OFFICE OF PROSECUTING ATTORNEY

602 Main Street, 2nd Floor, Jasper, Indiana 47546
Phone: (812) 482-5725 Fax: (812) 482-5736

BETH E. SCHROEDER
Prosecuting Attorney

BRIAN D. LUCCHI
DANIEL R. WILKINSON
TIFFANY E. HOUCHIN
Deputies

EVAN C. BIESTERVELD
Chief Deputy

MICHAEL A. FRITCH
IV-D Deputy

57th JUDICIAL CIRCUIT, DUBOIS COUNTY, INDIANA

FOR IMMEDIATE RELEASE

Sale of Delta 8, Delta 10, and Smokeable Hemp Products in Dubois County

Last week, the Dubois County Prosecutor's Office sent letters to multiple businesses in Dubois County that it believed to be selling Delta 8, Delta 10, and Smokeable Hemp Products.

On January 12, 2023, the Indiana Attorney General's Office issued an official opinion that Tetrahydrocannabinol Variants and Other Designer Cannabinoid products (which would include Delta 8) DOES fall under the statutory definition of a Schedule I Controlled Substance. This opinion can be found here: https://www.in.gov/attorneygeneral/files/Official-Opinion-2023-1.pdf.

Therefore, the possession and selling of these products constitutes Possession of a Schedule I Controlled Substance and Dealing in a Schedule I Controlled Substance. Under Indiana law, depending on the weight of the substance, the penalty ranges from a Class A misdemeanor to a Level 2 felony.

Another product some retailers in Dubois County have on their shelves is smokeable hemp. This product is also illegal under Indiana Code 35-48-4-10.1. There is an exception in the law for CBD products with less than 0.3% THC. That does not, however, include anything with THC that is smokeable.

Based on police reports from local law enforcement, the Dubois County Prosecutor's Office has seen that individuals in the community are purchasing these products at local retailers because they believe them to be legal based on them being available in stores. In turn, these individuals are ending up potential criminal liability for possessing these products and/or operating a vehicle while intoxicated charges from consuming these products. Various medical and/or mental health providers in the community are also seeing issues with these substances.

Furthermore, the Indiana Prosecuting Attorneys Council (IPAC) has advised prosecutors in Indiana that based on the Attorney General's opinion, it would be appropriate to charge the above-described offenses and to send letters to retailers in your county to ask them to stop selling the products in their stores. IPAC is a non-partisan, independent state judicial branch agency that was created by statute in 1973. It is made up of Indiana's 91 prosecuting attorneys and their chief deputies and is governed by a 10 member Board of Directors chosen from among the state's prosecuting attorneys. IPAC assists prosecuting attorneys by preparing manuals, providing legal research, and conducting training seminars. It serves as a liaison to local, state,

and federal agencies, study commissions, and community groups in an effort to support law enforcement and promote the fair administration of justice.

Based on all this information, Prosecutor Beth Schroeder sent letters to retailers in Dubois County asking them to stop selling these products. A copy of the letter can be seen below. Beth Schroeder stated, "Delta 8, Delta 10, and Smokeable Hemp products are creating legal and/or health problems for individuals in our community, and it is the prosecuting attorney's job to protect the safety of the community. I'm asking Dubois County retailers to stop selling these products based on the opinion of the Indiana Attorney General that they are illegal."

If the Dubois County Prosecutor's Office becomes aware of additional businesses that are selling these products in Dubois County, letters will be sent to those retailers as well.