

Will Hemp THC Push Congress to Act Before Cannabis?

Congress Moves Toward Federal Crackdown on Hemp-Derived THC Products Instead of Broader Cannabis Reform

After years of inaction on high-profile issues surrounding marijuana—such as banking access, tax reform, and interstate commerce—Congress now appears poised to act, but not in the way cannabis advocates had long hoped. Instead of advancing federal legalization or offering regulatory relief to state-compliant marijuana businesses, lawmakers are shifting their focus to hemp-derived THC products—an increasingly popular and controversial class of intoxicants that emerged from the 2018 Farm Bill.

A recently introduced Republican budget proposal, spearheaded by Rep. Andy Harris of Maryland, represents the most direct attempt yet by federal lawmakers to roll back the legal protections that allowed hemp-derived cannabinoids like delta-8 THC and THCA to flourish. The measure, which quickly advanced out of a House Appropriations subcommittee on a narrow partisan vote, would redefine hemp under federal law in a way that eliminates many of these intoxicating compounds from legal sale.

This development has raised alarm across the hemp industry and among legal cannabis operators alike, as it signals a potential end to what has been a largely unregulated and lucrative segment of the cannabinoid market.

Legislative Focus Shifts From Banking and Tax Relief to Clamping Down on Legal Loopholes

While advocates for marijuana reform have long pushed for measures such as the SAFE Banking Act or repeal of the 280E tax rule—which prohibits cannabis businesses from deducting ordinary expenses due to federal prohibition—Congress has remained gridlocked. In contrast, the growing prevalence of hemp-derived THC products on store shelves and online has drawn bipartisan concern, especially given the ease of access to intoxicants outside of state-regulated marijuana markets.

These products—marketed as legal alternatives to traditional cannabis—have capitalized on a perceived loophole in the definition of hemp. Specifically, the 2018 Farm Bill legalized hemp with a delta-9 THC content below 0.3% by dry weight but did not account for other cannabinoids or synthetic derivations. This omission has led to a surge in products containing delta-8 THC, delta-10 THC, THCA, and other novel compounds now sold nationwide, including in states with no legal marijuana programs.

The proposed legislation by Rep. Harris aims to close that loophole by including THCA in total THC calculations and excluding synthesized cannabinoids from the legal hemp definition. If passed, this could dramatically alter the market for hemp-derived edibles, smokable flower, and beverages.

Potential Ban Would Represent a Major Blow to the Hemp Industry, Though Passage Is Not Guaranteed

If enacted, Harris' proposal would ban a significant portion of the hemp-derived product market. It would effectively prohibit THCA-rich hemp flower, which converts into intoxicating THC when heated, and it would also remove protections for synthesized cannabinoids that have become popular ingredients in gummies and vapes.

However, despite its passage at the subcommittee level, the bill's overall prospects remain uncertain. The proposal is part of a broader Republican budget plan that includes controversial cuts to social programs, which are likely to face strong opposition from Democrats. Moreover, with the GOP's slim majority in the House further weakened by recent retirements, the path to full approval is precarious.

Many lawmakers, including some from traditionally conservative states like Kentucky and North Carolina, are wary of antagonizing hemp farmers and processors who have built legitimate businesses since 2018. Agricultural interests continue to wield significant influence in Congress, and any proposal perceived as a threat to farming revenues could encounter resistance from both parties.

Hemp and Cannabis Sectors Find Rare Unity in Opposing Federal Crackdown

Interestingly, rather than driving a wedge between hemp and marijuana stakeholders—who have sometimes clashed over regulatory turf—the Harris proposal has created a moment of unity. Both sectors see the bill as overly broad and potentially damaging to consumer access, innovation, and small business.

Regulated marijuana companies worry about competition from unregulated hemp-derived THC products, but they also recognize the danger of overreaching federal restrictions that could stifle legitimate cannabinoids, including non-intoxicating options. Similarly, beverage makers, particularly those experimenting with low-dose THC seltzers and mocktails, are concerned that the proposal could wipe out a promising new category.

Industry groups such as the U.S. Hemp Roundtable, the Coalition for Adult Beverage Alternatives, and the American Trade Association for Cannabis & Hemp have mobilized to counter the bill. These organizations are emphasizing successful examples of state regulation, where hemp THC products are controlled through dosage caps and labeling requirements rather than outright bans.

The central message to lawmakers: there is a middle path between prohibition and permissiveness, one that allows for responsible adult-use of hemp-derived products under defined safety standards.

Residual Political Frustration Fuels Congressional Pushback Against Hemp Cannabinoids

Part of the motivation behind the sudden federal attention to hemp-derived intoxicants is rooted in political embarrassment. Many lawmakers now believe the Farm Bill passed under false pretenses—or at least without fully understanding its implications.

Since 2020, reports of psychoactive hemp products appearing in gas stations, convenience stores, and e-commerce platforms have proliferated. With no age-gating requirements or testing mandates in many jurisdictions, parents, public health officials, and school boards have pressured politicians to act.

Even though the original intent of the 2018 Farm Bill was to foster a thriving industrial hemp industry focused on fiber and CBD, lawmakers now view the resulting market for intoxicants as an unintended consequence. This sense of being “duped” by vague language in past legislation is a key motivator for current

reform efforts, particularly among conservative members of Congress.

Bipartisan Signs Show Congress May Finally Clarify Its Stance on Hemp-Derived Intoxicants

While the Harris proposal is the most aggressive attempt yet to rein in hemp-derived THC, it follows a pattern of earlier efforts. In 2024, Rep. Mary Miller of Indiana introduced a Farm Bill amendment that would have excluded all ingestible hemp products containing detectable THC. Though that amendment failed, it foreshadowed broader support for redefining hemp to exclude intoxicants.

In parallel, a draft Farm Bill circulated in the Senate during the 2024 lame-duck session also included language aimed at closing the so-called THCA loophole. This indicates that concerns about hemp THC products are not confined to the House or one party. Instead, there is growing bicameral and bipartisan consensus that the original Farm Bill definition needs revision.

With lawmakers preparing for the next reauthorization of the Farm Bill and other appropriations debates looming, hemp-derived THC appears to be the rare cannabis-related issue that Congress is actively moving to address.

Future Regulation Will Likely Hinge on Balance Between Safety, Industry Viability, and Public Perception

As the legislative process unfolds, the key question will be whether Congress can thread the needle between enforcing consumer safety and preserving an innovative industry. Total prohibition could push the market underground, while a laissez-faire approach invites further backlash.

State-level models, such as Minnesota's approach to low-dose THC beverages or Oregon's restrictions on synthetics, may offer a framework for a federal compromise. But achieving that balance will require more legislative engagement and education than cannabis issues have received in recent years.

Still, even if the current proposal fails in its current form, the message from Congress is unmistakable: the days of legally intoxicating hemp products existing in a regulatory gray zone are numbered.

Email: info@cannabisriskmanager.com | Phone: +415-226-4060

© Copyright 2025 Cannabis Risk Manager. All Rights Reserved