



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

May 30, 2025

RE: Illegal Hemp Sales to Missouri Consumers

Dear Sir or Madam:

You are hereby directed to cease and desist from selling or offering for sale all hemp products with delta-9-tetrahydrocannabinolic acid (delta-9-THCA) concentrations of more than .3 percent on a dry weight basis. The <sup>text</sup> Controlled Substances Act (CSA) classifies tetrahydrocannabinols in schedule I. 21 U.S.C. § 812; 21 CFR 1308.11(d)(31). Selling or offering for sale said intoxicating hemp products constitutes a potential violation of the Missouri Merchandising Practices Act ("MMPA") under Chapter 407, Revised Statutes of Missouri.

The Attorney General has the authority to enforce the MMPA, which prohibits unfair practices in connection with the sale of merchandise. Your sale of hemp products, or offer to sell hemp products, with delta-9-THCA levels greater than .3 percent (1) constitutes an unfair practice as you have violated the public policy of the State, and (2) presents a risk of substantial injury to Missouri consumers. When determining the delta-9-THC level, the concentration is to be tested "using post-decarboxylation or other similar reliable methods." 7 U.S.C. § 1639p(a)(2). The decarboxylation process converts delta-9-THCA to delta-9-THC, meaning the delta-9-THC concentration of hemp products must account for any present delta-9-THCA. As a result, cannabis-derived THCA does not meet the definition of hemp under the CSA and is the equivalent of delta-9-THC.

The sale or offer for sale of hemp products with delta-9-THCA levels of more than .3 percent constitute an unfair practice under the MMPA. You are therefore directed to cease and desist from selling or offering for sale hemp products with delta-9-THCA levels of more than .3 percent. Your continued unlawful correspondence with Missouri residents may result in subsequent legal action under the MMPA, an injunction against you, imposition of civil penalties, and you being required to pay the Attorney General's costs of investigation and litigation, including attorney's fees.

Sincerely,