



TODD ROKITA
ATTORNEY GENERAL

April 21, 2025

The Honorable Mike Braun
Governor of Indiana
200 W Washington St., Rm. 206
Indianapolis, IN 46204

The Honorable Rodric Bray
Senate President Pro Tempore
Indiana Senate
200 W. Washington St.
Indianapolis, IN 46204

The Honorable Todd Huston
Speaker of the House
Indiana House of Representatives
200 W. Washington St.
Indianapolis, IN 46204

The Honorable Travis Holdman
Indiana Senate
200 W. Washington St.
Indianapolis, IN 46204

Re: Senate Bill 478, Craft hemp flower and THC products

Dear Governor Braun, President Pro Tempore Bray, Speaker Huston, and Members of the Indiana General Assembly Conference Committee on Senate Bill 478:

Senate Bill 478, Craft hemp flower and THC products (SB 478), is a Trojan horse that, if passed in its current form, succeeds in making intoxicating, psychoactive THC products legal where prior efforts have failed. As you know, the federal 2018 Agricultural Improvement Act (the “Farm Bill”) legalized hemp by defining it as cannabis containing no more than 0.3% total delta-9 THC by dry weight, and Indiana law allows for the sale and possession of such delta-9 products. However, the federal law did not address other isomers, such as delta-8 THC, delta-10 THC, or HHC, which have similar chemical structures and, pointedly, have similar psychoactive effects. These products are currently illegal in Indiana. See my [Official Opinion 2023-1](#).

Given the illegality of these products and their psychoactive effects, for the last several weeks, my office has engaged in a concerted effort to ensure that the General Assembly is clear-eyed in its consideration of SB 478, which seeks to regulate such isomers. At my direction, correspondence was sent Sunday, April 12, 2025, to all the members of the General Assembly explaining that this bill, as currently written, would not meaningfully regulate these products:

- The 0.3% delta-9 cap only applies to the hemp plant from which the THC is derived, not the finished product itself. There are no restrictions on the amount of THC—like delta-8, delta-9, delta-10, or HHC—in the gummies and other edibles beyond the very high 100 milligram-per-serving limit.
- Most states with legal marijuana have set the limit of THC at 10 mg per serving, yet SB 478 would allow ten times that quantity.

- There is no limit on how many purchases an individual can make in a day.
- There is no state testing of products or state inspection of third-party laboratory testing facilities to ensure the products meet the requirements of the bill.
- Finally, if one of the most salient goals of the legislation is to regulate the product so that it does not end up in the hands of Hoosier children, then certainly access to these products is the starting point of such consideration. Despite this, the bill provides that 20,000 retail permittees will be allowed to sell the products. Moreover, the products will be available for purchase online. Simply put, the marketplace will be flooded with these psychoactive products that will undoubtedly end up in the hands of children.

For the sake of all Hoosiers and, most importantly, Hoosier children, I strongly encourage you to reconsider this legislation. Most importantly, I request you consider prohibiting the sale of all synthetically produced cannabinoids. In the absence of such action, you should dramatically reduce the potency cap to 2.5 mg per serving, limit the distribution of these products in retail stores, prohibit online sales, and tax the sale of these products, which the bill currently does not do, so that Hoosiers are not left holding the bag for unintended consequences to their communities.

Sincerely,



Todd Rokita
Indiana Attorney General

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