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Attorney General Griffin Successfully Defends Arkansas's Ban on Dangerous Psychoactive Hemp Products

Griffin: 'If you are selling these products, you are now doing it in violation of the law'

LITTLE ROCK – Attorney General Tim Griffin issued the following statement after the United States Court of Appeals for the Eighth Circuit reversed a lower court's decision to enjoin Act 629 of 2023:

"Today's ruling isn't just a win for Arkansas, it's a win for common sense and the rule of law. If you are selling these products, you are now doing it in violation of the law.

"Bio Gen LLC and others brought this lawsuit against Governor Sarah Huckabee Sanders, myself, Arkansas's prosecuting attorneys, and many other state officials in an attempt to preserve an unchecked market in which dangerous drugs could be purchased by anyone, including children. At issue was Act 629's prohibition of hemp products like Delta 8 and Delta 9, which have been known to have adverse health effects on users, particularly children. These substances are often packaged to mimic popular candy and other snacks, making it easy to fall into the hands of children. While the federal judge's preliminary injunction was in place, we were unable to enforce the law.

"Bio Gen claimed that Act 629's prohibition of such products violated provisions of the 2018 Farm Bill. But the Eighth Circuit agreed with me and determined that 'there is no support for this argument in the text or structure of the 2018 Farm Bill.'

“I am grateful to Senior Assistant Attorney General Jordan Broyles, Senior Assistant Solicitor General Asher Steinberg, and many others in my office who have worked tirelessly on this case to protect Arkansans from these harmful substances.

“Today’s win could not have been possible without the advocacy and work by Governor Sanders and her staff along with State Representative Jimmy Gazaway and State Senator Tyler Dees. They championed this legislation to protect Arkansans, and it passed with overwhelming supermajorities in both the House and Senate.”

Sanders provided the following statement:

“Today’s win is a huge victory for the safety of every Arkansan – and especially our kids. Dangerous, unregulated synthetic marijuana products like Delta-8 have no place in our state, and today’s ruling allows our ban on them to go into effect. I’m thankful to Senator Dees and Representative Gazaway for passing this law and Attorney General Griffin and his team for vigorously defending it in federal court.”

Dees added the following statement:

“This law has always been about protecting our children and the rest of society from a growing problem related to Delta 8 and other THC products. I co-sponsored this law to help solve that problem. We can no longer allow the profits of those who peddle these products to take priority over our kids’ protection.”

Gazaway added the following statement:

“These products are essentially recreational marijuana, and I am glad the court confirmed the state’s ability to ban them. Before our law, there was no regulation, no oversight, and no protections for consumers. Today’s ruling is a victory for Arkansans.”

To read the Eighth Circuit’s order, [click here](#).

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state’s 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas’s Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House

Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General's (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master's degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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