The Montgomery County Investigating Grand Jury Report:

Unregulated, Unsafe, and Illegal – the Reality of Smoke Shops in Pennsylvania

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY
PENNSYLVANIA - CRIMINAL DIVISION

IN RE: COUNTY INVESTIGATING GRAND JURY	:	**MD-3660-24**
	:	
	:	**INVESTIGATION # 602**

Findings and ORDER

AND NOW, this 29th day of October, 2025, after having examined the Report of the Montgomery County Investigating Grand Jury of MD 3660-2024, Investigation Number 602, and reviewing the record, this Court finds that the said Report is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of Act 42 Pa. C.S. § 4541 et. seq. In view of these findings, the Court hereby accepts the Report and files the Report as public record.

BY THE COURT,

Hon. Risa Vetri Ferman
Supervising Judge

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INTRODUCTION

The landscape of marijuana sales has shifted dramatically in just a few short years. Where transactions once required covert meetings with illicit dealers, illegal marijuana (distinct from medical cannabis) is now being sold openly at smoke shops, convenience stores, and gas stations throughout our communities. These products are marketed with colorful packaging and marijuana strain names with an emphasis on targeting children and are accessible to anyone who walks through the door.

The evidence uncovered by this Grand Jury exposes a public health crisis unfolding in plain sight across Pennsylvania. Retailers are openly selling marijuana and THC products under the guise of "hemp" or "Farm Bill compliant" merchandise, exploiting the intended purpose of the Federal and Pennsylvania Farm Bills, leaving consumers dangerously uninformed. The reality is stark: people are being intentionally misled. Products labeled as legal hemp often contain illegal levels of tetrahydrocannabinol (THC), have misleading packaging, and fraudulent lab reports have become commonplace. This deception means that adults and children alike are exposed to substances whose potency and risks are hidden from view.

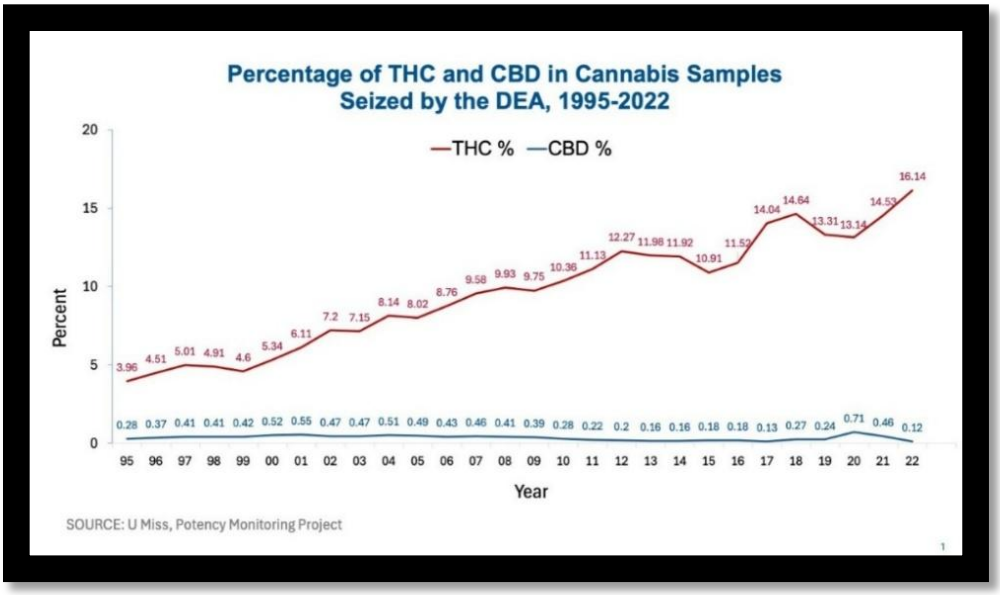
The sheer prevalence of THC retail outlets in Montgomery County is both striking and deeply concerning. With a population of roughly 879,000, the county is home to at least 240 smoke shops listed on Yelp.com, a figure that does not even account for the numerous gas stations or convenience stores selling THC products. This translates to roughly 1 smoke shop for every 3,662 residents, and nearly 1 shop every 2 square miles across the county's 487 square miles. There are 184 public schools in the entire county, meaning smoke shops outnumber schools by a ratio of about 1.3 to 1. These statistics make it clear just how widespread THC retail outlets have become throughout our community.

The consequences are not theoretical – they are real, immediate, and deeply troubling. Throughout its investigation, the Grand Jury heard extensive testimony from a diverse array of witnesses, including a physician who subspecializes in medical toxicology and psychiatrists; smoke shop owners and employees; numerous narcotics enforcement detectives/officers from Montgomery, Bucks, and Chester Counties; and a school safety coordinator.

Marijuana and the Farm Bill

Marijuana is a plant with psychoactive properties, primarily due to its content of THC, the compound responsible for intoxication. Experts who testified before the Grand Jury emphasized that the potency of marijuana today is significantly higher than it was in the past. This observation is supported not only by their clinical experience, but also by scientific analysis conducted by the National Center for Natural Products Research (NCNPR), which examined the percentage of THC in cannabis samples seized by the Drug Enforcement Administration (DEA) from 1995 to 2022[1]. The findings reveal a marked increase in THC concentrations over time, emphasizing that modern marijuana products often contain much higher levels of the psychoactive compound than those available in previous decades.

[1] NATIONAL INSTITUTE ON DRUG ABUSE, CANNABIS POTENCY DATA (2024).



[2]

In an effort to legalize hemp, the Federal and Pennsylvania Farm Bills specifically excluded cannabis with a Delta-9 THC content of less than 0.3 percent by dry weight[3], from the definition of marijuana in their respective Controlled Substances Acts. The intention behind legalizing hemp was to support farmers, promote new markets, and allow hemp producers access to federal programs like grants, water rights, and banking services. However, despite these well-meaning goals, both Farm Bills have been exploited by retailers, distributors, and growers, who have used their provisions to sell a wide range of products, often without regard for legality or consumer safety. As a result, marijuana is now being sold openly in smoke shops, gas stations and convenience stores throughout Pennsylvania.

Testimony from Experts

Dr. John O'Brien and Dr. Susan E. Rushing, both highly experienced medical experts, provided detailed accounts of the psychiatric and physical health risks associated with THC products. Their testimony highlighted cases of severe anxiety, paranoia, psychosis, and even

[2] *Id.*

[3] "Dry weight" refers to measuring the concentration of a substance after all of the moisture has been removed.

violent behavior linked to marijuana use, both experts drawing on decades of clinical experience, to illustrate how marijuana can trigger or worsen these psychotic symptoms. They described instances where individuals with no prior psychiatric history developed acute psychiatric symptoms after using marijuana, emphasizing the unpredictability of its effects due to factors such as potency, individual susceptibility, and the lack of proper labeling.

Dr. Rushing specifically discussed the dangers posed by high-potency edibles[4] and products with large amounts of THC, noting that adolescents and young adults are particularly vulnerable to accidental overconsumption and severe psychiatric reactions. She explained that the absence of standardized dosing, clear serving sizes, and warning labels leaves consumers, especially youth, at risk for psychosis, addiction, and long-term cognitive impairment. Dr. O'Brien drew attention to the absence of informed consent laws and adequate product warnings, emphasizing that the public remains largely unaware of the true risks. Both experts expressed concern for individuals with a family history of disorders such as bipolar disorder, schizophrenia, or schizoaffective disorder, who receive no education about their increased susceptibility to the psychiatric health risks associated with THC products.

Ultimately, Dr. O'Brien and Dr. Rushing called for stronger regulation, comprehensive education, and robust safeguards to protect vulnerable populations and broader community from the escalating dangers of unregulated marijuana use.

Products are Being Sold and Marketed to Children

A central concern uncovered by the Grand Jury is the deliberate marketing and sale of marijuana and THC products to children and adolescents. Retailers are exploiting the current laws, offering products with high levels of THC disguised as legal hemp, and packaging them in bright

[4] The definition of "edible" is something that is suitable to be eaten. In this Report, we are referring to a food or drink product that is infused with THC.

colors and candy-like flavors that mimic popular snacks and treats. These tactics make the products highly attractive and accessible to youth, while the absence of mandatory age restrictions[5] and reliable ID checks allows minors to possess and ingest potent THC items with ease. The lack of clear labeling and deceptive packaging further obscures the true nature of these products, making it nearly impossible for parents, educators, and even law enforcement to distinguish them from ordinary candy. There are no markings on the products themselves, unlike other medicines such as Advil or Tylenol, which are clearly labeled for identification and dosing. As a result, children are exposed to significant health risks, including addiction, impaired learning, and dangerous overdoses, all while retailers face little accountability for their role in perpetuating this public health crisis.

Adolescents are Consuming THC Products and are Having Adverse Reactions

Testimony presented to the Grand Jury revealed a deeply troubling pattern of children and adolescents ingesting marijuana and THC products, often with serious and immediate health consequences. Law enforcement described multiple incidents in which young children, some as young as one-year-old, accidentally consumed THC-infused edibles or vape products, resulting in symptoms such as confusion, lethargy, loss of consciousness, and even hospitalization. This issue is also occurring in our schools, where law enforcement reported a troubling increase in the number of THC vapes and related THC products being confiscated from students. Medical experts testified to the unpredictable and severe effects these products can have on developing minds and bodies, including behavioral changes and long-term cognitive impairment. Collectively, these accounts underscore the urgent need to protect children from escalating risks posed by unregulated THC products.

[5] Unlike those in neighboring New Jersey.

Unlike tobacco, nicotine, and alcohol products, which cannot be legally purchased by anyone under 21 in Pennsylvania, the absence of any law establishing a minimum age for buying THC products has significantly increased youth access. Without such a statute, retailers who sell to individuals as young as 14-years-old face no criminal consequences, leaving law enforcement frustrated. This regulatory gap enables inconsistent and often inadequate protection for minors, allowing the problem to persist and grow in our schools.

Lack of Dosage and Serving Size Requirements Enables High-Potency THC Edibles

Currently, Pennsylvania does not require manufacturers to include standardized dosage or serving size information on edible THC products. Unlike states with strict regulations that cap the amount of THC per serving and per package, Pennsylvania's law relies on a 0.3 percent Delta-9 THC threshold by dry weight, which can result in edibles containing massive amounts of THC. For example, a single gummy bear weighing 3 grams can legally contain up to 9 milligrams of Delta-9 THC, and a chocolate bar weighing 40 grams, which is the weight of a full-sized Hershey's chocolate bar, could contain as much as 120 milligrams, Delta-9 THC, which is up to 12x a high dose. [6] Without clear serving size guidance, consumers, especially young people, may unknowingly ingest large doses of THC, dramatically increasing their risk of intoxication and adverse health effects.

This lack of regulation and labeling leaves the consumers vulnerable to accidental overconsumption, severe psychiatric reactions, and hospitalization. As Dr. Rushing testified, even experienced users can be caught off guard by the potency of these products, since there is no requirement for manufacturers to disclose the actual milligram content per serving or to provide warnings about delayed onset and potential risks. The absence of these safeguards not only

[6] A typical dose is 5 to 10 milligrams of THC per serving.

increases the likelihood of dangerous overdoses but also contributes to the broader public crisis associated with unregulated marijuana sales in Pennsylvania.

"Farm Bill Compliant" Products are Not What They Claim to Be

The coordinated investigations conducted across Montgomery, Bucks, and Chester Counties revealed a pervasive and deeply troubling pattern in the retail sale of marijuana and THC products. Law enforcement agencies, responding to community complaints and conducting undercover operations, discovered that retail stores, including smoke shops, gas stations, and convenience stores, were openly selling products labeled as legal hemp that, upon laboratory testing, were found to have massive amounts of THC and were, in fact, marijuana. These investigations exposed widespread deceptive marketing, fraudulent lab reports, and a lack of meaningful oversight, with store owners and distributors often knowingly participating in the illegal distribution of controlled substances, fueled by an unregulated industry.

During its investigation, the Grand Jury received a total of 71 laboratory reports encompassing the testing of 144 various products, all purchased by law enforcement officers operating in an undercover capacity from retail stores throughout Montgomery and Chester Counties. These products were marketed as "hemp" or "Farm Bill compliant." Laboratory analysis revealed that **93.75%** of the items tested were, in fact, marijuana, with Delta-9 THC concentrations exceeding the legal threshold of 0.3 percent. Of the 6.25% of products that did not test as marijuana, just under 3% contained Delta-8 THC, a compound that is not exempt under Pennsylvania law. Remarkably, only 4 products tested found no detectable levels of THC. These results reveal the widespread mislabeling and deceptive marketing practices prevalent in the retail sale of THC products, reinforcing the urgent need for robust oversight, accurate labeling, and comprehensive regulation to protect consumers and the community.

Consider the situation of a licensed CDL driver who is subject to routine drug testing and operates large, heavy machinery as part of their job. Seeking relief from hip or back pain, this individual might visit a gas station and purchase a product labeled "Lancaster County Cannabis," a product that is labeled as cannabidiol (CBD) and states that it only contained CBD. Trusting the product's labeling, the driver consumes it and then proceeds to operate their truck. If that product actually contains marijuana rather than CBD, the driver could unknowingly be under the influence while driving, a scenario that could result in a serious accident.

This is an actual risk. Investigators have purchased "Lancaster County Cannabis" and, upon laboratory testing, discovered that it was marijuana, not CBD. This emphasized the deception of product labeling and highlights the inability of consumers, even those who are diligent and responsible, to trust what is being sold to them.

A CDL driver, and the general public, should be able to rely on accurate labeling and receive exactly what they pay for. The consequence of mislabeled products extends far beyond the individual who consumes them; they pose a real threat to public safety and the broader community. When product labeling is misleading, it puts not only the consumer at risk, but also everyone who shares the road with them.

The evidence revealed that mislabeling products is not limited to isolated incidents or just a handful of stores; rather, it represents a systemic issue affecting communities throughout the region. The findings make clear the urgent need for stronger regulation, robust enforcement, and greater accountability to protect public health and safety from the unchecked spread of dangerous substances disguised as legal hemp.

Recommendations

The Grand Jury's investigation into the retail sale of marijuana and THC products across Montgomery, Bucks, and Chester Counties has revealed an urgent need for comprehensive regulatory reform. The recommendations outlined in this Report are designed to address the widespread public health and safety risks posed by unregulated and mislabeled THC products, particularly those that are easily accessible to youth and vulnerable populations.

First and foremost, there needs to be robust age restrictions for all THC purchases. The absence of a formal minimum age for purchasing THC products has enabled widespread youth access, with retailers often failing to verify identification. Implementing a statewide age limit of 21 years old, the same minimum age required for tobacco, nicotine, and alcohol products, coupled with electronic ID verification systems, would help prevent underage sales and hold retailers accountable for compliance.

The Report recommends prohibiting the sale and advertising of THC products within a defined distance of schools, playgrounds, and childcare facilities, mirroring Pennsylvania's existing laws for tobacco and nicotine products. These measures would reduce youth exposure, limit underage access, and help prevent the normalization of marijuana use among children and adolescents.

The Report also calls for the establishment of clear definitions of marijuana and its derivatives within Pennsylvania law. The practice of selling marijuana derivatives such as Delta-8, Delta-10, and THCA as "legal hemp," despite their psychoactive effects and significant health risks, must be brought to an end.

The Report further advocates for a statewide licensing system for retail establishments selling THC products. Licensing would create uniform standards, facilitate regular inspections, and provide mechanisms for enforcement, including fines, license revocation for violations, and

criminal liability. This approach would mirror existing regulations for tobacco, nicotine, and alcohol sales, ensuring that only responsible business owners can operate in this space.

The Report draws attention to the dangers of high-potency edibles and the lack of standardized serving sizes. It calls for mandatory labeling of milligrams per serving, clear warnings about delayed onset and psychiatric risks, and physical markings on products to prevent confusion with ordinary candy or snacks. Strict limits on dosage and potency, along with comprehensive labeling requirements, are essential to safeguard consumers, especially youth, from accidental overconsumption and adverse health effects.

Finally, the Report calls for rigorous standards for product testing, labeling, and marketing. This includes mandatory batch testing by accredited laboratories, transparent reporting of test results, and the creation of a public registry of violating distributors and products. Enhanced oversight and accountability are necessary to ensure that consumers receive accurate information and are protected from dangerous or mislabeled products.

Together, these recommendations form a comprehensive framework for legislative action, robust enforcement, and public education. They are designed to restore accountability, protect public health, and safeguard Pennsylvania's youth and communities from the escalating dangers of unregulated marijuana and THC products.

Overview

The collective testimony of witnesses revealed a public health crisis that is not just affecting one community, but the broader region as a whole. This is not happening in a handful of stores, nor is it confined to Montgomery County; the evidence shows that these practices are widespread across the entire state of Pennsylvania, with similar patterns of illegal sales, deceptive marketing, and lack of oversight appearing all over.

This is not just a legal issue; it is a community and public health emergency. The normalization of freely and openly selling illegal marijuana in retail settings undermines public safety, erodes trust, and exposes vulnerable populations to harm. The evidence demands urgent action: stronger laws, robust enforcement, mandatory product testing, and comprehensive public education. Without decisive intervention, the unchecked spread of these products will continue to endanger the health and future of Pennsylvania's children, families, and communities.

I. MARIJUANA AND HEMP: GENERAL EXPLANATION

Marijuana (pot, weed, etc.) has many different strains. The different strains of marijuana are categorized into three main types based on their genetic makeup and effects: sativa, indica, and hybrid. Each of these strains has a different effect on the human body. Marijuana is regulated and controlled by the Pennsylvania Controlled Substance Act (The Act). The Act gives the definition of "marihuana"[7] as consisting:

> *"of all forms, species and/or varieties of the genus Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include tetrahydrocannabinols, the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, cake, or the sterilized seed of such plant which is incapable of germination."*[8]

The section of The Act that lists Schedule I Controlled Substances states, "[a]ny material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, *unless specifically excepted*, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: . . . 16. Tetrahydrocannabinols . . . ."[9]

The Federal Agricultural Improvement Act of 2018, commonly known as the 2018 Farm Bill, was signed into law in December 2018. This legislation removed hemp, defined as Cannabis sativa L. with no more than 0.3 percent Delta-9 THC by dry weight, from the definition of marijuana under the Controlled Substances Act, effectively legalizing its cultivation, processing, and sale across the United States.[10]

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[7] As spelled in the statute.
[8] 35 PA. CONS. STAT. § 780-102.
[9] *Id.* § 780-104 (*emphasis added*).
[10] John Hudak, The Farm Bill, Hemp Legalization and the Status of CBD: An Explainer, BROOKINGS (Dec. 14, 2018), https://www.brookings.edu/articles/the-farm-bill-hemp-and-cbd-explainer/.

Following the federal change, Pennsylvania updated its own laws in 2019 to align with the 2018 Farm Bill. It also removed hemp, defined as Cannabis sativa L. with no more than 0.3 percent Delta-9 THC by dry weight, from the definition of marijuana.[11]

Hemp is a cousin of marijuana. It is a strain that is raised for industrial purposes, and it is used to make items like rope, thread, or clothing. However, hemp does contain THC, and it has been used to make oils and other materials pressed from hemp that are included in beauty aids, health aids, and other products. The Pennsylvania Farm Bill was designed to create a legal pathway for the sale of hemp products. Although there is no practical need for hemp to contain THC, its origin from Cannabis sativa L., the same species of marijuana, means that THC is naturally present in the plant. As a result, hemp products often contain small amounts of THC, which previously rendered them illegal. As a result of a specific exception, hemp is considered legal when it contains Delta-9 THC under 0.3 percent by dry weight.

Both the federal and the Pennsylvania Farm Bills *specifically* make an exception for Delta-9 THC levels below 0.3 percent by dry weight. There is no such exception for Delta-8 and Delta-10. Therefore, any product with a Delta-9 THC level more than 0.3 percent is marijuana and is not legal in Pennsylvania. Recreational marijuana is not legal in Pennsylvania. The only way to legally obtain marijuana in Pennsylvania is for an individual to first consult with a doctor, receive a prescription, and then visit a licensed dispensary to purchase the product. In order to sell medical marijuana, one must apply for a permit with the Pennsylvania Department of Health and meet rigorous financial, operational, and ethical requirements.

[11] *Hemp Program FAQs*, COMMONWEALTH OF PENNSYLVANIA, https://www.pa.gov/agencies/pda/plants-land-water/hemp/hemp-program-faqs#accordion-3f36936952-item-73ba9a9759 (last visited Oct. 27, 2025).

II. BACKGROUND: HOW WE GOT HERE

Over the past several years, marijuana and THC containing products have increasingly appeared on the shelves of local smoke shops and gas stations throughout Pennsylvania. This shift is largely the result of retailers exploiting Pennsylvania's Farm Bill, which regulates the amount of Delta-9 THC permitted in hemp products. Under the law, hemp is defined as any cannabis product containing no more than 0.3 percent Delta-9 THC by dry weight, while anything above that threshold is classified as marijuana and an illegal controlled substance. The Farm Bill does not address other THC variants, such as Delta-8, Delta-10 or THCA; therefore, there is no specific exception to The Farm Bill that allows businesses to sell products that contain illegal levels of THC. However, we have found that retail establishments are often selling products containing an excess of 0.3 percent Delta-9 THC, as well as products containing Delta-8, Delta-10, and THCA, under the guise of being "hemp" or "Farm Bill compliant."

Compounding the issue, legislation and oversight have lagged behind the rapid proliferation of these products. Many items labeled as "hemp" exceed the legal THC limit, and misleading packaging and lab reports further obscure the true nature of what is being sold. Without clear regulations, mandatory testing, or consistent age restrictions, retailers have been able to openly sell marijuana and its derivatives, often targeting youth with colorful packaging and candy-like flavors. The lack of accountability and transparency has created an environment where unregulated and potentially dangerous substances are readily available to the public. This reality highlights the urgent need for legislative action and for providing law enforcement with necessary tools to strengthen enforcement efforts.

III. THE COST TO HEALTH: WHAT MARIJUANA DOES TO THE MIND AND BODY

a. Psychological Effects

i. Expert Testimony: Dr. Susan E. Rushing on Marijuana Use, Dosage, and Risks

1. Background and Credentials

Dr. Susan E. Rushing has an impressive academic foundation spanning science, medicine, and law. She earned a Bachelor of Science in Brain & Cognitive Science from the Massachusetts Institute of Technology (MIT) (1995–1999), followed by a Doctor of Medicine (M.D.) from Yale School of Medicine (1999–2005). Concurrently, she completed a Juris Doctor (J.D.) at Stanford Law School (2002–2005). Her postgraduate medical training includes a Pediatrics Internship at Children's National Medical Center in Washington, DC (2006–2007), a Psychiatry Residency at the University of Pennsylvania (2007–2010), and a Forensic Psychiatry Fellowship at the same institution (2010–2011).

Dr. Rushing has held several distinguished academic and clinical positions. She began as an Assistant Professor in the Department of Psychiatry at the University of Pennsylvania School of Medicine (2011–2014), where she also served as an attending psychiatrist and contributed to ethics and forensic psychiatry services. She developed and taught courses in neuro law and psychology. From 2015 to 2024, she was a Clinical Assistant Professor, later advancing to Clinical Associate Professor in 2024, continuing her work in forensic psychiatry and mentorship for residents and fellows.

Outside academia, Dr. Rushing has extensive clinical experience, including roles at the Philadelphia VA Medical Center (2009–2019), founding Holistic Cognitive Consultants, LLC and Inc., and serving as Medical Director at Retreat & Restore, Haverford, Inc. She specializes in

treating a wide range of psychiatric conditions and provides forensic consulting to legal professionals, corporations, and educational institutions. Since 2024, she has also been a psychiatrist at Princeton University's Counseling and Psychological Services, offering psychiatric care and education to students and staff.

In her current private practice, Dr. Rushing treats a broad range of patients, from adolescents to older adults, addressing conditions such as depression, bipolar disorder, obsessive-compulsive disorder, schizophrenia, and schizoaffective disorder. She also sees patients who are struggling with or dependent on substances, with marijuana being one of the substances she helps people reduce or discontinue. In her position at Princeton University's Counseling and Psychological Services, Dr. Rushing continues to provide psychiatric care and education, treating similar disorders and substance use issues among students and staff.

Her expertise spans the treatment of a wide range of psychiatric conditions, including addiction, and she has served in leadership roles at the University of Pennsylvania, Philadelphia VA Medical Center, and Princeton University.

2. Diagnosing Psychosis and Substance-Induced Symptoms

Dr. Rushing explained that psychosis encompasses perceptual disturbances such as hallucinations (seeing, hearing, or feeling things that are not real), paranoia, and delusions (fixed, false beliefs not shared by others). These symptoms can arise from various causes, including severe depression, bipolar disorder, schizophrenia, schizoaffective disorder, medical conditions, infections, and notably, drug use – marijuana being a primary substance. In hospital settings, she emphasized the importance of urine drug screens to distinguish between psychiatric illness and substance-induced psychosis, noting that patients often do not know what or how much they have ingested, which complicates diagnosis.

She recounted a case from her time at the VA in which a patient presented classic symptoms of psychosis after smoking marijuana. Upon testing, it was revealed that the marijuana had been laced with other substances, and the patient was visibly shocked to learn from the drug screen that multiple drugs were present in his system. This example stresses the unpredictability and hidden risks associated with marijuana use, especially when products are adulterated or mislabeled.

The psychosis that occurs in these cases is clinically indistinguishable from the symptoms seen in schizophrenia. When these patients arrive at the emergency room, physicians often cannot immediately determine whether the psychosis is substance-induced or represents the first episode of a primary psychiatric disorder such as bipolar disorder or schizophrenia. As a precaution, doctors may prescribe antipsychotic medications, which can result in the patient remaining on these drugs for 6 months to a year. These medications can have significant side effects, including fatigue, nausea, and movement disorders. Dr. Rushing has seen high school and college students forced to take semesters or even a whole year off from school because the medication impairs their ability to function. She emphasized the snowball effect that this can have, potentially derailing a young person's life for months or longer, all because of a single incident with edibles at a party.

3. Dosage, Ingestion Methods, and Risks

A central theme of Dr. Rushing's testimony is the critical importance of dosage and method of ingestion in determining marijuana's effects and risks. She routinely asks patients about their daily marijuana use, finding that those who obtain products from dispensaries can report exact milligram amounts, which aids in assessing exposure and risk.

For medicinal purposes, Dr. Rushing recommends low doses, typically 5 to 10 milligrams of THC per serving, to treat conditions like anxiety and PTSD. However, she warns that higher doses

are associated with significant adverse effects, including amotivation syndrome (loss of motivation and interest in daily activities), excessive sleep, weight gain, and impaired functioning.

4. Risks of High-Potency Edibles and Clinical Consequences

She described a troubling trend among young people, especially with the rise of edibles: adolescents and young adults are presenting to emergency rooms with psychosis, paranoia, panic attacks, and hallucinations after unknowingly consuming extremely high doses[12], sometimes over 100 milligrams, of THC. Unlike smoking, where a puff might deliver 5 milligrams, but only 1 to 2 milligrams are absorbed, edibles require digestion and liver metabolism, delaying onset of effects by 1 to 2 hours. This delay often leads to repeated consumption and accidental overdose, as individuals do not feel immediate effects and will continue to ingest more.

Dr. Rushing provided examples: a single gummy bear (about 3 grams) can contain up to 9 milligrams of Delta-9 THC under the current law, nearly the recommended dose limit. Again, speaking of adolescents at a party, how many gummy bears are they eating? She described how they look like little sugar-coated treats and look very tasty. Since it looks like candy and tastes like candy, kids are likely to eat more than one. She also noted that children and teens may unknowingly encounter these candy-like products, mistake them for actual candy, and consume them without any awareness that they are ingesting a highly controlled substance.

A chocolate bar sized edible (40 grams - think of a full-sized Hershey Bar) could contain 120 milligrams, an amount likely to cause intoxication and hospitalization if consumed at once. She stressed that most states limit single servings to 10 milligrams and packages to 100 milligrams, Pennsylvania's laws have no such limit and allow much higher concentrations due to the 0.3 percent by dry weight threshold, which is dangerously high and poorly understood by consumers.

[12] A typical dose is 5 to 10 milligrams of THC per serving.

During her testimony, Dr. Rushing was asked about the "Krisp Rice Treats,"[14] referenced later in this report, a product containing 400 milligrams of "hemp derived delta blend." She emphasized that, given its potency, a safe serving size would be only a small nibble, following the general serving size referenced in the paragraph above. She described the lack of dosage information on THC products as a serious public health concern.

5. Vulnerability and Dose-Dependent Risks

Dr. Rushing emphasized that high doses of THC pose risks even to those without biological predispositions, but the danger is much greater for teens and young adults with a family history of bipolar disorder, schizophrenia, or schizoaffective disorder. Genetic vulnerability can lead to earlier onset and more severe symptoms in those who use marijuana chronically.

6. Addiction, Withdrawal, and Long-Term Effects

She noted that marijuana is now recognized as both psychologically and physically addictive. Chronic users can develop tolerance, cravings, and withdrawal syndromes, including cyclic vomiting syndrome[15], a severe condition requiring hospitalization and specific interventions. Withdrawal symptoms can resemble those seen with opioid withdrawal.

Chronic use at a young age can disrupt brain development, particularly in the prefrontal cortex, leading to long-term deficits in motivation, academic achievement, and social relationships. The prefrontal cortex, responsible for reasoning, judgment, and executive functioning, continues developing until age 25, and early, repetitive marijuana use can have long lasting negative effects.

[14] "Krisp Rice Treats" will be discussed later in the report and how a mother reported that her 14-year-old son ate the product and needed to receive medical attention.

[15] Cyclic vomiting syndrome is a chronic disorder that causes sudden, repeated, and intense episodes of severe nausea and vomiting that can last for days.

7. The Dangers of Mislabeling, Lack of Education, and THC Variants

Dr. Rushing expressed grave concern about the lack of accurate labeling, dosage information, and warnings on THC products. She stressed that these products should be clearly labeled with the exact milligrams of THC per serving, carry warnings about the risk of psychosis, and feature physical markings, much like how Advil or Tylenol pills are stamped and scored, to ensure proper dosing and consumer safety. She offered a helpful analogy, nutrition labeling: when someone is trying to watch their weight or limit sodium intake, they can look to the back of a product and know what a serving size is versus if they were to eat the entire thing. It is a huge problem that products containing THC do not contain dosage amounts or serving sizes, leaving consumers vulnerable to accidental overconsumption and its associated risks.

She also discussed specific forms of marijuana, Delta-8, Delta-9, and Delta-10, and clarified that, regardless of which variant is ingested, the liver metabolizes them into compounds that affect the brain in similar ways. Dr. Rushing emphasized that claims suggesting that Delta-8 or Delta-10 have substantially different effects from Delta-9 are misleading; ultimately, all these variants act on the brain as though they were Delta-9 THC. This misconception can lead consumers to underestimate the risks associated with products labeled as containing Delta-8 or Delta-10, when in reality, the psychoactive and psychiatric effects are comparable.

8. Ingestion Methods: Smoking vs. Ingestion

Dr. Rushing explained the differences between smoking and ingesting marijuana edibles. Smoking delivers effects within 10 minutes (1 to 2 milligrams per inhale of marijuana), while edibles require digestion and liver metabolism, resulting in delayed onset (1 to 2 hours) and higher risk of accidental overdose. Vaping can deliver even higher doses per inhale (up to 10 milligrams, with about 5 milligrams absorbed).

She warned that this delay is particularly dangerous for inexperienced users, who may consume multiple servings before feeling any effects, leading to severe reactions and emergency room visits. Adolescents and young adults are especially vulnerable, as they may not understand the risks or recognize the signs of overdose until it is too late.

9. Conclusion

Dr. Rushing's testimony demonstrates the urgent need for regulation, education, and clear labeling of THC products. She advocates strict limits on dosage, mandatory warnings, and physical markings on products to protect consumers, especially youth, from accidental overconsumption, addiction, and psychiatric harm. Her clinical experience reveals that the current landscape of marijuana use, particularly among young people, is marked by confusion, risk, and preventable tragedy.

ii. Expert Testimony: Dr. John O'Brien on the Psychiatric Impact of Marijuana

1. Background and Credentials

Dr. O'Brien, a board-certified psychiatrist and a lawyer, has over 40 years of experience, including faculty positions at various hospitals and private outpatient practice treating patients. He has conducted 300 – 400 forensic psychiatric evaluations annually for the Court of Common Pleas in Philadelphia for more than 25 years and regularly assesses individuals in both civil and criminal cases, at the request of attorneys, throughout the entire state of Pennsylvania. His assessments are comprehensive, involving a thorough review of the individual as well as educational, medical, psychiatric, work, prison, and toxicology records for both adults and adolescents, including children as young as 8 and 11.

2. Psychiatric and Behavioral Effects

Marijuana use has wide-ranging psychiatric and behavioral effects on individuals, regardless of age. Dr. O'Brien's extensive clinical and forensic experience demonstrates that marijuana can trigger or exacerbate psychotic symptoms, including paranoia, delusional thinking, and cognitive impairment. These effects are not limited to young people; adults may also experience significant disruptions in their mental functioning, particularly when using high-potency marijuana or combining it with other substances. Dr. O'Brien has evaluated numerous individuals who developed anxiety, sleep disturbances, and paranoia after using marijuana, sometimes leading to aggressive actions or criminal behavior. Many individuals use marijuana in hopes of reducing anxiety and stress, yet for some, it can actually worsen these symptoms and trigger the opposite effect. In several cases, individuals with no prior psychiatric history became symptomatic only after marijuana use, suggesting a direct link between the drug and the onset of mental health issues.

Importantly, Dr. O'Brien described patients whose psychotic symptoms disappeared once marijuana was out of their system, a pattern not seen in true psychotic disorders such as schizophrenia or bipolar disorder, where symptoms persist independent of substance use. This distinction helped Dr. O'Brien determine that marijuana, rather than an underlying psychiatric illness, was the cause of these acute symptoms.

The unpredictability of marijuana's effects is compounded by factors such as individual susceptibility, pre-existing mental health conditions, metabolism, and the potency or strain of the drug. Moreover, the lack of proper labeling and regulation means users may not be fully aware of what they are ingesting or the risks involved, increasing the likelihood of adverse reactions and interactions with other medications. Dr. O'Brien's testimony illustrates the importance of

education, informed consent, and regulation to mitigate the psychiatric and behavioral risks associated with marijuana use in the broader population.

3. Observations on Marijuana Use and Crime

Dr. O'Brien noted a marked increase in marijuana use among individuals he evaluates, both casual and chronic users, and observed a growing link between marijuana use and criminal behavior. Throughout his 40 years of experience, he has observed it becoming more prevalent for people to use marijuana. He has assessed individuals using street-purchased marijuana, prescribed medical marijuana and THC products from retail stores. He described cases where marijuana exacerbated psychotic symptoms such as paranoia and delusional ideation and highlighted cognitive impairment risks. Despite these dangers, most users are not fully informed about the potential for aggressive behavior, impaired judgment, and long-term mental health consequences.

Dr. O'Brien presented several case examples from his evaluations, illustrating the ways marijuana use can precipitate anxiety, paranoia, and, in some instances, violent behavior. In one case, a successful businessperson began using marijuana to cope with stress. Over time, this individual developed severe anxiety, insomnia, and paranoia, ultimately losing the ability to sleep and resorting to walking the streets of Philadelphia armed with a gun. During one such episode, the individual encountered a cab and, convinced the driver posed a threat, shot the cab driver in the face. Although initially treated for paranoia under the assumption of mental illness, Dr. O'Brien attributed the symptoms and violent actions to marijuana use, noting that the individual had no prior psychiatric history and was asymptomatic when evaluated after discontinuing marijuana.

Another case involved a man who regularly purchased marijuana from a street dealer and decided to switch to a different strain of marijuana. At first, he experienced what he described as a "great high," but soon began to suffer from increasing anxiety and paranoia, particularly the

delusion that his father was harming his mother. Disturbed by these symptoms, he stopped using marijuana. However, 3 to 4 days later he killed his father. Dr. O'Brien explained that clinical studies have shown that psychotic symptoms from marijuana can persist for weeks after stopping use, with the duration and severity varying according to individual factors.

4. Risks and Public Perception

Dr. O'Brien expressed concern that both the public and criminal justice professionals often underestimate marijuana's potential to induce aggressive behavior and psychosis. He attributed this to the perception that medical marijuana, and marijuana in general, is inherently safe, despite contradicting evidence. He stressed that not all users experience psychosis, but the risk is increasing due to higher prevalence and potency.

During his evaluations of incarcerated individuals, Dr. O'Brien routinely inquires about their history of drug use. Many openly acknowledge prior marijuana use. After confirming that these individuals have abstained from marijuana while in custody, Dr. O'Brien asks them to reflect on their current well-being. The majority report feeling significantly better and express no desire to return to marijuana use. This consistent feedback supports Dr. O'Brien's view that the perceived harmlessness of marijuana is largely shaped by public opinion, rather than personal experience. He concludes that, if individuals considered the actual effects of marijuana on their health and well-being, rather than relying on societal perceptions, they would recognize that they are better off without it.

As a result of Dr. O'Brien's observations on marijuana use and their effects, we recognize that there is no way to pinpoint exactly what reaction or effect marijuana would have on an individual because there are too many variables. It depends on the person's age, their susceptibility, any pre-existing medical conditions, metabolism and the strain of marijuana, and the potency of the

marijuana. Despite the growing prevalence of marijuana products, the general public continues to lack awareness and is frequently misinformed about the potential risks and health consequences associated with their use. This lack of awareness means that many individuals are using marijuana without fully understanding its potential effects and dangers.

5. Impact on Youth and Education

Dr. O'Brien's extensive experience as a psychiatrist and forensic evaluator reveals troubling trends regarding marijuana use among youth. He has observed a significant increase in marijuana consumption by adolescents, both through illegal sources and medical prescriptions, noting that today's marijuana is far more potent than in previous decades. This rise in potency has led to more frequent psychiatric symptoms, including paranoia, delusional thinking, and cognitive impairment. Adolescents are especially vulnerable, as marijuana can disrupt their cognitive development, impairing attention, ability to learn and retain, and memory not only during intoxication, but in the long term. Dr. O'Brien's evaluations frequently show that young people who begin using marijuana often progress to other drugs, compounding the risks to their mental health and future prospects. He has also observed that individuals use various methods to consume marijuana, including smoking, vaping, and eating edible products, many of which are highly potent.

The behavioral consequences are equally concerning. Dr. O'Brien described a particularly alarming case involving a 17-year-old who, while prescribed Adderall and medical marijuana, committed a premeditated shooting under the influence of both substances, a combination Dr. O'Brien referred to as a "toxic blend" that can heighten aggression. Despite these dangers, most young users and their families remain unaware of the risks. Pennsylvania currently lacks informed consent laws for medical marijuana, and products often do not carry adequate warnings about their

contents or potential effects. This lack of education and regulation leaves youth exposed to substances that can impair their mental health, academic achievement, and overall safety.

Dr. O'Brien also links marijuana use to declining educational outcomes, expressing concern that widespread availability and normalization of the drug may further erode the social and academic fabric of communities. He emphasizes the urgent need for stronger legislation to restrict youth access to THC products and for comprehensive education about the risks associated with marijuana use. Without informed consent, proper labeling, and age restrictions, young people are making choices without understanding the full scope of potential harm. Worse yet, parents can be unaware of the risks or the fact that their children are even taking these substances. Dr. O'Brien's testimony makes clear that the dangers of marijuana use among youth are multifaceted and far-reaching, affecting not only individuals but the broader community as well.

6. Informed Consent and Regulation

According to his testimony, Dr. O'Brien emphasized that there is a critical lack of informed consent laws regarding medical marijuana in Pennsylvania. He explained that informed consent is meant to educate patients about the risks and benefits of any medical treatment, including medications like marijuana. However, in the current landscape, individuals, especially young people, are often unaware of the potential psychiatric and behavioral risks associated with marijuana use because products do not carry adequate warnings or clear labeling about their contents and effects. Dr. O'Brien made it clear that without proper regulation, users may not know what they are ingesting, which increases the risk of adverse reactions and dangerous interactions with other medications. He argued that the absence of informed consent and robust regulatory measures leaves the public vulnerable, making it difficult for individuals and families to make truly informed choices about marijuana use. Dr. O'Brien called for stronger legislation to ensure

that products containing THC and related substances are properly labeled, regulated, and restricted by age, so that consumers are fully aware of the risks and can protect their health and safety.

7. Community and Public Safety

Dr. O'Brien's testimony shines light on the far-reaching consequences of marijuana use on the community and public safety. He describes how the increased availability and normalization of marijuana, especially high-potency products, have contributed to a rise in psychiatric symptoms and behavioral disturbances among users. These effects are not confined to individual health; they ripple outward, impacting families, schools, and neighborhoods. Dr. O'Brien has encountered numerous cases where marijuana use played a role in aggressive actions, assaults, and even homicides. Already discussed was a particularly alarming incident involving a young person who, under the influence of both medical marijuana and Adderall, committed a premeditated shooting. Such cases illustrate how marijuana can act as a catalyst for violence and unpredictable behavior, posing direct risks to public safety.

Dr. O'Brien also referenced a *Wall Street Journal* article detailing a study conducted in Ohio, where toxicology analyses of drivers killed in motor vehicle accidents revealed that upwards of 40% had marijuana levels in their systems greater than 6x the legal intoxication limit. He cautioned that as marijuana becomes more mainstream, its impact will increasingly be seen in basic daily activities, from driving to academic performance in schools.

Beyond individual incidents, Dr. O'Brien expressed concern about the broader social impact of marijuana use. He notes that impaired judgment, diminished academic achievement, and declining mental health among users can erode the social and educational fabric of communities. The lack of informed consent laws and inadequate product labeling means that many individuals are unaware of the risks, leaving them vulnerable to harm and increasing the burden on public

resources such as law enforcement, healthcare, and social services. Dr. O'Brien calls for stronger legislation and comprehensive education to address these gaps, emphasizing that protecting community safety requires not only regulation of marijuana products but also informed decision-making by individuals and families. His testimony makes clear that the dangers of marijuana use extend beyond personal health, affecting the well-being and public safety of our entire community.

8. Conclusion: The Significance of Dr. O'Brien's Testimony

Dr. O'Brien's expert testimony provides critical insight into the psychiatric and behavioral consequences of marijuana use, particularly among youth and vulnerable populations. His extensive experience evaluating individuals in both clinical and forensic settings reveals a consistent pattern: marijuana use is frequently associated with increased anxiety, paranoia, cognitive impairment, and, in some cases, violent behavior. The cases he described demonstrate the dangers of early and chronic use, the persistence of psychotic symptoms even after cessation, and the profound impact on educational achievement and public safety. Importantly, Dr. O'Brien's observations challenge the prevailing public perception that marijuana is harmless, highlighting the urgent need for informed consent, accurate labeling, and comprehensive public education. His findings reinforce the Grand Jury's call for legislative action, stronger regulation, and targeted interventions to protect youth and ensure that all Pennsylvanians are fully aware of the risks associated with marijuana use.

iii. Potency of Marijuana

Both Dr. O'Brien and Dr. Rushing emphasized in their testimony that the potency of marijuana plays a critical role in how psychotic symptoms manifest in individuals who use these products. They explained that higher concentrations of THC can increase the risk and severity of psychiatric effects, such as paranoia, delusional thinking, and even violent behavior. Dr. Rushing specifically

highlighted that high-potency edibles and products containing large amounts of THC are especially dangerous for adolescents and young adults, who may unknowingly consume excessive doses due to misleading packaging and lack of clear dosage information. She described cases where young people were admitted to emergency rooms with severe psychosis, panic attacks, and hallucinations after ingesting edibles with THC levels far above recommended limits.

Despite these dangers, both experts noted that there remains a widespread public perception that marijuana is not harmful. This misconception contributes to consumers' lack of awareness about the risks associated with marijuana in general, and high potency marijuana in particular. Many individuals are unaware of just how strong these products have become, often relying on misleading packaging or outdated lab reports that fail to accurately reflect the true THC content. Dr. Rushing further testified that the absence of standardized warnings and serving size information leaves consumers vulnerable to accidental overconsumption and its associated psychiatric risks.

The issue will be further illuminated by detectives' accounts later in this Report, which detail the potency of marijuana currently being sold in retail stores. Laboratory testing of products purchased from these establishments consistently revealed Delta-9 THC levels exceeding the legal threshold for hemp, with many samples testing "over 5.0%," the highest concentration that the laboratory reports. Any product with Delta-9 THC above this level is only measured as "over 5.0%," meaning the actual potency could be much higher.

Supporting these findings, NCNPR conducted an analysis of cannabis samples seized by the DEA from 1995 to 2022, revealing a marked increase in THC concentrations over time. This research makes it evident that today's marijuana products are far more potent than those

available in previous decades, amplifying the risks described by both Dr. O'Brien and Dr. Rushing.

Percentage of THC and CBD in the Cannabis Samples Seized by the DEA from 1995-2022

Year	No. of Samples	THC %	CBD %
1995	3,763	3.96	0.28
1996	1,402	4.51	0.37
1997	1,337	5.01	0.41
1998	1,341	4.91	0.41
1999	1,825	4.6	0.42
2000	1,929	5.34	0.52
2001	1,687	6.11	0.55
2002	1,690	7.2	0.47
2003	1,872	7.15	0.47
2004	1,914	8.14	0.51
2005	2,295	8.02	0.49
2006	2,081	8.76	0.43
2007	2,143	9.58	0.46
2008	2,000	9.93	0.41
2009	2,073	9.75	0.39
2010	2,261	10.36	0.28
2011	2,342	11.13	0.22
2012	2,100	12.27	0.20
2013	1,230	11.98	0.16
2014	971	11.92	0.16
2015	1,003	10.91	0.18
2016	829	11.52	0.18
2017	781	14.04	0.13
2018	815	14.64	0.27
2019	484	13.31	0.24
2020	670	13.14	0.71
2021	432	14.53	0.46
2022	351	16.14	0.12

Delta-9-tetrahydrocannabinol (THC) and Cannabidiol (CBD) Potency of Cannabis Samples Seized by the Drug Enforcement Administration (DEA), Percent Averages from 1995-2022 Source: Potency Monitoring Program, NIDA Contract Number: N01DA-15-7793

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[16] National Institute on Drug Abuse, *supra* note 1.

iv. Research Study on Marijuana and Psychosis

There have been studies conducted on the link between cannabis use and symptoms of psychosis. One such study was performed in Canada and reviewed evidence linking regular cannabis use, especially among adolescents and young adults, to an increased risk of developing psychotic disorders such as schizophrenia.[17] Longitudinal research from several countries demonstrates that individuals who use cannabis are significantly more likely to experience symptoms and, in some cases, develop schizophrenia, with the risk rising alongside the frequency of use.[18] These relationships persist even after accounting for personal characteristics and use of other drugs and are not explained by cannabis being used to self-medicate pre-existing symptoms.[19] The biological plausibility of this connection is supported by research showing that cannabis interacts with neurotransmitter systems involved in psychosis, particularly dopamine.[20]

The study highlights that young people with a personal or family history of schizophrenia are especially vulnerable, and that regular cannabis use can worsen symptoms and outcomes for those already affected by psychotic disorders. Given these risks, the authors argue for public health policies that discourage cannabis use among youth and advocate for educational, psychological, and social interventions to reduce access and use. The study concludes that uncertainty about the exact biological mechanisms should not prevent communities from taking action to protect young people from the mental health risks associated with marijuana, especially as its availability increases in retail environments without adequate safeguards.[21]

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[17] *Cannabis Use Triggers Brain Changes Linked to Psychosis*, PSYCHIATRIST.COM (Apr. 11, 2025), https://www.psychiatrist.com/news/cannabis-use-triggers-brain-changes-linked-to-psychosis/; *See generally* Jessica Ahrens, BSc et al., *Convergence of Cannabis and Psychosis on the Dopamine System*, 82 JAMA PSYCHIATRY 610 (2025).
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] *Id.*

IV. PRODUCTS ARE BEING MARKETED TO OUR YOUTH

Given the way these products are being deliberately marketed to appeal to children and teenagers, it is hardly surprising that so many young people are trying to obtain them. We not only heard about it, but we also saw how these products are packaged with colorful designs, candy-like flavors, and branding that mimics popular snacks and treats, making them attractive and easily accessible to young people. Consumers who are unfamiliar with terms like "medicated," or unable to recognize symbols such as a pot leaf, may unknowingly purchase and consume these products without realizing what they contain.

(Product Packaging Shown to Grand Jury)

(Product Packaging Shown to Grand Jury)

(Product Packaging Shown to Grand Jury)

The idea of marketing products of this nature to children is not new. The vape epidemic that started several years ago illustrates this idea perfectly. As the Grand Jury heard from Dr. Beth J. Sanborn, who was previously a police officer and school resource officer, vapes became prevalent during her time in school as a resource officer. Kids were starting to use vape devices that allow a purchaser to put different liquids in the device to smoke. As vape products have developed, consumers can now smoke various substances in them, including nicotine, CBD, and THC. Adults may use these products too, but from Dr. Sanborn's testimony, it is clear that they are marketed more toward children. Various versions of these vape devices include depictions of cartoon characters, colorful highlighters, Bluetooth connection for use as a speaker, and even the ability to play games on the devices. Many of these devices are made to look like school supplies, allowing children to hide them from their parents and teachers.

While these devices are legal and are only allowed to be sold to individuals over the age of 21, by law, that is not the reality of what is happening. Kids are still getting ahold of these vape products and using them, which shows that the marketing of these products is working. There are even TikTok challenges that encourage the use of vaping. When you combine the marketing of these products with the social acceptance shown through social media, you create a product that is desirable for children who are too young to be using it.

Dr. Sanborn told the Grand Jury that by the end of the school year, her high school would have a tote bin of confiscated vapes, the middle school would have a smaller box, and even the elementary schools would have a shoebox of these vapes to turn in.

In addition to vape products, edible items laced with THC are being marketed to children and are also being confiscated by schools. These products are designed to resemble everyday snacks commonly found in stores, such as Flaming Hot Cheetos, Takis, and chocolate-covered popcorn,

to name a few. If a parent is not looking closely at these products, they may not even realize that their child has a product that contains THC. As Dr. Sanborn stated, drugs do not look like the leafy green substance in a Ziploc bag anymore. These products are starting to take the shape of mainstream, legitimate items, which is a dangerous situation when children are involved. Dr. Sanborn warned that we need to be aware of the evolution of these products because some children know what they are.

When recounting incidents law enforcement responded to involving adolescent ingestion of marijuana products in Montgomery County, Detective Kathleen Kelly described a troubling case in which a 12-year-old student was offered a gummy by a classmate while at school. Unaware that the gummy contained marijuana, the child consumed it and subsequently lost consciousness, requiring emergency medical treatment. This report will later detail numerous similar stories, including cases involving children as young as one-year-old who needed medical attention after ingesting marijuana – sometimes from products belonging to their own parents. The problem extends beyond children: as one Bucks County Detective explained, even experienced law enforcement officers would struggle to identify an unlabeled container of THC gummies in a home, mistaking it for regular candy. This pervasive lack of clear labeling and deceptive packaging makes it nearly impossible for parents and educators to distinguish between ordinary gummies and those containing THC.

a. No Formal Law Regulating the Minimum Age for Purchasing These Products

As concerned members of the community, we are extremely alarmed by the fact that throughout our investigation, we heard compelling testimony from law enforcement officers and store owners about a critical gap in Pennsylvania's current laws: there is no formal, enforceable minimum age for purchasing THC-containing products in retail stores. Unlike a tobacco, nicotine,

and alcohol, which require strict age verification, these marijuana-derived products are often sold without any standardized method of confirming a buyer's age.

This lack of regulation has real consequences. Teens and young adults can currently walk into smoke shops and gas stations and purchase THC gummies, flower,[22] and edibles without a way for the store owners to be held responsible. There are no criminal laws requiring store owners to verify a customer's age, and as a result, there are no criminal consequences for retailers who sell these products without checking identification. Store owners testified that, in the absence of clear laws, they are left to "do the right thing" on their own, resulting in inconsistent and often inadequate protections for our youth.

Our investigation revealed that many of these products are deliberately marketed to appeal to children, using colorful packaging, candy-like flavors, and branding that mimics popular snacks. When products are designed to attract children, it is inevitable that demand among youth will be high. In such circumstances, the temptation for some retailers to prioritize profit over responsibility becomes significant, especially when there are no criminal consequences for selling to underage customers. This dynamic leaves our youth unprotected and allows the problem to persist and grow in our communities.

b. Law Enforcement Reports on Underage THC Use

The testimony presented by law enforcement reveals a troubling pattern: children and teenagers are not only gaining possession of THC products, but they are also ingesting them, sometimes with serious consequences. Given the way this industry deliberately markets products to appeal to young people and the absence of meaningful age restrictions, it is no surprise that so

[22] In the context of marijuana, flower refers to the dried, unprocessed, and smokable buds from a female cannabis plant.

many young people are gaining access to them. Reports detail incidents ranging from very young children mistaking edibles for candy to high school students walking into stores and purchasing marijuana products without being asked for identification. What makes these accounts especially alarming is the context provided by medical experts like Dr. O'Brien and Dr. Rushing, whose testimonies illustrate the unpredictable and potentially severe effects marijuana can have on developing minds. Below is the testimony that we heard from law enforcement. Together, these perspectives paint a stark and unsettling picture of the risks facing our community's youth.

i. Child Line Reports

1. January 2, 2025, 18-month-old, Norristown, Montgomery County

On January 2, 2025, Norristown Police received a report concerning an 18-month-old from Norristown, Montgomery County, who had been experiencing symptoms including confusion, shakiness and difficulty walking. After attempts to feed the child failed to resolve these symptoms, a parent brought the child to the Children's Hospital of Philadelphia (CHOP), where medical tests confirmed the presence of THC in the child's system. Investigators believe the child may have accidentally accessed a marijuana vape pen.

2. January 9, 2025, 14-year-old, Horsham Township, Montgomery County

On January 9, 2025, a 14-year-old high school student was found in possession of a THC vape pen while at school. Notably, this was not the first such incident involving the student; just a month earlier, in December 2024, the same student had been caught with a THC vape pen.

3. February 23, 2025, 9-year-old, Havertown, Delaware County

On February 23, 2025, a 9-year-old child spent the night at a grandparent's house. While there, the child consumed a piece of chocolate from the refrigerator, not realizing it was infused with THC. During the ride home, the child began to experience severe symptoms, including vomiting

and hallucinations. Emergency medical services were called, and the child was transported by ambulance to the hospital, where tests confirmed the presence of cannabinoids in their system.

4. March 3, 2025, 1-year-old, Royersford, Montgomery County

On March 3, 2025, a one-year-old child was brought to the emergency room in an ambulance because they were difficult to wake after a nap and their lips were blue. The child was vomiting and was having upper respiratory issues. Medical tests confirmed the presence of THC in the one-year-old's system.

5. March 23, 2025, 21-month-old, Douglass Township, Montgomery County

On March 23, 2025, a 21-month-old child was brought to the Lehigh Valley Emergency Room after being suspected of ingesting marijuana edibles belonging to a parent. The parents discovered a drawer open, and gummies scattered on the floor, and soon noticed that their child was unusually lethargic, unable to stand, and not behaving normally. Medical evaluation confirmed the presence of THC in the child's system.

6. April 3, 2025, 16-year-old, Lower Providence, Montgomery County

On April 3, 2025, Lower Providence Police responded to a cardiac emergency at a local school serving students in grades 7th through 12th. The incident involved a 16-year-old student who purchased a marijuana gummy from another student and shared it with 3 classmates. Shortly after ingestion, the student began to experience severe adverse reactions, appearing discolored, hot to the touch, and reporting symptoms such as shortness of breath and dizziness. As the situation worsened, the student required medical attention and was transported to CHOP in King of Prussia, where medical records confirmed the presence of marijuana in the student's system.

7. May 6, 2025, 7-year-old, Pottstown, Montgomery County

On May 6, 2025, a 7-year-old child was rushed to a clinic emergency room after exhibiting a sudden and alarming change in behavior. According to the parents, the child became woozy, appeared confused, struggled to understand what was being said, stumbled while walking, and said several times, "I can't breathe." During the trip to the hospital, the child's behavior became increasingly erratic, including an attempt to bite the child's mother, an action that was described as uncharacteristic. Upon arrival at the clinic, the child continued to act out, hitting staff and throwing popsicles. After medical tests confirmed the presence of cannabis in the child's system, the parents disclosed that THC gummies were present in the home, and although they were unsure of the exact amount ingested, it was believed that the child may have consumed an entire packet containing 2 gummies, possibly totaling 2,000 milligrams of THC.

8. May 22, 2025, 5-year-old, Pottstown, Montgomery County

On May 22, 2025, a 5-year-old child went to CHOP's emergency room department in King of Prussia, Pennsylvania for concerns of an altered mental status. Following a physical exam and assessment, the 5-year-old tested positive for cannabinoids.

9. December 2024, 12-year-old, Abington, Montgomery County

Abington Township Police Department received a report that a 12-year-old was offered candy at school by a classmate, unaware that it was actually a marijuana-infused gummy. After ingesting the gummy, the child lost consciousness and required emergency medical treatment.

ii. Testimony from Detectives about Reports to Law Enforcement

1. December 20, 2024, 14-year-old, Lower Merion, Montgomery County

Lower Merion Police Department received a report from a mother whose 14-year-old had purchased a "Krisp Rice Treats" containing 400 milligrams of "hemp-derived THC" from a store within Lower Merion, Montgomery County.[23] After consuming the treat, the juvenile became extremely panicked, exhibiting clear signs of intoxication, began vomiting, and appeared "out of their mind." The situation was serious enough that the child was taken to the hospital for medical care. Notably, the juvenile reported that no identification was requested prior to making the purchase.

[23] The store where the item is said to be purchased from is one of the stores detailed in the testimony we heard from Detective Rook.

(*Actual Picture of Item 14-year-old Ingested)*

(*Photograph of Product Taken During Search of Store)*

iii. Testimony Heard from Corporal Wisnieski of Pennsylvania State Police

As members of this community, we were deeply troubled by the testimony of Corporal James Wisnieski[24] of the Pennsylvania State Police (PSP), currently assigned to a PSP Barracks in Chester County. It was a vivid illustration of how the unchecked spread of THC products is harming our children, our schools, and our neighborhoods.

In August 2024, there was an uptick of high school students in Chester County being in possession of THC products on school property. He spoke of a 15-year-old who possessed a multicolored THC vape pen on high school property and reported purchasing marijuana and vape pens from a store in West Grove Borough, Chester County. A 17-year-old was found with 14 vape

[24] Additional aspects of Corporal Wisnieski's testimony will be discussed later.

pens on school property stating all were purchased from a store in Lower Oxford Township, Chester County. Another 17-year-old admitted to purchasing marijuana approximately 25 times from a store in West Grove Borough, Chester County, noting that the store never asked for identification and that many students frequented it, so many, in fact, that there were long lines at the smoke shop after school. Another 17-year-old reported buying a THC vape pen from a smoke shop in Lower Oxford, Chester County, again without being asked for identification.

The most discouraging account involved a 16-year-old who suffered a non-fatal overdose after ingesting a quarter of a THC gummy. The teenager recounted to Corporal Wisnieski that after attending homecoming for the student's high school, the student went to a friend's house where several friends consumed THC gummies. One friend who took a whole gummy vomited, another who took a quarter suffered seizures, and a third who took half experienced no side effects. The 16-year-old began to feel the effects within 10 to 15 minutes, describing the experience as "really scary," their brain wouldn't focus, they couldn't stand, and they didn't remember going to the hospital, where the 16-year-old was administered an IV. The student had not consumed any alcohol, only a quarter of a THC gummy.

V. LAW ENFORCEMENT TESTIMONY: REVEALING THE HIDDEN MARIJUANA TRADE IN PENNSYLVANIA RETAIL STORES

Prompted by community complaints and the presence of signage with logos and terminology reminiscent of those seen in the illegal drug market, Montgomery County Detectives launched an investigation to uncover the true nature of products being sold as "hemp" in local retail establishments. Their inquiry quickly revealed that the sale of questionable marijuana products in smoke shops and gas stations was not an isolated problem, but a widespread industry issue impacting communities throughout Pennsylvania.

Recognizing the value of collaboration, Montgomery County Detectives reached out to their counterparts in neighboring counties. Together, they began sharing intelligence, investigative strategies, and laboratory findings. By pooling their resources and expertise, the agencies were able to identify patterns, track distributors operating across county lines, and strengthen the overall effectiveness of their enforcement efforts.

The cumulative findings from these investigations made it abundantly clear that Pennsylvania now faces a drug market within its retail establishments. Stores across the state are openly selling marijuana, often disguised as legal hemp, exploiting the intentions of the Farm Bill. This widespread availability is not limited to isolated incidents or a handful of stores; rather, it is a systemic issue, with retail environments functioning as hubs for the distribution of controlled substances. The evidence gathered by Montgomery County Law Enforcement and their counterparts demonstrates that these practices are pervasive, coordinated, and conducted with a troubling degree of awareness among store owners and distributors.

a. The Investigation in Montgomery County

i. How the District Attorney's Office Became Aware of this Issue

The Montgomery County District Attorney's Office first became aware of the widespread sale of illegal marijuana and THC products in retail establishments through a combination of community complaints, law enforcement observations, and direct evidence gathered during routine investigations. Concerned parents, educators, and local officials began reporting an increase in the availability of THC infused products, such as gummies, vapes, and edibles, being sold openly in smoke shops, gas stations, and convenience stores. Many of these reports reveal the alarming ease with which young people could access these products, often without any age verification.

Law enforcement officers, including detectives from the Montgomery County Narcotics Enforcement Team (NET), corroborated these concerns through undercover purchases and surveillance operations, which will be discussed in more detail below. During these investigations, officers were able to buy products marketed as "hemp" or products with "legal" amounts of THC that, upon testing, were found to contain illegal levels of THC and were, in fact, marijuana. These findings were further supported by speaking with store owners who, after speaking with law enforcement, shared their frustrations in the lack of oversight, misleading packaging, and fake lab reports.

As the volume of complaints and evidence grew, the District Attorney's Office initiated a joint response, working with local police departments to target retail establishments identified through community complaints. These efforts uncovered a pattern of illegal sales and revealed the urgent need for stronger regulation and enforcement. The information gathered during these investigations formed the foundation for beginning a Grand Jury investigation into the problem and helped form the recommendations outlined in this Report.

ii. Detective Insights: The Realities and Challenges of Marijuana Enforcement

Detective Michael Laverty, currently assigned to NET within the Montgomery County Detective Bureau (MCDB), brings extensive experience investigating illegal marijuana sales – from small street-level transactions to cases involving hundreds of pounds of marijuana. Detective Laverty has served as a police officer since 2012 and has been deputized by the DEA as a Federal Task Force Officer. Throughout his career, Detective Laverty has attended numerous specialized trainings focused on the sale and possession of controlled substances. He has also taught classes throughout Pennsylvania on the Pennsylvania Wiretap Act, equipping fellow law enforcement officers with the skills needed to conduct complex investigations involving electronic surveillance.

Throughout his work, Detective Laverty has observed that marijuana remains the most profitable street drug for dealers. The acquisition cost for street-level sellers is remarkably low, allowing them to offer marijuana at prices that undercut legal avenues while still yielding substantial profits. Even with the availability of medical marijuana in Pennsylvania, Detective Laverty's experience shows that many individuals continue to rely on street dealers, finding it both easier and cheaper than navigating the medical marijuana system.

Detective Laverty also discussed the violence associated with marijuana sales. Whether at the street level or within licensed dispensaries, marijuana transactions are almost exclusively cash-based due to federal banking restrictions. This reality makes both dealers and businesses targets for theft and robbery, as criminals know large amounts of cash are often kept on hand.

A fundamental challenge in enforcement is that marijuana and hemp are visually indistinguishable—even to trained professionals. Detective Laverty emphasized that visual inspection alone cannot determine THC concentration, the presence of other controlled cannabinoids, or compliance with labeling and testing requirements. Comprehensive chemical

analysis by certified laboratories is often necessary to reliably distinguish legal hemp from illegal marijuana.

Despite years of experience, Detective Laverty noted that he cannot visually differentiate between hemp and marijuana in retail settings. Many products are labeled as hemp, THCA, or Delta-10, but feature marijuana leaves, cartoon characters, and pop culture references—marketing tactics that mirror those used by illegal street dealers. The products are sold in the same quantities and use the same terminology as street marijuana: pre-packaged flower in 3.5 grams (an eighth of an ounce), quarters, halves, and pounds.

Detective Laverty also addressed the issue of marijuana being grown in states where it is legal and then being diverted into Pennsylvania. Due to a lack of effective regulation and tracking, surplus marijuana from legal states is often deceptively labeled as hemp or "Farm Bill Compliant" and shipped across state lines, further complicating enforcement efforts and fueling the illegal market.

iii. Targeted Investigation of 3 Separate Retail Establishments in Lower Merion and Narberth, Montgomery County, PA

Detective Andy Rook is a County Detective with the MCDB. Prior to joining MCDB, Detective Rook served as a Lower Merion Police Officer from 2012 to 2014, where he gained extensive experience investigating drug possession, trafficking, and related crimes. Throughout his law enforcement career, Detective Rook has conducted interviews with drug users and traffickers and has participated in wiretap investigations targeting drug traffickers, monitoring thousands of drug-related communications.

Detective Rook, in collaboration with the Lower Merion Police Department, presented testimony regarding a comprehensive investigation into 3 retail establishments in Lower Merion and Narberth, Montgomery County, Pennsylvania. This inquiry was promoted by citizen

complaints and incidents involving underage sales of suspected marijuana products at Store #1 in Bala Cynwyd, strategically located across from Saint Joseph's University, a campus serving approximately 9,000 undergraduate students.

Through a series of undercover operations, Detective Rook and Lower Merion Police Department uncovered the open sale of marijuana flower products branded as Bhang&Co, professionally packaged in glass jars and labeled with strain names and THC concentrations. On January 23, 2025, while law enforcement was there for a completely unrelated reason, a store clerk at Store #1 openly admitted to selling dispensary-grade marijuana to customers. As a result of this admission, law enforcement seized multiple products, including the following:

- 15 Bhang&Co "Jelly Roll" glass jar containers;
- 6 Bhang&Co "Blue Meteorite" glass jar containers;
- 7 Bhang&Co "Secret Cookies" glass jar containers; and
- 20 Bhang&Co "Dogi" glass jar containers.

(*Photograph of Bhang&Co. Product)*

Samples of each strain were submitted to National Medical Services (NMS), an accredited Pennsylvania laboratory, which confirmed that all products contained Delta-9 THC concentrations exceeding 1.0 percent by weight, classifying them as marijuana, a Schedule I Controlled Substance under the law.

Further undercover purchases reinforced these findings. On February 24, 2025, Detective Rook entered Store #1 undercover and purchased a glass jar labeled Bhang&Co "Blue Meteorite" flower for $45. Despite the product's label claiming compliance with the 2018 Farm Bill and a Delta-9 THC content below 0.3 percent, laboratory analysis again confirmed the substance as marijuana with illegal THC levels.

A search warrant executed on March 5, 2025, resulted in the seizure of additional products, business records, and shipping labels. Notably, a sign near the register advertised "$35 8ths Dispensary Grade," terminology commonly associated with illegal street sales of marijuana, where "8ths" refers to an eighth of an ounce or 3.5 grams. All sampled items from the search were confirmed by NMS to contain illegal levels of Delta-9 THC.

During the search, Detective Rook received a "Notice to Law Enforcement" from the store owner, asserting that Bhang&Co products were legal and compliant with the Farm Bill, and providing contact information for the company's CEO. Detective Rook's subsequent investigation revealed that the email address provided was linked to Store #2 in Bryn Mawr, Montgomery County. He discovered that Store #2 was receiving marijuana shipments by mail, repackaging them into glass jars, and distributing them to Store #1 and other stores.

Shortly after the search was done on Store #1 in Lower Merion, Store #2 discontinued sales of Bhang&Co products and began offering a new product called Chronic Roots. Upon examination, it was evident that Chronic Roots was essentially identical to Bhang&Co, packaged

in the same way, with only the name changed, demonstrating a deliberate attempt to continue selling the same product under a different label.

(*Photograph of Bhang&Co and Chronic Roots)*

While Detective Rook was already actively investigating stores in the Lower Merion area, an article was published in *The Philadelphia Inquirer*.[25] This article discussed the exact issues that we have heard through this Grand Jury investigation, that the products being sold throughout our area are illegal marijuana and contain other harmful additives. *The Inquirer* had purchased products from several different stores, including one in Narberth, which they then had independently tested. These products came back as having Delta-9 THC content above the 0.3 percent requirement.[26] After this article was published, Detective Rook added the Narberth store (Store #3) to his list of stores to investigate.

[25] Max Marin & Ryan W. Briggs*, Pennsylvania's Wild West of Unregulated Weed*, THE PHILADELPHIA INQUIRER (July 29, 2025, 5:00 AM), https://www.inquirer.com/news/a/pennsylvania-smoke-shops-weed-toxic-chemicals-mold-20250729.html.
[26] *Id.*

Notably, Detective Rook was able to purchase the same Chapo product at Store #3 that had been mentioned in the article and was found to have the highest THC content among all products tested. When Detective Rook returned to the store in September seeking the Chapo product again, the clerk informed him that it was no longer available due to *The Inquirer* article. However, the clerk then sold Detective Rook a different product that looked virtually identical to Chapo. This sequence of events further illustrates that these stores are aware their actions are illegal, yet they continue to adapt and break the law in pursuit of profit.

Throughout the investigation, Detective Rook conducted multiple undercover purchases at all 3 stores, consistently obtaining products that tested positive for marijuana, even after Store #1 had been searched and notified of the illegality of its inventory. Store owners and employees repeatedly demonstrated awareness of the unlawful nature of their products yet continued to sell them. Documentation and direct notification were provided to Store #1, and Store #2 was informed of the March 2025 search warrant and the findings that the products being sold were illegal marijuana. Despite media coverage and acknowledgment of issues with the product, Store #3's staff persisted in selling illegal products.

The findings from Detective Rook's investigation emphasizes a significant threat to public health and safety. Despite product labels claiming compliance with legal THC limits, laboratory analysis consistently revealed that the marijuana flower products sold in these retail establishments contained Delta-9 THC concentrations far exceeding what was advertised. This deception not only violates state law but also exposes consumers, particularly young people and college students in the vicinity, to potent and unregulated substances. The deliberate mislabeling and continued sale of these products, even after direct notification and media coverage, demonstrate a troubling disregard for both legal requirements and community well-being.

When retailers and distributors knowingly market high THC products under the guise of legality, they create an environment where unsuspecting individuals are at risk of serious health consequences, including acute intoxication, psychiatric symptoms, and medical emergencies. These practices emphasize the urgent need for stronger oversight, transparent testing, and accountability to protect the public from the dangers of mislabeled and illegally potent marijuana products.

iv. Additional Investigations of Montgomery County Stores

1. Store #4, King of Prussia, Upper Merion, Montgomery County, PA

Detectives from the Montgomery County Detective Bureau and Upper Merion Police Department conducted a series of undercover operations at Store #4, a smoke shop located in King of Prussia, Montgomery County, Pennsylvania. On July 10, 2025, Detective Michael Laverty entered the store undercover and purchased 2 products: "Get Lit Unlimited – Jamaican Lion Sativa Premium Cannabis Pre-Rolls" and "Terp Boys – Snowballs," paying approximately $95. The "Get Lit Unlimited" package contained 6 pre-rolled joints, visually indistinguishable from traditional marijuana joints, while the "Terp Boys" product consisted of 3.5 grams of loose flower, attractively packaged in a clear glass jar with branded labeling. These were just 2 among the wide variety of similar products available for sale.

Both items were submitted to NMS for analysis. Testing confirmed that both the pre-rolled joints and the flower product were marijuana, with Delta-9 THC concentrations far exceeding the legal threshold for hemp—over 5.0 percent for "Get Lit Unlimited" and over 4.7 percent for "Terp Boys." It is important to note that 5.0 percent is the highest concentration that the laboratory reports; any product with Delta-9 THC above this level is only measured as "over 5.0%," meaning the actual concentration could be significantly higher.

On September 16, 2025, Detective Laverty returned to the store and purchased 3 additional flower products, this time packaged in purple bags labeled "Vulture Bros" and "Gumbo." The store employee weighed out 3 grams of flower from a jar and placed it into pre-labeled bags, a process nearly identical to street-level drug sales. The purchase totaled approximately $80. Detective Laverty noted that the packaging and sales methods mirrored those used by illicit drug dealers, including the use of enticing branding and street terminology. Field testing of these products again indicated the presence of marijuana.

The investigation made clear that Store #4 was openly selling products marketed as legal hemp, but which, upon laboratory testing, were confirmed to be marijuana with illegal levels of Delta-9 THC. These products were packaged and displayed to appeal to consumers seeking psychoactive effects, using vibrant branding and strain names—further blurring the line between legal and illegal sales in the retail environment.

2. Store #5, Lansdale, Montgomery County, PA

Detectives from the Montgomery County Detectives Bureau and Lansdale Borough Police Department launched a detailed investigation into Store #5, which was a retail store located in Lansdale, Montgomery County, Pennsylvania. This store had come under scrutiny following a series of community complaints and prior incidents involving the sale of tobacco and vape products to minors, as well as reports of marijuana sales. Acting on these concerns, law enforcement initiated a series of undercover operations to determine the true nature of the products being sold.

On July 8, 2025, Detective Parker entered Store #5 in an undercover capacity and purchased several items labeled as THCA products from a store clerk. These included a pre-rolled "Uplift Oreoz Hybrid" cigarette, a jar of "Uplift THCA flower," and a package of rolling papers. All of

these items were displayed behind the counter and had to be retrieved by the employee. The products were then submitted to NMS for laboratory analysis, which confirmed that the purchased items were, in fact, marijuana and not legal hemp, with Delta-9 THC concentrations greatly exceeding the legal threshold.

The investigation continued and on August 21, 2025, Detective Jim Vinter entered the store undercover and purchased a purple bag labeled "Lavalit THCA OG Kush" and a clear jar labeled "Twenty-One Exotic THCA Flower, gelato cake." Detective Vinter paid approximately $50 for these items. Both items were submitted to NMS for laboratory analysis, which confirmed that they were marijuana; one product contained 2.8 percent Delta-9 THC, while the other exceeded 5.0 percent, the maximum concentration reported by the lab.

A third undercover purchase took place on September 15, 2025, when Detective Vinter again visited the store and purchased a jar labeled "Exotic THCA Flower, Gorilla Freeze Cake." The transaction closely mirrored street-level drug sales, with the employee presenting a variety of THC flower products and discussing different strains. The item was submitted to NMS for laboratory analysis, which confirmed that it was marijuana, with a Delta-9 THC of 2.3 percent.

Throughout these operations, detectives found that Store #5 in Lansdale, Montgomery County, was openly selling products marketed as hemp or THCA but upon laboratory testing, were confirmed to be marijuana with illegal levels of Delta-9 THC. The products were attractively packaged, labeled with strain names, and displayed in a manner designed to appeal to consumers seeking psychoactive effects. The store's sales practices closely resembled those of illicit marijuana dealers, including the use of street terminology and packaging that mimics popular marijuana branding.

3. Store #6, Collegeville, Montgomery County, PA

Detectives from the Montgomery County Detectives Bureau launched a detailed investigation into Store #6, which was a retail store located in Collegeville, Montgomery County, Pennsylvania. The shop's proximity to Ursinus College—a campus with approximately 1,500 students, many under the age of 21—heightened concerns about youth access to these products.

On July 2, 2025, acting in an undercover capacity, a detective entered Store #6 and conversed with an employee about purchasing hemp or CBD. The employee directed the detective to a display of large glass containers filled with green botanical substances, each labeled with strain names such as "Cuban Affair," "Cotton Candy," and "Indica." The detective purchased 3 grams of "Cotton Candy," which the employee weighed out and packaged in a peach-colored zip lock bag labeled as "Hemp Flower, Farm Bill Compliant, contains less than .3% THC," complete with a QR code for a certificate of analysis. However, laboratory testing by NMS contradicted the product's labeling, confirming it was marijuana with a Delta-9 THC concentration of 3.6%—well above the legal threshold for hemp.

A second undercover purchase took place on August 4, 2025. The detective again entered the store and asked for "Blueberry Muffin," which was weighed out and packaged in a green zip lock bag, also labeled as "THC-A Hemp Flower, Farm Bill Compliant." The detective also purchased a pre-rolled joint labeled "Mojito Sativa." Both products came with QR codes linking to certificates of analysis that claimed compliance with hemp regulations. However, NMS testing revealed that the "Blueberry Muffin" product contained more than 5.0% Delta-9 THC, confirming it was marijuana, while the "Mojito Sativa" joint also tested positive as marijuana.

On September 22, 2025, a third undercover operation was conducted by Detective Carl Robinson, who purchased an eighth of an ounce of "Candy Crush" flower and 2 "Blueberry"

flavored pre-rolls. The employee weighed and packaged the products in zip lock bags labeled with strain names. Field testing of these products produced results consistent with marijuana, and the packaging, odor, and presentation were all indicative of narcotics distribution.

Throughout this operation, detectives observed that Store #6 was openly selling products marketed as legal hemp or THCA, but which, upon laboratory analysis, were confirmed to be marijuana with illegal levels of Delta-9 THC. The products were attractively packaged, labeled with popular strain names, and displayed in a manner designed to appeal to consumers seeking psychoactive effects. The sales practices closely mirrored those of illicit marijuana dealers, including the use of street terminology and branding that mimics popular cannabis products.

4. Store #7, Norristown, Montgomery County, PA

Detectives from the Montgomery County Detectives Bureau launched a detailed investigation into Store #7, which was a retail store located in Norristown, Montgomery County, Pennsylvania, after a traffic stop by the East Norriton Police Department led to the seizure of a packet of cannabis labeled “Grease Faraas” pineapple flavor. The individual in possession of the cannabis stated that it had been purchased at Store #7. This prompted further inquiry, which revealed that the shop was selling a variety of marijuana-laced products, including Dandy Farms Indoor Grown THCA flower, pre-rolled Raw Brand cigars, and Sun Farm Gorilla Glue THCA flower, all of which are classified as Schedule I controlled substances under Pennsylvania law.

The investigation included a series of undercover purchases. On September 20, 2024, Detective Garcia entered the shop undercover and purchased a 3.5 gram packet of Dandy Farms Indoor Grown THCA flower for $25. On July 7, 2025, Detective Garcia again visited the shop and purchased a small bag of Sun Farm Gorilla Glue THCA for $25, after the employee recommended it as one of the most popular products. On September 15, 2025, Detective Garcia returned and

purchased a bag of Sun Farm Golden Cake THCA Hybrid, which was subjected to a presumptive field test that indicated the presence of marijuana. All products were submitted to NMS for laboratory analysis, which confirmed that they contained marijuana with Delta-9 THC concentrations equal to or exceeding 1.0e percent by weight—well above the legal threshold for hemp.

Throughout the investigation, detectives documented that Store #7 was openly selling products marketed as legal hemp or "THCA flower," but which, upon laboratory testing, were confirmed to be marijuana with illegal levels of Delta-9 THC. The products were attractively packaged, labeled with popular strain names, and displayed in a manner designed to appeal to consumers seeking psychoactive effects. The shop's practices, including the use of street terminology and branding that mimics popular cannabis products, closely resembled those of illicit marijuana dealers.

v. Striking Similarities: Retail Marijuana Sales and the Illegal Drug Trade

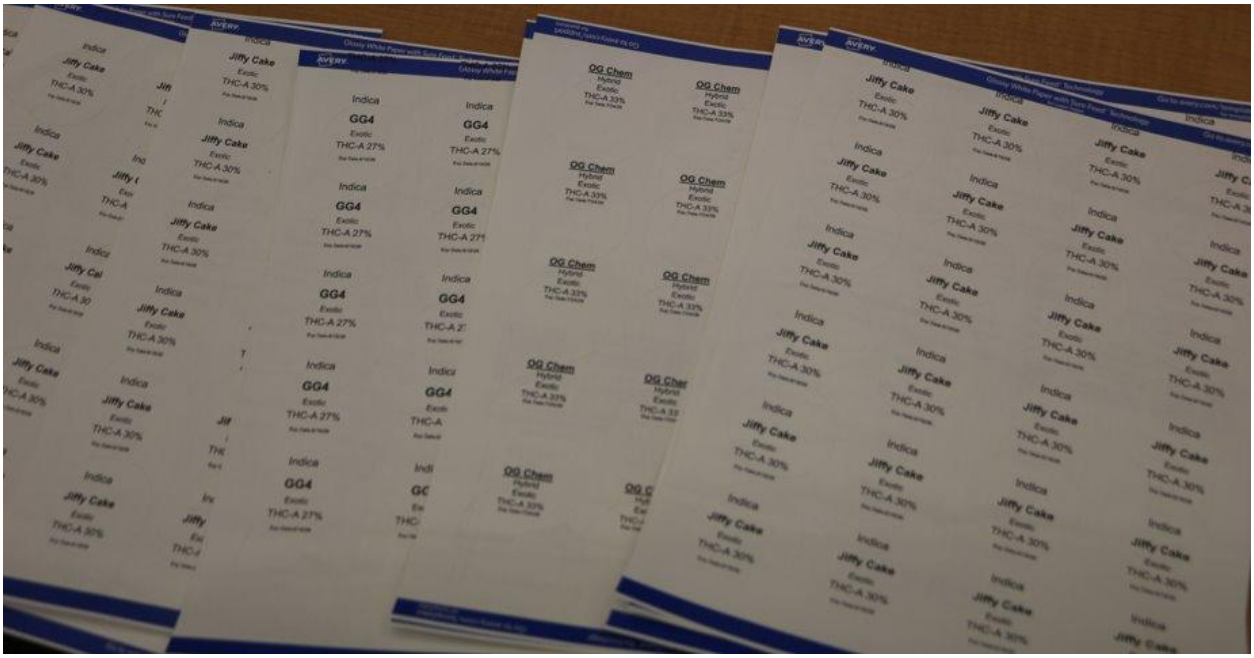
After hearing testimony from numerous law enforcement officers detailing how retail stores and distributors operate in ways nearly indistinguishable from illegal street dealers, and reviewing the photographs presented by Detective Rook during the search of Store #2, it became evident, even to those of us without formal law enforcement training, that the similarities are striking.

(Photograph taken during search of Store #2.)

(Photograph taken during search of Store #2.)

(Photograph taken during search of Store #2.)

(Photograph taken during search of Store #2.)



(Photograph taken during search of Store #2.)

b. The Investigation in Bucks County

Detective Jarrod Eisenhauer has served as a sworn Detective with the Bucks County Detectives since July 2017, joining as a founding member of the Drug Strike Force. With over twenty years of law enforcement experience, Detective Eisenhauer's career has focused primarily on investigating drug-related crimes. His expertise spans numerous undercover operations, ranging from street-level purchases to large-scale distribution cases involving controlled substances such as heroin, fentanyl, and marijuana. In addition to attending specialized trainings on the sale and possession of controlled substances, Detective Eisenhauer has also instructed others, notably as a faculty member for the Top Gun Training Course at the Northeast Counter Drug Training Center since 2013, a program dedicated to the investigation and prosecution of drug offenses.

Detective Eisenhauer's credentials have been recognized in multiple courts, including the Bucks County Court of Common Pleas, various Bucks County District Courts, and the Eastern

District of North Carolina Federal Court where he has been considered an expert in coded language, drug trafficking, and drug organizations.

Throughout his career, Detective Eisenhauer has engaged directly with both buyers and sellers of drugs, including marijuana, and has participated in numerous wiretap investigations, listening to conversations among individuals involved in the illegal drug trade. Drawing on this extensive experience, he turned his attention to investigating the retail and wholesale illicit marijuana trade in Bucks County.

Detective Eisenhauer described the collaborative efforts between Montgomery and Bucks Counties, noting that both regions were experiencing similar issues: retail stores openly selling illegal THC products and marijuana. His investigation revealed that thousands of vapes, many containing THC as well as tobacco products, were being confiscated at Bucks County schools. Further inquiry showed that these stores were not limited to selling vapes; they also offered marijuana flower and edibles, such as gummies, lollipops, and products resembling popular candies, all containing THC.

Upon visiting retail establishments flagged for complaints, Detective Eisenhauer was struck by the brazen nature of these operations. Stores were openly selling marijuana throughout all of Bucks County, prompting him and his colleagues to approach the investigation as they would a traditional drug case. He likened the retail stores and smoke shops selling illegal marijuana to street-level dealers depicted in television shows, with distributors and warehouses serving as the primary source of supply.

The investigative team began at the street level, making purchases from smoke shops in Bucks County. They acquired THC vapes, gummies, lollipops, and various types of marijuana flower, all

advertised as containing less than 0.3 percent Delta-9 THC. However, laboratory testing revealed that every product exceeded the legal THC limit and was, in fact, marijuana.

Detective Eisenhauer paid particular attention to edible products found in smoke shops. He emphasized that these items, things such as lollipops and gummies, were indistinguishable from regular candy once removed from their packaging. This poses a significant risk: adolescents, or any unsuspecting individual, could inadvertently consume a THC-infused product without realizing, until experiencing its effects. The inability to visually distinguish THC edibles from non-THC counterparts is especially problematic in school settings.

Seeking to trace the supply chain, Detective Eisenhauer discovered a network of warehouses and distributors throughout Pennsylvania acting as source suppliers for smoke shops statewide. He described these warehouses as highly organized, likening them to large retail stores such as Home Depot. While some legitimate products were sold, most profits stemmed from THC and marijuana sales. These facilities house thousands, if not tens of thousands, of marijuana products available for purchase.

Echoing findings from other investigations, Detective Eisenhauer noted that lab reports provided by smoke shops and warehouses were frequently altered, falsified, or months old. Reports were often issued by third parties who had not conducted the actual testing, or they claimed products were within legal limits when they were not.

Detective Eisenhauer's testimony brings to light the pervasive and organized nature of the illicit marijuana trade in Bucks County, the deceptive practices employed by retailers and distributors, and the urgent need for robust oversight and enforcement to protect public health and safety.

c. The Investigation in Chester County

As previously discussed in another section, Corporal Wisnieski testified that in August 2024, there was a disturbing uptick of students at a high school in Chester County getting caught with THC products. Through the investigation, it was determined that several stores were easily accessible to these students, and shockingly, they weren't being asked for identification.

Every store identified by students as a source for THC products was targeted by Corporal Wisnieski's undercover operations. In each case, products tested from these locations were confirmed to be illegal marijuana, not legal hemp. These accounts are not abstract or hypothetical; they reflect the direct experiences of local youth, stressing the urgent reality that our children and their peers are being exposed to illegal substances in their own communities.

In addition to what he was hearing from high school students, Corporal Wisnieski personally witnessed the proliferation of such stores in his own hometown, noting that they were popping up everywhere. When he entered one of these stores to make a legitimate tobacco purchase, he was overwhelmed by the smell of marijuana and the abundance of marijuana-related signage both inside and on the products themselves. These observations, combined with the confiscations at local high schools, prompted him to join forces with Chester County Detectives to launch an initiative aimed at investigating several stores. The goal was to not make a single arrest, but to address the root of the problem in a county wide approach.

Corporal Wisnieski attempted to compile a comprehensive list of all stores selling these products in Chester County. However, he quickly realized the sheer number was overwhelming, and many stores were interconnected, operating across multiple counties. Recognizing the overwhelming number of stores, Corporal Wisnieski chose to concentrate his efforts on those establishments identified through complaints from high schools and community members

regarding marijuana sales. He began with 4 stores, 3 owned by the same individual, and a fourth brought to his attention due to a burglary in which THC products, backpacks, and checks were stolen. All 4 stores were in Chester County. His investigation revealed just how easy it was to purchase marijuana at these establishments.

Each of these stores was selling THC products in various forms: flower, pre-rolled joints, drinks, vapes and edibles. In October 2024, law enforcement visited 1 of the 3 interconnected stores in Lower Oxford, Chester County, to inform them that the products they were selling were illegal. When they returned in December 2024, instead of issuing another warning, they purchased one of the products. This item, along with products purchased from stores in Oxford Borough, West Grove, and New Garden Township, were sent to PSP Lima Laboratory, an accredited forensic lab. Analysis confirmed what many feared: the products were marijuana and illegal under Pennsylvania law.

The investigation continued from December 2024, through September 2025, involving further undercover purchases, lab testing, gathering information from students at local high schools, and surveillance. Corporal Wisnieski also collaborated with various law enforcement agencies throughout Pennsylvania to expand the scope of the investigation.

In January of 2025, a PSP Trooper conducted a traffic stop on a delivery vehicle for expired registration, unaware of the nature of the products being transported. The Trooper became suspicious when the driver claimed to work for one company, but the license plates were registered to another company. The truck was seized, and the drivers were interviewed. It was discovered that the company was distributing THC products, with deliveries scheduled for approximately 14 locations, including 3 of the 4 stores already under investigation. All products from the van were

seized and sent to PSP's forensic lab, where nearly all tested positive for Delta-9 THC above the legal limit of 0.3 percent, confirming that they were marijuana.

Using the delivery list, Corporal Wisnieski and his investigative team, identified 14 additional targets and conducted undercover purchases at those stores. The investigation ultimately spanned 19 stores across Chester, Lancaster, and Delaware Counties, resulting in 59 separate buys. Lab reports for all 59 purchases left no doubt: all but one location was selling illegal products.

One particularly telling example involved a product purchased from a Chester County store labeled "Lancaster County Cannabis," which claimed to contain CBD. Lab testing revealed it was marijuana, underscoring the deception and the inability of consumers to trust product labeling.

For most of the undercover buys, Corporal Wisnieski, and other members of his investigative team, wore a recording device to document the transactions. He shared a recording from a store in New Garden Township, Chester County, where the seller openly marketed the product as marijuana, even claiming it was "better than medical grade." The seller also discussed how the Farm Bill created a loophole and uncertainty in the law that they were willing to exploit.

The investigation revealed just how lucrative this illegal trade has become. To date, upwards of $500,000 has been seized from these stores and related bank accounts. Because the stores claim their products are Farm Bill compliant, they are able to use banks to store their profits. Upon reviewing the bank accounts, Corporal Wisnieski found large cash deposits and evidence of money being moved around bank accounts in an attempt to legitimize it. He uncovered money laundering activities involving not only LLCs associated with the stores, but also personal accounts.

Corporal Wisnieski's testimony makes it unmistakably clear that the unchecked sale of illegal marijuana in local retail stores is not a distant or abstract problem; rather, it is a direct threat to the health and safety of our children, our schools, and our neighborhoods. The evidence uncovered

through undercover operations, laboratory testing, and candid conversations with students and their parents reveals a pattern of illegal sales, deceptive marketing, and a lack of meaningful oversight. These products are not only easily accessible to minors, but from Dr. O'Brien's and Dr. Rushing's testimony, are also causing real harm, including addiction, impaired learning, and even medical emergencies. Without decisive action, this crisis will continue to grow, putting more young people and families at risk. The time to act is now, to protect our communities and restore accountability to the marketplace.

d. Investigative Results: Laboratory Analysis of Retail THC Products

Throughout their investigations, law enforcement officers conducted undercover purchases at retail stores across Montgomery and Chester Counties, targeting products marketed as "hemp" or "Farm Bill compliant." Each item purchased was submitted for laboratory analysis, resulting in 71 lab reports covering 144 various products. Despite the claims of legality and compliance, the findings were unequivocal: **93.75%** of the products tested were, in fact, marijuana, with Delta-9 THC concentrations exceeding the legal threshold of 0.3 percent. Of the remaining items, just under 3% contained Delta-8 THC, a compound not exempted under Pennsylvania law, and only 4 products showed no detectable levels of THC. These results starkly contradict the representations made by retailers and highlight the widespread mislabeling and deceptive marketing practices prevalent in the retail sale of THC products. The evidence underscores the urgent need for robust oversight, accurate labeling, and comprehensive regulation to protect consumers and the community.

VI. RETAIL REALITIES: HOW STORE OWNERS ARE NAVIGATING THE LAW

During this investigation, we listened to several individuals who owned stores in Montgomery County and sell a variety of products that are marketed as "hemp" or with Delta-9 THC levels under 0.3 percent. The shop owners that we heard from all had a different take on the issue and all provided valuable insight into the problem and various ways it could be fixed. Probably the most important shop owner that we heard from was someone who was attempting to do the right thing.

a. Operating Within the Law: A Model for Compliance

A local shop owner in Montgomery County, who will be referred to as Concerned Store Owner #1, explained how he makes sure his products are legitimate. His shop sells hemp, in various products, and CBD products. He stated that they could be both intoxicating and non-intoxicating. He has over 15 years of experience running stores like his, and he detailed for the Grand Jury the measures he takes in his own store to ensure everything is compliant with the Farm Bill and that the products do not end up in the hands of children. His shop sells tobacco products, which are by law for adults 21 and older. He applies this age restriction to his hemp products as well because he does not want to have an 18-year-old who is still in high school buying these products. He also explained that the products that he sells are labeled with a direction not to sell to anyone under 21.

i. Advanced ID Scanning

In order to ensure that he is only selling to adults aged 21 and older, he has implemented an advanced ID scanning procedure in his store. It does more than just scanning the back of the ID, which can be inefficient if the fake ID is being ordered from the same place that manufactures a real ID. This PatronScan that this store owner uses not only has UV detection, but the company orders fake IDs that they upload on the back end and store in the cloud. This allows the scanner to

test the ID being scanned against the log of fake IDs in the system. The store owner told the Grand Jury about how this scanner will shock people who try to use fake IDs because it catches fakes that work in other stores. This advanced scanning helps him to enforce his policy that keeps these products out of the hands of children.

ii. Licensing Requirements

Concerned Store Owner #1 also discussed the different licenses that he needs to run his business. He must have the standard sales tax license and standard business license. Besides that, because he sells tobacco products and vapes, he also must have a cigarette tax/OTP License (Other Tobacco Products). However, those licenses do not cover, and are not required, if he wanted to sell an edible or raw flower hemp product. Vape products are regulated, even if they are hemp products, in the sense that the licensing board can inspect the shop anytime they want and if they are selling vapes without an OTP License, the shop can lose its license and be fined.

iii. Product Buying and Testing

Concerned Store Owner #1 told the Grand Jury that his store sells edibles in the form of gummies or drinks, tinctures, hemp flower, vapes, and concentrates. He leans toward Delta-9 THC products in his store, but when he does have Delta-8 THC products, he ensures that they are third-party lab tested, with full panel lab testing. He said that the testing for some companies does not come close to what he believes should be standard. Every product that he sells in his shop comes with a lab report, which is not necessarily the standard for all shops like his. He also requires more detailed testing for his products. He personally requires testing for mycotoxins, heavy metals, and molds. These are some of the harmful chemicals and other additives that have been referenced when it comes to why these products can be dangerous to consumers when the contents are

unknown. He also requires batch-lab testing[27], as a form of quality control. This testing matches what is seen in states where marijuana is legal. Concerned Store Owner #1 stated that he thinks his market should match the cannabis space because it ensures that they are doing everything possible to make sure people know what they are putting in their body, which is at the heart of the overarching issue of this investigation. He has even sent products to a lab to be tested himself, and as a result of the lab tests, does not carry them in his store.

Concerned Store Owner #1 also explained to the Grand Jury that there are establishments to buy these products that are similar to a Costco. He goes to these places, which he says are "cash and carries," not to buy these products but to buy other accessories for his store. He explained that it is a big warehouse where you can get all of the products that you want for a smoke shop. A person is required to give their business license before entering, but then it is a big open building with everything on shelves. This is not the ideal way to store some of these products, as there are THCA flowers that change with heat. When the warehouse is open in the summer, it can activate the THCA flowers and change its composition to THC, changing the results of any test done prior to heating. Additionally, he explained that there are people who buy flower by the pound and then cut it and package it themselves.

As a concerned and responsible store owner, he himself had recommendations on how to improve this market to make it safer for those who want to consume these products. However, responsible store owners like this are the exception, not the rule. To protect our communities, we must ensure that those who fail to act responsibly are held accountable for their actions.

[27] Batch testing is the process of testing a representative sample from a specific, defined quantity of cannabis or cannabis product to ensure its safety, potency, and consistency.

b. Crossing the Line: Retailers Selling Illegal Marijuana Products

The Grand Jury heard from a local store owner and a store manager regarding the products they sell in their stores. This allowed the Grand Jury to learn the intentions of people who own or work in these smoke shops, including what products they think they are selling. The testimony of these witnesses shows that they place a lot of trust in their suppliers and distributors, believing that the products are what they are purported to be. But through this investigation, the Grand Jury has learned that the packaging and lab reports are often false, violating the trust put in these suppliers.

i. Testimony of Store Owner #2: Retail Realities

The Grand Jury heard testimony from Store Owner #2, the owner of Store #4, located in King of Prussia, Upper Merion, Montgomery County, a business also operating stores in Philadelphia. This testimony was presented in connection with the investigation led by Detective Laverty. The store owner described his product offerings, which include regular tobacco, smoke accessories, vapes, hookahs, cigars, and Delta vapes through Mellow Fellow and Alpha brands. According to the store owner, these Delta vapes contain THCA, which he believed to be permissible for sale under current regulations. In addition to these products, his store also sells pre-rolls and flower. He noted that after his conversations with Detective Laverty, he now offers a more limited selection in his stores, including the store he owns in Philadelphia. He did this because he had a desire to avoid future legal complications.

The store owner recounted the events following the execution of search warrants at his Montgomery County store. Products seized during these operations were subsequently tested and found to be marijuana, not hemp as advertised. The store owner asserted that he was unaware of the true nature of these products, believing them to be compliant with legal thresholds based on assurances from wholesalers and distributors. He explained that he relied on official wholesalers,

which are local businesses with established reputations and purported expertise in product compliance. These wholesalers either supplied products directly, or sent agents to the store, to facilitate orders. The store owner described a system in which wholesalers set up profiles for each store using sales tax and EIN numbers, with agents regularly visiting to follow up on orders.

When purchasing from recommended individuals rather than established wholesalers, the store owner stated that he requested lab reports to verify product legitimacy. However, he acknowledged that these lab reports were often outdated or associated with companies unrelated to the actual supplier, raising concerns about the authenticity of such documentation. For example, a supplier known only as “Dillon” provided lab reports for flower products initially, but ceased doing so over time, relying instead on previous documentation. The store owner admitted that the certificates from “Dillon” were for batches produced months earlier and listed a company that “Dillon” had no known affiliation with, illustrating the prevalence of questionable or fraudulent lab reports in the industry.

The store owner further described his business practices, claiming to enforce a minimum age of 21 for entry and purchase. However, he conceded that there was no formal ID verification at the door or electronic scanning at the register; instead, staff relied on subjective judgment to identify potential fake IDs. When asked about his intentions regarding marijuana sales, the store owner emphasized his desire to sell only legal products and expressed concern for safety, particularly the protection of children. He stated that following the seizure of illegal products, he ceased selling items identified as marijuana and prioritized compliance over profit.

The store owner called for increased communication from local government regarding the legality of products sold in retail establishments. He advocated for regular updates on industry regulations, suggesting that improved transparency would enable store owners to monitor

wholesalers and avoid inadvertently stocking illegal products. He expressed a desire for justice and accountability, particularly for those distributors who misled retailers and contributed to the proliferation of illegal substances in the community.

ii. Testimony of Store Manager #1: Retail Realities

The Grand Jury heard testimony from the store manager of Store #5 in Lansdale, Montgomery County, whose responsibilities include scheduling and ordering for 2 retail locations. The store's inventory consists primarily of nicotine disposable products, tobacco bags, and glassware for tobacco use. In addition to these items, the store offers flower, pre-rolls, Delta-8 edible products, and THCA products. Many of these products have been available for years, though several new items have been introduced during her oversight.

The manager described the store's purchasing process in detail. Products are sourced from multiple vendors, with each vendor supplying specific items. Notably, the manager has never visited a physical location to procure these products; instead, distributors either ship directly or deliver in person to the store. Vendor relationships are often established through recommendations from other suppliers, and initial contact is sometimes made via email, without formal business documentation. Upon connecting with the vendor, the manager requests a catalog and places orders accordingly. Most suppliers are based in Pennsylvania, though some operate out of New Jersey and Florida, a fact that only became apparent after law enforcement began investigating the store.

Each product, according to the manager, was accompanied by an online lab report attesting to its compliance with the legal threshold of 0.3 percent Delta-9 THC. However, when questioned about the dates of these reports, the manager acknowledged that recent documentation lacked updated dates, relying instead on longstanding relationships and trust in the vendors. This reliance proved problematic when detectives tested the products and found Delta-9 THC concentrations

exceeding legal limits, revealing that the products were, in fact, illegal. The manager expressed frustration and disappointment with the retailers, noting that the store had been misled by those it trusted.

Regarding age restrictions, the manager affirmed that the store enforces a minimum age of 21 for purchases, with staff checking identification for customers who appear underage. However, the store does not utilize an electronic ID scanner, relying instead on manual inspection, a practice the manager wants to improve by acquiring a scanner. Despite years of experience in verifying IDs, the manager recognizes the limitations of visual checks and the need for more robust safeguards.

Finally, the manager echoed calls for clearer guidance from local authorities regarding which products are permissible for sale. The store's stated intent is to comply with the law and act in good faith; should any product be deemed unlawful, the manager assured the Grand Jury that it would be promptly removed from the shelves.

VII. UNSEEN DANGERS: THE DANGEROUS CONSEQUENCES OF UNREGULATED MARIJUANA SALES

Throughout all of the evidence that was presented to the Grand Jury, a concerning pattern regarding the retail sale of marijuana products in retail establishments became clear. These products are routinely marketed as legitimate hemp-derived items, yet there is no visual distinction between hemp and marijuana. This lack of clear differentiation poses significant challenges for not only regulatory compliance, but also for the consumer to make an informed decision as to what they are putting into their body and creates serious risks to public health.

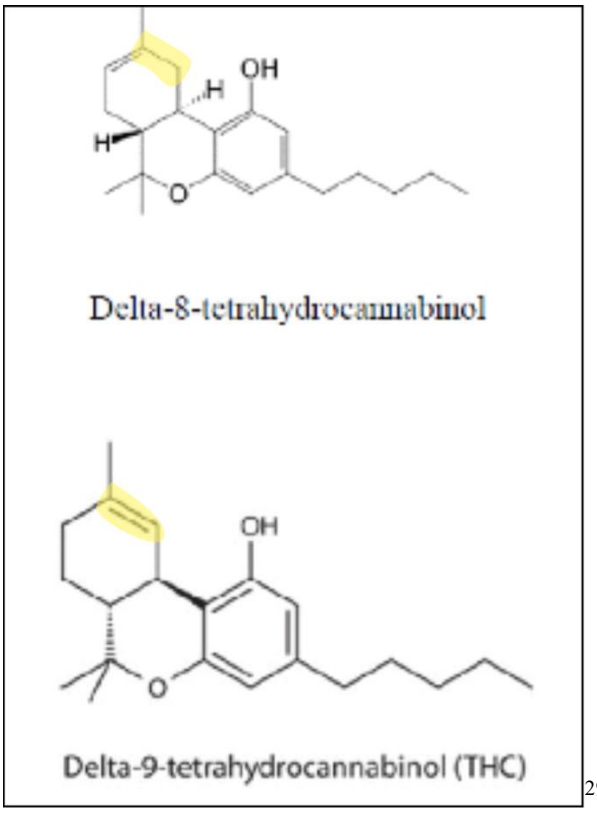
Throughout the testimony of numerous seasoned detectives, each with decades of experience investigating drug-related crime across Montgomery, Bucks, and Chester Counties, the Grand Jury learned that marijuana was being sold across Pennsylvania, sometimes openly and sometimes disguised as "hemp." The detectives' accounts alone were deeply concerning and made it clear that change is needed. However, the Grand Jury also heard from store owners, managers, and several doctors with extensive expertise in this area. Collectively, these knowledgeable witnesses stressed that Pennsylvania's laws are being deliberately exploited, allowing individuals and businesses to create real and growing dangers within our communities.

As we review the truths that we have uncovered in our investigation, the testimony and our findings paint a clear picture that without immediate legislative action and stronger enforcement, our communities remain vulnerable to the unchecked spread of dangerous substances disguised as legal retail products.

a. Exploiting The Law and Creating New Variants That Have Not Been Tested and The Effects of Using Them Are Virtually Unknown

Spinoffs of Delta-9 THC, such as Delta-8 or Delta-10, are also in products that are being sold in smoke shops, gas stations, and convenience stores. Delta-8 is a derivative that became popular

with retailers who have exploited the Farm Bill for profit. The average person may think that Delta-8 is a different product from the Delta-9 psychoactive component, but when it comes to the science behind them, the only difference is one double bond in the genetic makeup. Dr. Robb Bassett, an emergency physician, who subspecializes in medical toxicology[28], discussed Delta-8. Delta-8 is not a naturally occurring part of a marijuana plant, like some may think. Delta-8 was genetically engineered by people who sought to get around the law. These people were able to move one double bond in the makeup of Delta-9 and make it Delta-8, which still has similar effects on a person compared to the illegal Delta-9 component.



[29]

[28] Dr. Bassett described medical toxicology as dealing with anything that is toxic, poisonous, causes overdoses, and it can be anything from pharmaceutical-grade products to environmental.

[29] Blue Ridge Poison Ctr., *Delta-8-THC: The Latest Cannabinoid*, TOXTALKS: A BULLETIN FOR HEALTHCARE PROFESSIONALS WHO MANAGE POISONED PATIENTS, Mar. 2021, at 1, 2.

Dr. Bassett testified before the Grand Jury as to the effects of Delta-8 when used. He explained that Delta-8 is less potent, it's like "diet weed". But users expect the same feelings as when they use marijuana: relaxation, euphoria, feeling high, visual distortions, etc. However, he stated that toxicologists are worried about the adverse effects of these products, as they can be harmful. These products can cause vomiting, hallucinations, impaired judgement, anxiety, confusion, and loss of consciousness. These effects can happen to adults who use these products, so the effects on children would be similar, if not worse. In significant overdoses, it can be very similar to a fentanyl overdose. This means that it can cause respiratory failure or catastrophic shock and shutting down of the body system.

Due to the exploitation of the Farm Bill, many THC-containing products were being promoted as legal, allowing retailers to exploit the intentions of the law. As a result, such products have flooded Pennsylvania's market. Detective Cameron Parker, a Montgomery County Detective assigned to the Drug Enforcement Team, testified before the Grand Jury, describing how consumers encounter these items, often snacks, gummies, candy-based products, or drinks containing Delta-8 or Delta-10, sold openly in gas stations alongside everyday convenience goods. Without proper oversight or clear information, unsuspecting individuals are at risk, especially if they do not understand the science behind these substances.

Not only is this the case for products containing THC, but this is also spreading to other types of illegal substances as well. Dr. Bassett and Detective Parker told us about how Kratom and Tianeptine are other substances being sold at places like smoke shops and gas stations. Tianeptine is often referred to as "gas station heroin," showing the seriousness of this substance. This product is pharmaceutical grade, but it never came to market in the United States. It is not regulated in the United States, but it is in Europe. Dr. Bassett told us when taken in high doses, it acts similar to

Morphine or Oxycodone. Kratom, Tianeptine, and products that contain these substances, give the effect of an illegal controlled substance while not actually being that controlled substance. Kratom is legal in Pennsylvania, though it is illegal in 11 states. A person may think because a product with these substances is sold at a gas station right next to the cash register that it is safe or that these places of business would not sell something that is harmful for them to consume, but that is not the truth in these situations.

Detective Parker, in his testimony, went on to describe his first exposure to Kratom. He relayed a story about a complaint filed regarding people in a drug treatment program run by the county who were buying Kratom to get high because it would not show up on a drug screen. Substances like Kratom and Tianeptine are used not just to circumvent drug screens but also by individuals to treat withdrawal when a person does not have access to legitimate treatment. People are using this product unsupervised and without medical guidance. These products are in bottles that resemble small energy drinks that are also commonly sold at gas stations. These products, giving the effect of a controlled substance, while not actually being that controlled substance, is a loophole that businesses are exploiting. These products have absolutely no oversight, creating the dangerous gray area that we are now in.

Dr. Bassett emphasized that in the United States, nearly half of opioid-addicted individuals under the age of 40 first became exposed to opiates through legitimate prescriptions. Dr. Bassett's warning highlights our concern that the easy availability of Tianeptine could expose more individuals to the effects of a controlled substance, heightening the risk of dependence and addiction, even among those who might not otherwise seek out such drugs.

Dr. Bassett also discussed how there has been an increase in calls to poison control centers for use of Tianeptine. There were 892 single-substance Tianeptine exposures reported to US Poison

Centers from 2015 to 2023, and the rate of exposures increased 1,400% from 2015 to 2023, including a 525% increase from 2018 to 2023.[30]

Dr. Bassett also alerted us to another regulatory gray area involving psychedelic mushrooms. The active ingredient in mushrooms, Psilocybin, is scheduled and is illegal. However, there are derivatives of this substance as well. Amanita Muscaria and Muscimol are not scheduled drugs, so when products are sold with these substances, they evade the law. The sheer number of products that are evading the law by exploiting loopholes is concerning and shows how far behind the law is. Because no action is being taken, new products are finding their way onto retail establishment shelves every day.

Under the Pennsylvania Controlled Substance Act, Delta-8 and Delta-10 are considered Schedule I controlled substances and are illegal since there is no specific exception for them in the Farm Bill. THCA, when exposed to heat, such as during storage in warehouses without temperature control, as described in Concerned Store Owner #1's testimony, or when smoked, turns into the psychoactive compound Delta-9 THC. This conversion demonstrates the need for regulation, as products may become intoxicating simply due to improper handling, storage, or use. Kratom, Tianeptine, Amanita Muscaria and Muscimol should also be scheduled to protect the public.

b. Store Owners, Often Lacking Proper Training or Oversight, Are Placing Blind Trust in Their Distributors

Owners of these shops lack education on these products as well. Typically, they order these products from dispensaries or distributors all over the country and are relying on these distributors to deliver the products that are described on the labels. Some owners have a misplaced trust that

[30] Mustafa Quadir et al., *Tianeptine Exposures Reported to United States Poison Centers, 2015-2023*, 21 J. OF MED. TOXICOLOGY 30 (2024).

the distributors are delivering what they claim to be, while others turn a blind eye and don't ask too many questions or look too deep. They simply care about making a profit. Without having a system to regulate or fact-check the products that are being delivered to these shops, the store owners have all of the power. These shops are popping up everywhere, making it hard to track and new ones are seen popping up every day. While an adult may look at these products and decide against buying them, teenagers may be more enticed.

The Grand Jury's investigation revealed that warehouses and distributors play a central, and often troubling, role in the proliferation of illegal marijuana and THC products throughout Pennsylvania. These warehouses operate much like large retail outlets, housing thousands of products and serving as primary suppliers to smoke shops and convenience stores statewide. Investigators found that a majority of profits in these facilities stem from the sale of THC and marijuana products, many of which are deceptively labeled as legal hemp.

Distributors frequently provide retailers with lab reports that are outdated, falsified, or issued by third parties who have not conducted actual testing, creating a false sense of legitimacy and safety. This organized network enables the widespread distribution of unregulated and illegal substances, with retailers and distributors often knowingly participating in the sale of products that exceed legal THC limits. The investigation also uncovered coordinated efforts to evade law enforcement, underscoring the urgent need for robust oversight, transparent testing, and accountability at every level of the supply chain.

c. No Mandatory Testing of These Products

The contents of these THC products are a large concern as well. When there are no regulations on these products, there is no oversight on testing to ensure that the products are safe for consumption. When you look at the labels of these products, all of them are labeled differently and

use different terminology. The lack of uniformity inhibits the ability of a consumer to make informed decisions about what they are putting into their body. One significant consequence of the lack of regulations for these products is the absence of oversight regarding labeling and warnings; there are no standards dictating how these products must be labeled or what warnings should be provided to consumers.

In addition, another concern regarding lab reports is that most products do not undergo batch testing, which means there is no consistent verification of their contents. It was explained that often lab reports are done once, several months or years ago, to prove the initial legality of the product, then the company does not do further testing because they are using the "same" formula and process. Without updated lab reports, there is no guarantee that the product is still legal. Without regulations specifying when and how testing must be performed, companies risk producing products that differ significantly from what their accompanying lab reports claim. This affects the ability of consumers to make informed decisions about the products they buy and puts them in danger.

Adding to these concerns, a newspaper article published by *The Philadelphia Inquirer* described the results of independent laboratory testing on 10 hemp products purchased from stores across the area.[31] The findings closely mirrored the evidence presented by the Grand Jury: 9 of the samples exceeded the legal threshold of 0.3 percent Delta-9 THC, meaning that they were, in fact, marijuana. Equally troubling, 7 samples contained aspergillus, a fungus whose spores can cause serious respiratory infections when smoked, while 3 exceeded New Jersey's legal limits for pesticides.[32] One sample contained mold, pesticides, and high levels of chromium, a carcinogenic

[31] Marin & Briggs, *supra* note 25.
[32] *Id.*

metal.[33] These findings point to serious health risks for consumers who purchased substances that have not been properly regulated or tested for contamination.

d. Products Are Not What They Claim

There are numerous companies throughout the state that are selling what they claim to be a flower product that has a Delta-9 THC level of less than 0.3 percent (hemp). However, when tested it is found to be marijuana. The investigations done in Montgomery, Bucks, and Chester Counties show that almost every time a product sold at a store claiming to have a Delta-9 THC concentration of less than 0.3 percent, it actually has a content of 5.0 percent or higher.

However, what is even more troubling is that our investigation has revealed a widespread awareness among everyone involved in the supply chain, from store owners and their employees to the distributors themselves, that they are selling marijuana – a substance that remains illegal under Pennsylvania law. Rather than ignorance or oversight, this is a coordinated effort to evade the law, under the guise of the law being confusing, with each participant knowingly contributing to the illegal distribution of controlled substances in our community. The supply chain is giving store owners plausible deniability.

e. Fraudulent Lab Reports

As members of this community, we expect that products sold in our local stores are safe, accurately labeled, and subject to oversight. Yet, our investigation has revealed a troubling reality: many THC products on retail shelves are shrouded in deception, with fake lab reports and misleading claims masking their true nature.

Throughout our inquiry, we heard testimony from law enforcement officers, store owners, and medical professionals who described how these products are routinely accompanied by lab reports

[33] *Id.*

that are either falsified or grossly misleading. Detectives recounted purchasing items marketed as legal hemp, only to discover, through accredited laboratory testing, that these products contained illegal levels of Delta-9 THC and were, in fact, marijuana. The so-called lab reports attached to these products are at times doctored to present a false sense of legitimacy. In some cases, companies repeatedly use a single legitimate lab report for batches that were never actually tested, giving store owners plausible deniability while putting consumers at risk.

Detective Rook testified that, after receiving a lab report from a store, he contacted the laboratory that was listed on the report to verify its authenticity. Although both the lab and the chemist named in the report were legitimate, the lab informed him that this was not an authentic Certificate of Analysis from their laboratory, essentially confirming that the report was counterfeit.

The lack of transparency and accountability is a gateway to real and growing dangers in our neighborhoods. Adults and children alike are exposed to products whose contents are unknown, whose safety is unverified, and whose risks are concealed behind a façade of compliance. As community members, we cannot accept a system where the burden of safety falls on the individual, while those who profit from these sales evade responsibility.

VIII. PROTECTING OUR COMMUNITIES: WHAT NEEDS TO CHANGE

As we have previously stated, through the testimony of many seasoned detectives, medical professionals, and store owners, we uncovered alarming truths about the current state of marijuana sales in retail establishments. We have learned that store owners, often lacking proper training or oversight, are placing blind trust in their distributors. Products are being marketed in ways that appeal directly to young people, with colorful packaging, candy-like formats, and using brand names. And perhaps most concerning, there is no formal law regulating the minimum age for purchasing these products. We are relying solely on store owners to "do the right thing," which is a standard that is inconsistent and unenforceable. Based on everything we have learned in this investigation, many people are not "doing the right thing," and that is not something we should rely on when it comes to this issue. The testimony makes it clear that the profits of THC products are high, therefore creating a profit motive for these businesses to break the law.

There is no mandatory testing for these products. That means consumers are not only unaware of the actual Delta-9 THC levels – which are dangerously high – but also of other harmful substances that may be present. Concerned Store Owner #1 warned of contaminants such as lead, mold and carcinogens, all of which pose serious health risks. We learned that these products are flooding into Pennsylvania from other states, completely unregulated. Lab reports, when provided, are often fake or misleading, giving a false sense of safety and legitimacy.

The testimony and our Report paint a clear picture: without immediate legislative action and stronger enforcement, our communities remain vulnerable to the unchecked spread of dangerous substances disguised as legal retail products.

To address the complex challenges posed by the retail sale of marijuana and its derivatives, the Grand Jury offers a comprehensive set of recommendations below. These proposals focus on

establishing clear definitions for marijuana and related substances, implementing robust age restrictions and licensing requirements, and ensuring rigorous standards for product testing, labeling, and marketing. Central to these recommendations is the need to hold sellers and distributors accountable for the products they place on store shelves, safeguarding public health, and restoring trust.

a. Protecting Children: Age Requirements and Electronic ID Scanning for THC Purchases

i. Protecting Children: The Need for Formal Age Limits on THC Purchases

One of the most concerning gaps in the current regulations is the lack of a formal, enforceable age restriction for purchasing THC-containing products in retail stores. Unlike tobacco, nicotine, and alcohol products, which require strict age verification protocols, these cannabis-derived products are often sold without any standardized method of confirming a buyer's age. This gap in oversight is unacceptable. Legislation must be enacted to explicitly prohibit the sale of any product containing THC or its derivatives to individuals under the age of 21, regardless of the product's form. Anyone under the age of 21 should be barred from purchasing THC gummies, vapes, edibles, oils, and flower. If a store is found to violate this law, there should be criminal consequences for them similar to the laws for providing alcohol to minors.

ii. Protecting Children: Requiring ID Scanning Systems in Retail Establishments

Through testimony from law enforcement and the store owners themselves, we learned that many stores rely solely on visual inspection of IDs, which is an unreliable method that leaves room for error and exploitation. Fake IDs are easily accessible and increasingly sophisticated, making it difficult for store clerks to detect them without proper tools.

After hearing testimony from Concerned Store Owner #1 in Montgomery County, it became clear that relying on manual ID checks is no longer sufficient to prevent underage access to THC-containing products. To address this, we recommend that all retail establishments selling any product with THC – regardless of its form or concentration – be required to implement electronic ID scanning systems.

These systems verify the authenticity of government-issued identification, flag expired or fraudulent, documents and ensure that only individuals of legal age – 21 and over – are permitted to make purchases. When paired with clear legislation establishing the minimum age for THC product sales is 21 years old, this technology becomes a powerful tool for protecting youth and enforcing compliance. Failure to comply should result in fines, and license suspension or revocation. Regular oversight and inspections must be conducted to ensure systems are being used properly and consistently.

Concerned Store Owner #1 also informed the Grand Jury of an added benefit of requiring these ID scanning systems. Some systems, such as PatronScan, retain purchase records for a limited time (typically 2-3 weeks). This feature allows for traceability when products end up in the hands of minors – helping identify adults who illegally provide or sell these substances to children and holding them accountable.

This recommendation is not just about technology; it is about responsibility. By requiring ID scanning systems, we create a safer retail environment, reduce youth exposure, and reinforce the seriousness of selling controlled substances in Pennsylvania.

iii. Protecting Children: The Urgent Need for Regulation of THC-Product Marketing

The way THC products are marketed in Pennsylvania poses significant risks to public health, especially for children and adolescents. Retailers frequently use colorful packaging, candy-like

flavors, and branding that mimics popular snacks to make these products highly attractive and accessible to youth. Such tactics blur the line between ordinary treats and potent psychoactive substances, making it nearly impossible for parents, educators, and even law enforcement to distinguish THC-infused products from regular candy or snacks. The absence of clear labeling and age restrictions further exacerbates the problem, allowing minors to obtain and consume these products with ease.

To address these dangers, robust regulation is needed to govern how THC products can be marketed and presented to consumers. Legislation should prohibit the use of packaging, flavors, and advertising strategies that target children or resemble familiar snack foods. Clear, mandatory labeling requirements must be established to ensure that all products that contain THC are easily identifiable and carry prominent warnings about their contents and potential health risks. By implementing these safeguards, Pennsylvania can reduce the appeal of THC products to minors, empower parents and communities to recognize and prevent underage use, and restore accountability to the marketplace.

iv. Protecting Children: Prohibiting THC Sales and Advertising Near Schools and Playgrounds

To protect youth from exposure to THC products, Pennsylvania should adopt regulations similar to those governing tobacco and nicotine sales and advertising. Specifically, retail sales of THC-containing products should be prohibited within a defined distance, such as 1,000 feet of schools, playgrounds, childcare facilities, and other places where minors gather. Likewise, marketing and promotional materials for THC products, including billboards, in-store displays, and online advertising, should not be permitted within this buffer zone, nor in any location or media primarily directed at minors.

These restrictions would mirror existing laws for tobacco products, which ban advertising near schools, require age-restricted placement of promotional materials, and prohibit misleading claims (such as "light" or "low tar" for nicotine products) or depictions that glamorize use. By implementing similar safeguards for THC products, Pennsylvania can reduce youth exposure, limit underage access, and help prevent the normalization of marijuana use among children and adolescents.

b. Legislative Action Required: Addressing Exploitation of THC Current Laws

i. Legislative Action Required: Need to Clearly Define Marijuana and Make its Derivatives Illegal

The current legal framework in Pennsylvania has allowed stores to exploit the current laws and sell products containing derivatives of marijuana, such as Delta-8, Delta-10, and THCA, simply because they do not contain more than 0.3 percent Delta-9 THC per dry weight. These substances, which are often marketed as legal alternatives, have not been thoroughly tested, and little is known about their long-term effects on consumers, and they are not, in fact, legal. What is clear, however, is that they do produce intoxicating effects similar to those of traditional marijuana. Legislation is urgently needed to fix the Farm Bill to clearly state that products containing Delta-8, Delta-10, and similar compounds are subject to the same restrictions as marijuana itself. Without such clarity, unregulated and potentially harmful substances will continue to be sold in retail settings, putting public health and safety at risk.

When it comes to the medical marijuana system in Pennsylvania, there are heavy regulations. These regulations extend all the way to the grower, where they essentially must count each leaf and put an ID sticker on each one. In addition to the regulations on growers, there are also regulations on labeling. Labels for medical marijuana usually contain dosage information,

which is not found on these unregulated products that have been discussed. If those types of regulations can be placed on these marijuana/hemp/THC derivative products, there would be less room for these companies to pop up and inundate the market with their potentially dangerous products.

ii. Legislative Action Required: Regulating the Dosage and Potency Amounts of THC Products

To protect public health and prevent accidental overconsumption, Pennsylvania must establish clear regulations on the dosage and potency of THC products sold in retail settings. Dr. Rushing's testimony highlighted the dangers posed by high-potency edibles and products with large amounts of THC, especially for adolescents and young adults. She described cases where individuals, sometimes with no prior psychiatric history, developed acute psychosis, paranoia, and panic attacks after unknowingly ingesting excessive doses, sometimes over 100 milligrams, of THC in a single sitting. The lack of clear standardized serving sizes and clear dosage information leaves consumers vulnerable, as even experienced users can be caught off guard by the potency of these products.

Dr. Rushing emphasized that most states limit single servings to 10 milligrams and packages to 100 milligrams, but Pennsylvania's reliance on a 0.3 percent Delta-9 THC threshold by dry weight allows for much higher dosages. There should also be limits on the amount that can be purchased at one time by one consumer.

Implementing strict limits on dosage and potency, along with comprehensive labeling is essential to safeguard consumers, especially youth, from the escalating dangers of unregulated THC products.

iii. Legislative Action Required: Regulating the Packaging of THC Products

THC-infused gummies and other edible products are visually indistinguishable from ordinary candy or snacks. A gummy containing THC looks no different than a gummy with no THC, making it nearly impossible for parents, educators, and even law enforcement to identify which products are safe and which pose a risk. This lack of differentiation has led to numerous incidents where children have unknowingly consumed THC products, resulting in health consequences. To address this danger, there must be clear and enforceable regulations governing not only how THC products are marketed, but also how they look. Legislation should require that all THC-containing edibles and related products themselves have distinct, unmistakable markings on the product itself that easily sets them apart from products that do not contain THC.

iv. Legislative Action Required: Implementing Robust Warning Label Standards for THC Products

Another recommendation is to require prominent warning labels on THC products, similar to those found on cigarettes and other nicotine products. These labels should inform consumers clearly that the product contains THC and provide clear guidance on safe usage. In addition to a general warning, dosing information should be included, specifying the recommended serving size and the time it may take to feel the effects. For example, consumers should be advised that the onset of effects can vary significantly depending on the method of ingesting, typically 1 to 2 hours for edibles and 5 to 10 minutes for smoked or vaped products. Consumers should be cautioned that the long-term risks of cognitive impairment associated with these products remain uncertain and are not yet fully understood. Comprehensive labeling would help protect consumers from accidental overconsumption and unexpected reactions.

c. Establishing a Licensing System: Regulating THC Sales Like Tobacco and Alcohol

As the sales of products containing THC continue to expand across Pennsylvania, it is clear that the current lack of oversight has created confusion, risk, and inconsistency. Unlike tobacco and alcohol, both of which require formal licensing, training, and enforcement, THC products are being sold without any standardized framework. This absence of regulation has allowed unqualified sellers to enter the market, often without understanding the legal boundaries or health risks associated with the products that they offer.

To address this, we recommend the creation of a statewide licensing system for any retail establishment that wants to sell products containing THC or its derivatives, regardless of the product's form or concentration. Just as Pennsylvania requires licenses for the sale of tobacco and alcohol, THC products, many of which are psychoactive and pose serious health risks, should be subject to the same level of scrutiny and control.

Licensing is not just a bureaucratic step; it is a public safety measure. It creates a uniform standard across the state, empowers regulators to monitor THC sales, and ensures that only responsible business owners are allowed to operate in this space.

Without licensing, sellers will distribute products with dangerously high THC levels or harmful contaminants – we know this because right now there is absolutely no oversight and the investigations that have been conducted by Montgomery, Bucks, and Chester Counties have all encountered items that are well over the legal limit. As a result, consumers are left vulnerable to misleading claims and unsafe products. Children and teens are more likely to access these substances through unregulated channels.

i. Mandatory Licensing

Concerned Store Owner #1 informed us that, in order to sell tobacco and vape products, he is required to obtain specific licenses, including a cigarette tax/OTP (Other Tobacco Products) license. However, these licensing requirements do not currently extend to products containing THC or any of its derivatives. To address this gap, there needs to be mandatory licensing for any retail establishment wanting to sell products with any amount of THC or related compounds. Such a system would allow for regular oversight and provide a clear mechanism for holding store owners accountable. If a retailer fails to comply with the law or sells products they shouldn't, they could lose their license and face fines. This not only incentivizes responsible business practices but also establishes a path forward to enforcement and consumer protection.

To address the overwhelming THC retail outlets, not only in Montgomery County, but throughout Pennsylvania, it is essential to implement strict limits on the total number of licenses issued for such establishments. Additionally, regulations should restrict the number of licensed outlets permitted within a defined geographic radius, preventing clusters of smoke shops from opening in close proximity to one another. These measures would help curb the rapid proliferation of retail locations – currently there is nearly 1 shop every 2 square miles across the County's 487 square miles – and restore balance and accountability to the marketplace, protecting community health and safety.

ii. Training for Stores and Their Employees

Store owners and staff should complete training on product safety, legal responsibilities, and age verification protocols.

iii. Routine Inspection and Enforcement

Regulatory agencies must conduct regular inspections to ensure compliance, with penalties for violations including fines, license suspension, or revocation.

d. Ensuring Product Safety: Testing, Transparency, and Education

Ensuring the safety of hemp products sold in retail establishments is a critical priority for protecting public health and restoring trust in our communities. The Grand Jury's investigation revealed widespread inconsistencies in product labeling, a lack of mandatory testing, and the frequent use of misleading or falsified lab reports. To address these risks, we recommend the implementation of the following: rigorous product testing requirements, increased transparency for store owners, and the creation of a centralized list of laboratories approved by Pennsylvania. These measures will help ensure that all THC products are accurately labeled, thoroughly tested for safety and potency, and traceable to reputable sources, providing consumers and retailers alike with confidence that the products on store shelves meet the highest standards of quality and compliance.

i. Mandatory Testing for THC Levels and Contaminants

Following the lead of Concerned Store Owner #1, it would be our recommendation that regular lab testing, from accredited labs, be required for these products that are being sold in smoke shops. If the companies are using old lab reports from years ago, there is no telling what will be in these products now. Additionally, testing for other substances such as mold, mycotoxins, and heavy metals should be standard for this industry, as there have been products on the market that contain large amounts of these harmful substances and chemicals.

ii. Building Transparency: A Centralized Information System For Retail Oversight

Creating a centralized information system for retail oversight would give store owners tools to create a culture of accountability and safety in Pennsylvania's retail marijuana landscape. If we give store owners access to reliable information, we reduce the likelihood of unintentional violations and promote responsible business practices.

1. Approved and Accredited: A Centralized List of Certified Testing Labs

Currently, there is no standardized list of laboratories that retailers can rely on to test THC products. This has led to widespread confusion and misuse of unverified or fraudulent lab reports, which are often used to falsely claim legality or safety.

If there was a centralized list of approved certified laboratories, a store owner who wanted to verify the veracity of a lab report they received stating the THC content of a product could consult the list to make sure that the laboratory that conducted the test was certified by Pennsylvania. In order to be a certified lab, they would need to follow state approved protocols, which would ensure that the results were legitimate and defensible.

2. Mandatory Batch Testing: Ensuring Product Safety Before it Reaches the Public

One of the most critical steps in protecting consumers from the dangers of unregulated THC products is to ensure that what reaches the store shelves has been properly tested. We recommend that every batch of THC-containing products sent to retail establishments be subject to mandatory testing by a state approved, accredited laboratory before distribution. All testing must have been completed no more than one month prior to the date of delivery of the goods to the retailer.

3. Know the Risks: A Public Registry of Violating Distributors and Products

Our investigation found that many of the stores are getting their products from the same distributors. These local retailers often unknowingly (but sometimes knowingly) purchase products from distributors who are skirting the law – selling marijuana under misleading labels or providing fake documentation. Without a shared system of accountability, these violations go unchecked and continue to endanger public health.

If a distributor is found to be selling marijuana flower labeled as "hemp," their name and product line would be added to a registry. Retailers could then avoid purchasing from that source, empowering them to not buy from bad actors and avoid risky inventory. It provides law enforcement with a trackable history of violations and repeat offenders. It also protects consumers from exposure to unsafe, mislabeled, or illegal products.

e. Informing to Protect: Expanding Public Education on the Risks of Unregulated THC Products

Despite the growing presence of THC products in retail stores, many members of the public remain unaware of the risks these substances pose – especially when sold without regulation, proper labeling, or safety testing. Most members of this Grand Jury were unaware of the problem until we began this investigation. From misleading packaging to dangerously high THC levels and unknown contaminants, the dangers are real and widespread.

To address this, we recommend a statewide public education initiative aimed at raising awareness about:

- The health risks of marijuana in general;
- The legal status of marijuana and synthetic THC products in Pennsylvania;
- The health risks associated with untested and mislabeled products, including mental health effects, addiction potential, and exposure to harmful substances like lead and mold;

- The marketing tactics used to target youth and the importance of parental and community vigilance; and
- The difference between regulated medical marijuana and unregulated retail products.

Dr. Sanborn gave the Grand Jury a shortened version of her presentation titled "High, Hidden, and Hammered," which she travels all over to give to parents, schools, and other audiences. This presentation went over a large sample of the different types of products that are available on the market, from vapes to edibles that all contain THC. These vapes come in so many different shapes and sizes, some of which do not even resemble vapes (one was shown to us that looked like a highlighter). The edible products also come in different varieties from sodas to snacks, including products that look almost identical to real snacks like Takis or Cheetos. Along with showing all of these different products to educate parents and schools, she also talks about warning signs to look for that may indicate a child is using these products.

As a result of her presentation, members of the Grand Jury are now more aware of the products their children or grandchildren may be buying from gas stations or other stores. Armed with this knowledge, they can be an active part in keeping children safe. If programs like Dr. Sanborn's are given to parents and schools as a preventative measure, more adults would be on the lookout for these products and can intervene early on before a child is in a dangerous situation.

Educating the public is not just about awareness, it is about empowerment. When individuals understand the risks, they are better equipped to make informed decisions, protect their families, and advocate for stronger protections in their communities.

f. Investigation and Criminal Penalties for Distributors Illegally Selling Marijuana

While much of this report focuses on regulation, oversight, and prevention, we must also address the need for direct enforcement against those who knowingly violate the law. Specifically,

we recommend that law enforcement agencies prioritize the investigation and arrest of distributors who are illegally selling marijuana products outside the bounds of Pennsylvania law.

These individuals are not simply bending the rules – they are actively undermining public safety, contributing to the spread of unregulated and potentially dangerous substances, and exploiting legal gray areas for profit. Their actions jeopardize the health of consumers, especially youth, and erode trust in legitimate retail operations.

We recommend that law enforcement efforts to investigate and prosecute those violating the law should be supported by interagency collaboration and enforcement must be consistent and visible throughout the state to send a strong message that Pennsylvania will not tolerate illegal drug distribution under the guise of retail commerce.

This is not about punishing small businesses; it is about protecting communities from those who deliberately operate outside of the law. Enforcement at both the retail and distribution level is essential to restoring integrity to the market and ensuring that future reforms are built on a foundation of accountability.

g. Pitfalls to Avoid

As Pennsylvania confronts the growing presence of THC products in retail settings, it is natural to look to other jurisdictions for guidance. Many have already taken steps to legalize marijuana and regulate its sale, offering potential models for oversight, licensing, and enforcement. However, caution is warranted. Examining the experiences of other regions is valuable only if we are willing to see the full picture, including what went wrong. The goal must not be to follow blindly, but to build a smarter, safer framework that protects Pennsylvanians from the risks of unregulated drug sales.

Testimony and evidence presented to this Grand Jury make it clear that, where marijuana has been legalized, important safeguards have been overlooked. In the rush to establish legal markets, some jurisdictions have failed to account for unintended consequences, such as increased youth access, inconsistent product safety standards, overproduction of marijuana, and the proliferation of high-potency THC products with little oversight.

Legalization will not solve these problems: in fact, it can create new ones if not paired with strong, enforceable regulations and a commitment to public health. Members of law enforcement and prosecutors must be consulted when there is discussion of any regulations regarding THC to ensure that their perspectives and concerns are also addressed in any legislation. The priority should be preventing individuals and businesses from exploiting the law by selling unregulated, and illegal, THC-products.

i. Avoiding Over Taxation of THC Products

It is critical that products containing THC are not subject to excessive taxation. Testimony presented to the Grand Jury made clear that when legal marijuana is overtaxed, consumers are likely to continue purchasing from street dealers, fueling the black market rather than reducing it. The black market is a dangerous environment, as we heard from Detective Laverty, who described how marijuana sales are almost exclusively cash-based due to banking restrictions, making both dealers and businesses targets for theft and violence. Over taxation not only undermines the goals of legalization but also perpetuates the risks associated with unregulated sales and criminal activity.

ii. Funding Law Enforcement

Legalization of marijuana brings new challenges for law enforcement, including increased usage and a corresponding rise in incidents of driving under the influence. Experience from other

states shows that relying solely on tax revenue from marijuana sales to fund law enforcement efforts is inadequate; such funding often takes too long to materialize and is insufficient for the expanded responsibilities that legalization entails.

Law enforcement agencies will require dedicated resources to combat the persistent black market, as well as comprehensive training to understand and enforce new laws. Without proactive investment in these areas, communities may face increased risks and diminished public safety.

h. Other Potential Solutions

i. Civil Laws Preventing Selling to Children & Holding Sellers Liable

In addition to enforcing age restrictions through legislation, we recommend the implementation of liability laws that hold sellers accountable when their products cause harm, either directly to the consumer or to others. This would mirror existing laws that apply to bartenders who overserve alcohol to individuals who later cause injury or damage.

Currently, there is no clear legal pathway to hold THC-product sellers responsible when they sell to minors or when someone is harmed by a product that was mislabeled, untested or deceptively marketed. This lack of accountability allows irresponsible retail practices to continue unchecked. There is little incentive for them to verify product safety or enforce age restrictions. Creating a legal framework where a seller could be held civilly responsible for the consequences of their negligence would give them the incentive needed to protect the public.

IX. CONCLUSION

The evidence presented throughout this Report leaves no doubt: Pennsylvania is facing a public health and safety crisis driven by the open and widespread sale of marijuana in retail establishments across the state. What began as isolated community complaints quickly revealed a systemic problem: stores are openly selling illegal marijuana under the guise of legal hemp, exploiting current laws that leave consumers, especially youth, dangerously exposed.

Investigations conducted by Montgomery County and their counterparts in neighboring counties have made it abundantly clear that these practices are not confined to a handful of stores or communities. Instead, they represent a pervasive and troubling trend that has transformed retail establishments into drug markets. The collaboration among law enforcement agencies has exposed patterns of illegal sales, deceptive marketing, and a lack of meaningful oversight, with store owners and distributors often knowingly participating in the distribution of controlled substances.

The consequences are real and immediate. When products containing THC are casually sold at smoke shops and gas stations, consumers often purchase them without hesitation. They assume that if something is available on a store shelf, it must be safe. But the truth is far more troubling: many store owners don't even know what is in the products that they are selling. It is on us, as a community, to change the course of this market. Through legislation, regulation, and public education, we must act to protect not only adults but also the children who are being targeted through deceptive marketing and colorful packaging. Even if products are intended for those 21 and older, we know that children will still find ways to access them. That's why prevention, oversight, and accountability must be built into every part of this system.

As other states move to legalize and normalize these products, Pennsylvania faces increasing pressure. While an outright ban may no longer be feasible, we can – and must – impose strong, enforceable regulations to contain this industry and make it as safe as possible.

At times, the scope of this issue may feel overwhelming. The unregulated sale of THC products has been allowed to grow unchecked for too long, and the consequences are now deeply embedded in communities across Pennsylvania. But we do not believe it is a lost cause.

Through the testimony we've heard, the investigations conducted, and the evidence gathered, we are confident that meaningful change is still possible and needed. The recommendations outlined above are not just reactive, they are proactive, strategic, and enforceable. They represent a path forward that can restore accountability, protect public health and rebuild trust.

We are calling for action, not tomorrow, not next year, but now. The unchecked spread of unregulated drug products under the guise of legality is a threat to public health, consumer safety, and community trust. The recommendations in this Report are designed to reverse that trend. They are our best chance to combat this issue. This is our call to action. Let's not wait any longer for the sake of our children as well as our community.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY PENNSYLVANIA - CRIMINAL DIVISION

IN RE: COUNTY INVESTIGATING GRAND JURY	:	**MD-3660-24**
	:	
	:	**INVESTIGATION # 602**

REPORT

TO THE HONORABLE RISA VETRI FERMAN, SUPERVISING JUDGE:

We, the Montgomery County Investigating Grand Jury, MD-3660-24, having been duly charged by this Honorable Court to investigate allegations of any and all types of criminal activity within said County, and having obtained knowledge of such matters from witnesses sworn by the Court and testifying before us, and finding thereon reasonable grounds to believe, and so believing, that a summary with recommended proposals for legislative, executive, and/or administrative change is necessary to the public interest, upon our respective oaths not fewer than 12 concurring, do herby make this Report to the Court.

[redacted]
Backup Foreperson
Montgomery County
Investigating Grand Jury

Dated: 10-29-2025