



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

Via Email

March 24, 2025

Dear County Attorneys, Sheriffs, and Chiefs of Police:

Like many of you, the Arizona Attorney General's Office (AGO) has become aware that businesses from small shops to national corporations are selling tetrahydrocannabinol (THC) infused beverages and edible products to the general public in Arizona. These businesses are not licensed "marijuana establishments" under the Smart and Safe Arizona Act (Proposition 207), but have claimed that the sale of THC-infused products is permissible under the Federal Farm Bill of 2018 and AGO Opinion No. I24-005 (March 11, 2024). This has prompted many of you to seek guidance from my Office.

This letter clarifies that the unlicensed sale of any THC-infused edible product is illegal under Arizona law. My Office previously issued AGO Opinion No. I24-005, which prohibits the sale of delta-8 THC products and other hemp-synthesized intoxicants—whether currently existing or developed in the future—to include Delta-9 THC and similar derivatives. In other words, all THC-infused edible products cannot be sold in Arizona by an unlicensed entity. Even if such products are legal under the Farm Bill of 2018, federal law does preempt Arizona's more stringent State laws. *See Virginia Hemp & Agric., LLC v. Virginia*, 125 F.4th 472, 495 (4th Cir. 2025).

Anyone conducting business in Arizona must comply with State law. The failure to do so may result criminal and/or civil penalties. Given possible confusion created by the Farm Bill of 2018, the AGO recommends giving unlicensed businesses that sell THC-infused edible products that claim to comply with the Farm Bill of 2018 until April 23, 2025, to discontinue their sale before beginning enforcement actions.

On April 24, 2025, the AGO will begin enforcing civil and criminal penalties against unlicensed businesses that continue to sell any THC-infused edible products. Your Offices may enforce civil and criminal penalties where appropriate as well.

Please share this information with unlicensed businesses in your communities that are selling THC-infused edible products. If you have any questions, please contact the Criminal Division of my Office.

Sincerely,

Kris Mayes
Arizona Attorney General