors selling illicit vapes and e-cigarettes, showing that even those that don't directly engage with consumers can still be liable for committing unfair and deceptive acts and practices. Per the CIDs, General Bailey believes businesses are engaging in illegal means to market and sell the products to Missourians, including potential misrepresentation or omission of material facts. The CIDs demand information such as measures taken to ensure proper labeling of products, measures taken to ensure quality and safety of products, and whether sales comply with age restrictions.

Nebraska:

Also in April, Nebraska Attorney General Mike Hilgers [filed a lawsuit](#) against Midwest Smoke Shop, which operates retail outlets in various cities in Nebraska. The lawsuit aims to address the repeated sale of allegedly mislabeled and contaminated THC products to children, including Delta-8 THC products. The state alleged Midwest Smoke Shop violated the [Consumer Protection Act](#), [Uniform](#)

[Deceptive Trade Practices Act](#), and [Nebraska Pure Food Act](#). Specifically, AG Hilgers allegations include that selling THC products at retail “without consideration for age restriction or youth buyers” is an unfair practice, and selling THC products similar to food products is a deceptive practice under the Consumer Protection Act. This lawsuit is the latest in a string of lawsuits filed against THC shops - in October 2023, AG Hilgers [sued](#) multiple retailers across the state.

Other Recent Enforcement:

Last year, Florida Commissioner Wilton Simpson [announced](#) Florida’s largest ever hemp inspection sweep, “Operation Kandy Krush,” which inspected almost 500 food establishments in various Florida counties and uncovered nearly 70,000 packages of hemp extract products, including high-potency THC products, marketed towards children. The Florida legislature recently added age requirements for the purchase of hemp products intended for human consumption and created protections for Florida minors by prohibiting marketing that targets children. This operation showed Florida’s intent to regulate hemp products and keep them out of the hands of minors.

These are just a few examples of recent enforcement actions against manufacturers and sellers of THC products to protect consumers, including children. As we often blog, AGs have long prioritized protecting the vulnerable, including minors, and are willing to target all levels of the supply chain for alleged offenses. We are also seeing AGs and legislatures working to protect youth through age verification of products and services that may harm children, such as THC, [pornography](#), and [social media](#). We expect more activity on this front as AGs and others work to protect consumers.