



August 4, 2026

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20515

The Honorable Tom Cole
House Committee on Appropriations
U.S. Capitol Building, H-307
Washington, D.C. 20515

The Honorable Susan Collins
Senate Committee on Appropriations
U.S. Capitol Building, S-128
Washington, D.C. 20510

RE: Redefinition of “Hemp” under the November 2025 Appropriations Bill

Dear Speaker Johnson, Leader Thune, Chairman Cole and Chairwoman Collins,

We, the undersigned Attorneys General and chief legal officers of our respective states, thank Congress for standing strong in November 2025 and closing the loophole in the 2018 Farm Bill that led to the proliferation of unregulated intoxicating hemp products throughout the country. Your action protected consumers, provided much-needed regulatory clarity, and preserved legitimate industrial, agricultural, and nonintoxicating hemp markets.

We respectfully urge Congress to continue that leadership by rejecting any effort to delay, repeal, suspend, or weaken the November 2025 redefinition of “hemp” and by ensuring that the redefinition takes effect as enacted and remains in place thereafter.

Since enactment of the redefinition, States, federal agencies, businesses, and consumers have adjusted to a more consistent and responsible regulatory framework. Many States have aligned, or are in the process of aligning, their laws, regulations, and enforcement efforts with the new federal definition in reliance on Congress’s action.

If the loophole is reopened or the new definition is weakened or repealed, States will face renewed litigation, inconsistent enforcement, regulatory uncertainty, increased youth access to intoxicating products, and disruption of lawful businesses

that have already adjusted their operations to comply with the new federal framework. Equally as concerning, change at this stage would allow the return of unregulated intoxicating cannabis products that Congress appropriately chose to address.

For these reasons, we urge Congress to maintain the November 2025 redefinition of “hemp” and reject any effort to reopen the loophole that Congress acted decisively to close.

When Congress revised the “hemp” definition in November 2025, through the Appropriations Bill, Pub. L. 119-37, it capped total natural psychoactive cannabinoid content (including THC and THCA) at 0.4 milligrams per container. That definition now limits the total THC content of hemp to 0.3% on a dry weight basis and excludes “loophole” products.¹ Where the 2018 definition focused on a single isomer (delta-9 THC, just one of the intoxicating chemical compounds found in the cannabis plant), the new definition accounts for all isomers of THC and other similar psychoactive cannabinoids to ensure that underregulated intoxicating hemp products can no longer reach consumer shelves.

The 2018 definition was misunderstood by market operators and consumers to legalize essentially any downstream hemp products (*i.e.*, any containing hemp “derivatives, extracts, [or] cannabinoids”) so long as the original plant and the final product contained less than 0.3% THC by weight. For reference, an 8-ounce package of hemp-derived gummy edibles could contain a total of more than 675 mg of THC while remaining under the 0.3% limit. The old definition also failed to explicitly impose any limits on other THC isomers like delta-8 and delta-10 THC.² The new definition closes that loophole and ensures that hemp-derived products cannot contain levels of intoxicating cannabinoids unnatural to hemp plants.

Even States that have continuously banned the sale of intoxicating hemp products saw a proliferation in the sale of these products following the 2018 Farm

¹ Some examples of the types of products the new definition excludes are hemp products containing synthetic cannabinoids and any hemp products containing more than 0.4 mg of total THC per container. See Appropriations Bill, Pub. L. 119-37, 139 STAT. 559 (2025) (excluding “final hemp-derived cannabinoid products containing” cannabinoids “synthesized or manufactured outside the plant” as well as those products containing more than “0.4 milligrams” of total THC “per container”).

² Delta-8 THC and delta-10 THC are just two popular examples of chemical compounds that are often created from cannabidiol (“CBD”) extracted from hemp plants. The CBD (a nonintoxicating cannabinoid) is subjected to chemical reactions that turn it into delta-8 THC, which is then added to consumer products like intoxicating edibles and drinks or crystallized and sprayed onto hemp flower.

Bill's passage, with legal challenges to the enforcement of State law. And in the years since the 2018 Farm Bill's passage, many States have tightened their hemp regulations to limit or ban intoxicating hemp products. States have done so, in large part, to protect their citizens' health and safety. During this time, some States have explicitly tethered their States' "hemp" definitions to the federal definition as a precautionary measure to ensure their laws continue to track federal law.³ Others have moved more recently—in the wake of the redefinition—to conform their state laws to the federal "hemp" definition, relying on the presumption that the new definition will go into effect in November of this year and remain in effect.

Many, if not most, States have already imposed greater limits than are supported by the new federal definition like (1) accounting for all THC isomers in their hemp definitions and excluding cannabis that contains a combined total amount of THC that is greater than 0.3% and (2) strict limitations on hemp products containing intoxicating cannabinoids. Other states, like Delaware, Michigan, Nebraska, New Jersey, Ohio,⁴ and North Carolina have already seen legislative movement in the last seven months seeking to better align their States' definition of "hemp" with the new federal definition in various ways or otherwise assert greater control over the hemp market. Numerous States and federal agencies have also aligned their enforcement posture with the new federal hemp definition over the last seven months⁵

Broadly, these actions point to a state-level response to requests by citizens, businesses, and lawmakers to implement common-sense regulations on the largely uncontrolled hemp product market. The new federal definition ensures both

³ For example, Louisiana R.S. § 3:1482(E) provides, "The provisions of this Part shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that is more restrictive than the provisions of this Part."

⁴ Although a court recently enjoined enforcement of an Ohio law (Senate Bill 56) that sought, in part, to conform the State's definition of "hemp" to match the redefinition, that injunction is based solely on a finding that an unrelated portion of the law violates the dormant Commerce Clause. It is related to the new definition of "hemp" contained therein and should not be taken as evidence that the redefinition has been deemed unconstitutional in any way. Ohio is appealing the lower court's ruling.

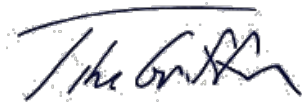
⁵ Those include, but are not limited to: Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

uniformity and safety throughout the nation. If the redefinition is not maintained, it will almost guarantee that these state efforts at regulation will be thrown into chaos.

Again, redefining hemp will not inhibit the cultivation of hemp for use in the industrial or agricultural sectors (among others), since hemp plants naturally contain low levels of intoxicating cannabinoids. The redefinition restores the 2018 Farm Bill's original goal of allowing the cultivation of hemp crops for uses within American industry—separate from the cultivation or processing of marijuana.

We again thank you for your commitment to American farmers, businesses, and the American people. Thank you for your work passing the 2025 Appropriations Bill, which will ensure a safe, orderly, well-regulated hemp market. We now ask that you continue your work to ensure that the American people and American businesses have access to safe, nonintoxicating hemp products.

Sincerely,



Tim Griffin

Arkansas Attorney General



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Connecticut Attorney General



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Indiana Attorney General



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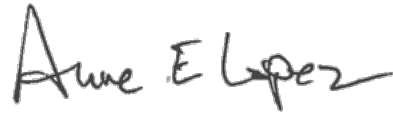
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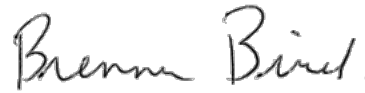
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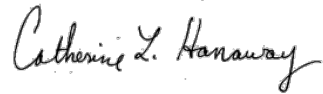
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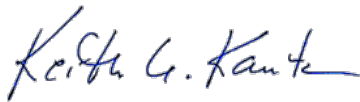
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