

# Mississippi eyes Delta-8 THC crackdown to boost medical marijuana program

By Paul Demko

02/01/2024 01:13 PM EST

Mississippi's medical marijuana program launched a year ago — and has [struggled to attract enough patients](#) to support the rapid proliferation of businesses. Now, lawmakers are weighing policy changes to bolster the fledgling program.

The No. 1 priority for many lawmakers and industry officials: cracking down on the booming unregulated market for intoxicating hemp products like Delta-8 THC.

“Principals in high schools and middle schools across the state have made me aware they have a tremendous problem with kids vaping all day at school,” said Republican state Rep. [Lee Yancey](#), citing the wide availability of Delta-8 THC and other hemp-derived products. “You have the kids high all day at school with a legal product.”

Hemp-derived intoxicants are now widely available at gas stations and convenience stores across the state and there are no legal age restrictions on who can purchase them.

Other states have sought to ban those products, but the courts have [increasingly struck such prohibitions down](#), concluding that hemp-derived intoxicants are legal under federal law. That's because the 2018 farm bill legalized hemp — defined as cannabis with less than 0.3 percent Delta-9 THC.

Those legal risks are a major reason why Mississippi lawmakers are instead looking at ways to regulate the industry and keep products out of the hands of kids. No bill has yet been introduced, but Yancey indicated testing requirements and age restrictions on sales will likely be part of the proposal. In addition, he's leaning toward requiring all intoxicating products to be sold at licensed medical dispensaries, although purchasers of hemp-derived items would not need to be enrolled in the medical program.

“Intoxicating hemp is a threat to our baby,” Yancey said, noting that he carried the medical marijuana legislation enacted in 2022, along with Republican state Sen. [Kevin Blackwell](#). “So we've got to figure out how to deal with that.”

Industry officials are also pushing to put guardrails around the market for intoxicating hemp products, and they're largely on board with the approach favored by Yancey of incorporating them into the medical marijuana program. If those products were no longer easily accessible at gas stations, it would likely spur more people to endure the time and expense of getting a medical card.

“That stuff's really everywhere,” said Jeff Webb, chair of the Mississippi Medical Cannabis Advisory Board, which adopted a list of policy changes that it would like to see at its [December meeting](#), and who is also a co-owner of Green Magnolia Dispensaries, which has four locations in the state. “I was surprised at that, and how strong some of that stuff is just in a convenience store. I was shocked, honestly.”

Henry Crisler, executive director of the Mississippi Medical Marijuana Association, said he isn't aware of any organized lobbying effort to fight tighter rules for the intoxicating hemp market, but he expects the industry to mobilize as the effort moves forward. “We anticipate they'll come out of the woodwork at some point,” Crisler said.

Beyond addressing the intoxicating hemp market, lawmakers are likely to consider substantive changes to the medical marijuana program itself. At the top of the wish list for many patient advocates and businesses: expanding the list of qualifying conditions, with insomnia and anxiety most frequently cited as desired additions. The current list includes cancer, glaucoma, muscular dystrophy and more than 15 other medical conditions.

Adding insomnia and anxiety would undoubtedly attract a huge number of patients to the rolls, since those conditions are among the most frequently utilized by medical marijuana patients in states where they're allowed. Currently, Mississippi has roughly 32,000 patients enrolled in the medical program and 382 licensed businesses, including 184 dispensaries. That works out to one dispensary for roughly every 174 patients — although not all of those shops are likely open for business. In comparison, Florida has one medical shop for about every 1,400 patients.

Another top priority for advocates and industry officials: removing weekly limits on how much product a patient can buy, especially because there are also monthly caps on purchases.

“That really forces the most vulnerable patients to go back to a pharmacy every seven days to get the medication that they need,” said Nate Steel, chief compliance and government affairs officer for Good Day Farm, one of Mississippi’s largest operators.

Other changes industry officials are pushing for: loosening restrictions on advertising, allowing some patients to get screened for enrollment through telemedicine appointments, and adjusting THC potency caps so they’re consistent across product lines.

Yancey expressed openness to addressing many of those issues. But legislation proposing changes to the medical program is likely to be carried by Blackwell, who didn’t want to divulge any details about what might be included.

“We are still meeting,” he said in an email. “Nothing to report at this time.”

One potential hurdle to any loosening of the rules for the medical program: Republican Gov. [Tate Reeves](#), who [pushed for tighter restrictions](#) when the legislation was initially passed.

But industry officials and patient advocates say they’re optimistic that lawmakers are open to making changes that will help the struggling program get stronger.

“They’ve been extraordinarily receptive,” Steel said, pointing out that a medical marijuana legalization referendum passed in 2020 with support from more than 70 percent of voters, before it was [struck down by the Mississippi Supreme Court](#). “Legislators know that their constituents are behind them.”