

District Attorney Marc Bennett
18th Judicial District of Kansas



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WICHITA, KAN. – In December 2021, the Attorney General's Office issued legal opinion No. 2021-4 in response to inquiries from several jurisdictions about the legality of a cannabinoid commonly referred to "Delta-8" or "Delta-8 THC," which was being sold across Kansas, including Sedgwick County. AGO 2021-004 (ks.gov)

In that opinion, the Attorney General found and clarified that Delta-8 THC is a Schedule I controlled substance as it contains more than .3% total tetrahydrocannabinols (THC). In response to media inquiries at that time, our office acknowledged the Attorney General's Opinion and encouraged those who possess or distribute such substances to read and consider it before continuing to engage in such practices. As is generally the case, until local law enforcement investigates and presents a potential criminal case to our office for its review, we were not in a position to pursue prosecution for violations of this or any other law.

We are aware that local law enforcement will be engaging in efforts to further educate the community on the potential criminal liability for the possession or distribution of "Delta-8" or similar substances with an elevated, impermissible level of THC content. We appreciate and add our voice to that effort. We recognize it is confusing to consumers to have businesses publicly marketing substances that are legally prohibited. It is our hope that businesses and others who advertise, market, or sell "Delta-8" or other controlled substances will take this opportunity to stop and conform to the laws of our state. For those who persist in the possession or distribution of these prohibited substances, they should understand, as we do, that local law enforcement will be investigating and ultimately presenting our office with evidence of such crimes. At that time, we will review those cases and file charges when appropriate under the laws of the State of Kansas.

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