

Congressional Clarity on THC: Essential for Cannabis Reform

The U.S. Congress Faces Hemp Legal Haze: A Debate Over Intoxicating Hemp Products

In 2018, when Congress passed the Farm Bill, it was with the intent to regulate hemp production for industrial purposes like textiles and construction materials. Lawmakers were reassured that the legislation was meant for “rope, not dope.” However, five years later, Congress is entangled in a political debate over the very issue they sought to avoid: intoxicating hemp products.

A New Hemp Debate: From Agriculture to Intoxicants

The original vision of hemp production was focused on non-intoxicating uses, such as fiber and seed oil. But the passage of the 2018 Farm Bill inadvertently opened the floodgates to a range of hemp-derived products that can produce psychoactive effects similar to marijuana. As a result, products containing **synthetic THC** and other intoxicants have flooded the market, often without regulatory oversight.

This “green wave” of product development has sparked concern, as many of these hemp-derived products are harmful, synthetic, and almost entirely unregulated. What started as an agricultural initiative has transformed into a heated political debate about the future of intoxicating hemp products in the U.S.

Congress Catches Up: The Need for Regulation

Now, five years after the 2018 Farm Bill, Congress is well aware of the issues at hand. The idea that hemp intoxicants should remain unregulated under the Farm Bill has sparked a fierce debate. The Farm Bill, which was intended to regulate **agriculture**, has instead enabled the proliferation of unregulated hemp-derived intoxicants, a situation lawmakers never anticipated.

The argument is now whether Congress should continue to allow this unintentional loophole or take steps to regulate the market. Many in Washington, D.C., view this debate as just as contentious as broader efforts to reform marijuana laws, and the political landscape around cannabis remains divisive.

The Farm Bill Isn't a Platform for Legalizing Cannabis

Despite some support for marijuana legalization, there is no appetite among members of Congress to use the Farm Bill as a vehicle to push this agenda. The **Agriculture Improvement Act**, commonly referred to as the Farm Bill, is meant to focus on agricultural issues, not consumer products that contain THC, the psychoactive compound in cannabis.

Even members of Congress who are in favor of broader cannabis reform do not view the Farm Bill as the appropriate venue for legalizing marijuana or regulating THC products. Worse still, the hemp industry is now

making the argument that the “derivatives” language in the Farm Bill justifies the sale of synthetic THC products, creating a confusing and dangerous legal precedent.

The Regulatory Gap and Its Consequences

The committees responsible for overseeing the Farm Bill lack the jurisdiction to create a regulatory framework for THC, whether it’s derived from hemp or marijuana. The **Food and Drug Administration (FDA)**, which would be the appropriate agency to regulate THC in consumer products, is not being guided or empowered by the Farm Bill.

Even if there were political will to use the Farm Bill to regulate intoxicating cannabis products, the regulatory structures needed to enforce such changes cannot be created through this legislation. A clear example of this problem is **CBD**—although legalized under the 2018 Farm Bill, Congress has yet to provide a clear legal pathway for selling CBD in food or dietary supplements.

The “Hemp Loophole” Dilemma: What Happens if It’s Closed?

One of the central questions now facing lawmakers is what will happen if Congress closes the so-called “hemp loophole.” Currently, it is illegal under the **Food, Drug, and Cosmetic Act** to add THC to food, transport it across state lines, or sell it to consumers, regardless of whether the THC comes from hemp or marijuana.

Claims that “Farm Bill-compliant” hemp intoxicants are legal at the federal level have never been true. To make these products truly legal, Congress would need to do more than simply remove them from the **Controlled Substances Act**. The **Drug Enforcement Administration (DEA)** already considers synthetic THC products illegal, classifying them as Schedule 1 drugs, the same as marijuana.

Public Perception and State Involvement

The public’s understanding of the legality of synthetic THC is shifting, and without federal action, individual states will play a critical role in regulating hemp intoxicants, just as they currently do with marijuana products. Recent efforts, such as the **Mary Miller Amendment** in the House’s draft of the Farm Bill, have sparked some of the most productive discussions to date about the need for a federal regulatory system.

There is increasing recognition that THC, regardless of its source, needs to be regulated in a unified framework that respects the existing state-regulated markets. The ongoing system, which relies on congressional loopholes, cannot provide the comprehensive oversight that the industry needs.

Regulating Hemp and Marijuana Together: A Unified Approach

As this debate continues, it’s becoming clear that both hemp and marijuana producers should be operating under the same regulatory system. For hemp operators, this could mean new product testing, labeling requirements, taxation structures, and support for criminal justice reform and social equity programs.

The marijuana movement is about more than just expanding business opportunities; it is rooted in a desire to end decades of prohibition and reform outdated drug laws. The argument that synthetic THC products can somehow bypass the need for regulation and operate on separate legal grounds is not a sustainable policy.

The Future of Hemp Intoxicants: Time for Clarity

With the debate over hemp intoxicants now fully in Congress's sights, it is clear that the future of the industry will depend on establishing a functional regulatory system for both hemp and marijuana products. The industry can no longer rely on legal loopholes or outdated interpretations of the Farm Bill.

It's time for the cannabis industry to face its past and align itself with a future that includes responsible regulation, transparency, and consumer safety. By bringing hemp and marijuana under a single regulatory framework, Congress can provide the clarity needed for the industry to grow in a sustainable and safe manner.

The U.S. Congress is now fully aware of the unintended consequences of the 2018 Farm Bill regarding intoxicating hemp products. As lawmakers work to resolve this issue, it is essential for the cannabis industry to come together and support a unified regulatory framework that ensures THC products, whether from hemp or marijuana, are subject to the same oversight. Failing to do so could jeopardize the future of both the hemp and marijuana industries.

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