

Protecting Youth from Synthetic Drugs

What we mean: Psychoactive products sold outside dispensary/medical systems at convenience stores, gas stations, smoke/vape shops, and online. Core examples: intoxicating hemp (e.g. delta-8, and other THC isomers), kratom, and tianeptine.

The Problem

- **Candy and soda look-alikes.** Gummies, chocolates, and beverages are marketed in youth-appealing formats; labels often omit clear per-serving potency or max daily use.
- **Youth access is too easy.** Many retailers have no statutory **21+ age gate**, no **behind-the-counter** rule, and inconsistent ID checks.
- **Unreliable potency and purity.** Testing frequently finds mislabeling, residual solvents, heavy metals, and spiked synthetics (e.g., delta-8 made from CBD; kratom spiked with 7-OH). Products vary widely in strength; delayed-effect edibles and sweetened beverages drive overconsumption.
- **Adolescent risk.** Developing brains are more vulnerable to **impairment, anxiety, dependence/withdrawal**, and **polysubstance harms** (mixing with alcohol/nicotine/stimulants).
- **Public confusion:** Consumers conflate CBD with intoxicating hemp; kratom and tianeptine are marketed as “wellness” despite real risks.
- **Enforcement gap.** Without clear statutes, regulators and prosecutors lack tools for recalls, embargoes, or penalties beyond general consumer law.

What these products are

- **Intoxicating hemp:** Intoxicating hemp products, such as those containing delta-8 THC, THC-O, THC-P, and other isomers or derivatives, are often marketed as legal alternatives to cannabis, exploiting ambiguities in federal and state hemp laws. Their psychoactive effects, accessibility to youth, and lack of standardized testing and labeling have prompted growing concern in recent years.
- **Kratom:** Leaves/extracts of *Mitragyna speciosa* with opioid-like effects; risk of dependence/withdrawal, interactions, and adulteration with 7-hydroxymitragynine. Feel Free, a popular product marketed as an herbal supplement, contains both kratom and kava, and has been linked to an increasing number of adverse events across the country.
- **Tianeptine:** An antidepressant used abroad; not FDA-approved here. At high doses behaves like an opioid; associated with seizures, overdose, and severe withdrawal. Tianeptine is frequently sold in gas stations, smoke shops, and online as a “dietary supplement” or “mood enhancer,” often under brand names like ZaZa, Neptune’s Fix, and Tianna Red.

Model Youth-Protective Measures to Pass This Session

1) Access controls

- **21+ statewide**, including online sales; require electronic ID-scan at point of sale.
- **Behind-the-counter** placement; ban self-service displays and vending machines.
- **Proximity Buffers** near K-12 schools, playgrounds, and youth centers (e.g., 1,000 ft).
- **Compliance checks** using underage decoys; publish violation rates.

2) Product standards

- **Synthetic Bans/Potency caps** appropriate to product type (e.g., mg THC per serving/container; 7-OH limits for kratom). Ban synthetics/semisynthetics (e.g., $\Delta 8/\Delta 10/\text{HHC}/\text{THCP}$; synthetic mitragynine/7-OH)
- **Independent lab testing** (ISO-17025): potency; heavy metals; pesticides; residual solvents; microbes/mycotoxins. Include QR-code COA on-pack.
- **Form/Packaging restrictions/ Child-resistant packaging**: prohibit inhalables/vapes, cartoon branding, and copycat snack packaging. Require child resistant packaging.
- **Clear labels**: ingredient list; per-serving and per-container psychoactive content; max daily serving; impairment and pregnancy warnings; FDA disclaimer; manufacturer contact.

3) Retailer/manufacturer oversight

- **Require registration/licensing** for manufacturers, processors, and retailers; maintain public lists of approved products.
- **Authorize seizure/embargo/recall** of adulterated/misbranded products.
- **Create a graduated penalty ladder** (civil fines $\rightarrow$ permit suspension/revocation; egregious repeat offenses eligible for criminal referral).
- **Mandate point-of-sale signage** (21+; impairment/poison-help number).

4) Advertising and Marketing Protections

- **Ban youth-targeted advertising/promotional tactics**: Prohibit marketing on platforms or channels primarily used by minors, including social media, gaming apps, and youth-oriented websites. Ban giveaways, samples, influencer endorsements that appeal to youth.
- **Limit visual branding**: Prohibit use of cartoons, mascots, or imagery that mimics popular youth culture or snack branding in ads and displays.
- **Prohibit misleading wellness claims/Require disclaimers**: Disallow unsubstantiated claims about mood enhancement, energy, focus, or therapeutic benefits unless approved by regulatory authorities. Mandate disclaimers that product not FDA-approved and may cause impairment or dependence.

5) Education, data, and evaluation

- **Fund youth-facing education** (schools, pediatricians, coaches) on delayed-effect edibles, mixing risks, and impaired driving.
- **Require adverse-event and violation reporting** to the health department; annual reporting
- **Authority Conduct Sunset review**; update testing/packaging/potency as science evolves.

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