

Federal Hemp THC Rules Likely Safe Despite Senate Dispute

Senate Clash Halts Effort to Redefine Hemp and Ban THC Products Under Federal Law

Controversial Proposal to Limit Hemp-Derived THC Products Removed from Federal Spending Bill

A contentious U.S. Senate proposal that aimed to redefine hemp under federal law and effectively ban popular hemp-derived THC products has hit a wall—at least for now. The language, which would have excluded intoxicating hemp products like THC-infused drinks, gummies, and smokable flowers from legal protection under federal law, was removed from a key spending bill on Tuesday amid a standoff between two prominent Republican senators.

The removal marks a temporary reprieve for the fast-growing market of hemp-derived cannabinoids, which has thrived in the legal gray space created by the 2018 Farm Bill. However, uncertainty still looms as similar language continues to circulate in the U.S. House of Representatives, keeping the debate far from settled.

McConnell's Shift on Hemp: From Champion to Cautious Regulator

Former Senate Majority Leader Mitch McConnell, a long-time supporter of industrial hemp and the key architect of its federal legalization in 2018, appears to be walking back his support—at least in part. McConnell famously used a hemp pen to sign the 2018 Farm Bill into law, which federally legalized hemp as long as it contains no more than 0.3% delta-9 THC on a dry weight basis.

However, in the years since, McConnell and a group of bipartisan lawmakers have expressed regret, citing the emergence of a loophole that allows intoxicating products made from hemp-derived cannabinoids to be sold in gas stations, vape shops, and online nationwide—even in states that restrict recreational cannabis.

Lawmakers have increasingly criticized these products, which can include potent versions of THC such as delta-8, delta-10, and THCA, as a backdoor to cannabis legalization. Industry players have capitalized on the ambiguity in the law, claiming their products meet the letter of federal hemp regulations despite clearly producing intoxicating effects.

Redefining Hemp: A Proposal to Close the Loophole and Separate Industrial Hemp from THC Products

The fiscal year 2026 agriculture appropriations bill, which passed the Senate Appropriations Committee by a unanimous 27-0 vote on July 10, initially included sweeping language aimed at curbing the sale of intoxicating hemp products. The proposal sought to redefine hemp to separate “industrial hemp”—which includes fiber, grain, and non-intoxicating applications—from “hemp-derived cannabinoid products.”

In doing so, the bill would have:

- Reclassified hemp to account for *total* THC, including tetrahydrocannabinolic acid (THCA), not just delta-9 THC.
- Effectively banned the sale of products containing “quantifiable” amounts of total THC.
- Given operators a one-year compliance window to phase out non-conforming products.

The new definitions would have closed a popular legal defense used by producers of THCA-rich hemp flower, which converts into intoxicating THC when heated or consumed. The changes were viewed by many industry experts as a significant crackdown on the sector, potentially spelling the end of the booming hemp-derived THC market that has filled shelves in the absence of broader cannabis legalization.

Sen. Rand Paul’s Opposition Derails Hemp Ban Effort—At Least in the Senate

Despite strong support for the redefinition among some senators, the language was ultimately stripped from the spending bill following opposition from Sen. Rand Paul (R-KY). Paul reportedly threatened to block the bill over concerns that the proposed changes would hurt the broader hemp industry, particularly small producers and those focused on non-intoxicating products like CBD oil.

According to Politico, Paul’s intervention forced a reversal. Sen. John Hoeven (R-ND), who chairs the Senate Agriculture Appropriations Subcommittee, confirmed the removal of the hemp-related provisions on Tuesday. The conflict highlights deep divisions not just between political parties, but within them—especially among lawmakers from states with strong agricultural interests tied to hemp production.

In an interview with Hemp Today, Paul emphasized that the bill, as written, would also have unintentionally prohibited CBD oil—a move that would devastate a segment of the hemp industry still struggling to recover from post-legalization oversupply and economic pressures.

CBD and the Fight to Preserve Hemp Industry Protections

Kentucky, home to both McConnell and Paul, has been a national leader in hemp production since the passage of the 2018 Farm Bill. The state’s farmers and processors have made significant investments in CBD oil and other hemp products, creating a strong economic incentive to preserve existing federal protections.

Industry leaders have argued that banning hemp-derived cannabinoids could destroy thousands of small businesses, slash agricultural income, and push consumers toward unregulated or illicit products.

CBD, in particular, has been caught in the crossfire. While it does not produce intoxicating effects, it is still derived from the cannabis plant and often exists in products that contain small but detectable amounts of THC. A ban on quantifiable THC levels could jeopardize the legal sale of full-spectrum CBD products, which many consumers prefer over isolates due to their enhanced therapeutic effects.

House Hemp Ban Proposal Still Alive, But Without Senate Support Its Future Is Uncertain

Though the Senate bill has been stripped of anti-THC hemp language, the fight is far from over. Similar language remains intact in the House version of the appropriations bill, where it is championed by Rep. Andy Harris (R-MD), a long-time opponent of cannabis legalization.

Harris has frequently voiced concern about the public health risks of hemp-derived THC products, particularly those that are marketed to young people or sold without adequate testing or labeling standards.

Still, without support from the Senate, it is unlikely that any sweeping change to the legal definition of hemp will make it into the final version of the spending package. For now, the existing protections outlined in the 2018 Farm Bill are expected to remain in place, preserving the status quo for producers of both industrial hemp and cannabinoid products.

Temporary Victory for Hemp Sector, But Long-Term Uncertainty Remains

For operators in the hemp-derived THC and CBD markets, the Senate decision offers a sigh of relief—but not a long-term solution. The policy battle over intoxicating hemp products is far from over, and future legislative attempts to close the perceived loopholes are almost guaranteed.

The lack of federal oversight and inconsistent state-level rules continue to fuel the debate. As the line between hemp and marijuana blurs further with advances in extraction technology and cannabinoid engineering, pressure is mounting on Congress to develop clearer distinctions—and stronger regulatory frameworks.

In the meantime, the hemp industry remains in a legal limbo. Entrepreneurs will continue to innovate, regulators will continue to push back, and lawmakers will continue to argue about where hemp ends and cannabis begins.

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