

Expert: Congress Meant to Legalize Intoxicating Hemp Products

One of the original architects of hemp legalization says Congress meant to legalize cannabinoids not by mistake, but by design.

One of the key figures behind the 2018 Farm Bill's hemp provisions says it's a "misconception" that Congress accidentally created a loophole allowing intoxicating hemp products to be sold nationwide.

Instead, Steve Bevan — who worked closely with then-Senate Majority Leader Mitch McConnell (R-KY) to draft the hemp legalization language — says the current controversy surrounding hemp-derived THC is the result of regulatory inaction, not legislative oversight.

"The controversy over intoxicating hemp products isn't about a loophole," Bevan said in a letter to top House and Senate Republicans on Tuesday. "It's about a lack of leadership and unwillingness to regulate what Congress already legalized."

Bevan: Lawmakers "knew exactly what they were doing"

Bevan, a co-founder of the U.S. Hemp Roundtable and now a partner at OCan Group, said that during drafting of the Farm Bill, lawmakers explicitly added "extracts, derivatives, and cannabinoids" to the definition of hemp to give American farmers new economic opportunities.

"We specifically added language about extracts, derivatives, and cannabinoids to help rural communities build businesses around hemp-derived products," he wrote.

"This wasn't an accident or a loophole — it was intentional. Senator McConnell understood this."

Bevan pushed back against efforts by McConnell and other GOP leaders who now claim that hemp legalization was meant to cover only industrial materials and non-intoxicating CBD. "They're rewriting history," he said.

The real issue: FDA's failure to regulate hemp products

Bevan's letter argues that the rise of unregulated intoxicating hemp products — like Delta-8 and hemp-derived THC beverages — stems from the Food and Drug Administration's (FDA) refusal to set clear safety and labeling standards.

"We asked regulators to create quality and safety standards for these products," Bevan said. "That's common sense — you test food before people eat it. But the FDA refused to act, even after Congress instructed them to."

He added that Ripple effects of this inaction were predictable: “We told them exactly what would happen — products would become popular, quality would vary, and there’d be no age restrictions. The FDA responded with silence for two years.”

Advocates warn against “re-criminalizing” hemp

Bevan cautioned that proposals to ban intoxicating hemp products currently supported by dozens of state attorneys general and some members of Congress would restart a new kind of drug war, punish small businesses, and fuel an illicit market.

“Millions of adults already use these products,” he said. “If Congress bans them, those sales won’t stop — they’ll just move underground.”

He also suggested that the push for prohibition is financially motivated, noting that most of the attorneys general calling for a ban come from states with legal marijuana programs.

“These AGs want Congress to eliminate their competition,” Bevan wrote. “They’re protecting state tax revenues, not public health.”

Two paths for Congress: regulate or repeat prohibition

Bevan outlined two clear options for Congress:

1. Ban intoxicating hemp products and trigger “another drug war,” or
2. Create a federal regulatory framework that imposes safety, age, and labeling standards similar to those for alcohol and tobacco.

“The question isn’t whether to regulate hemp products clearly we should,” he said. “The question is whether we’ll do it intelligently, or repeat the failures of prohibition and miss another opportunity for American innovation.”

He called for age restrictions, transition periods for compliance, and uniform testing standards as part of a sensible federal framework.

Industry and Congress remain divided over hemp’s future

Meanwhile, major alcohol associations are lobbying Congress to impose at least a temporary ban on intoxicating hemp products particularly THC beverages that compete directly with beer and liquor.

Lawmakers are facing pressure from both sides: those calling for prohibition and others demanding balanced regulation to protect an industry that’s created tens of thousands of jobs and billions in economic activity.

Two leading GOP figures, McConnell and Rep. Andy Harris (R-MD), are spearheading efforts to outlaw intoxicating hemp entirely. But Sen. Rand Paul (R-KY) has strongly opposed the ban, warning that it would devastate farmers and small businesses.

“Some of these AGs come from states that have legalized marijuana, yet they want to ban hemp,” Paul said. “It’s ridiculous. They’d rather people use higher-dose THC from cannabis than lower-dose hemp products.”

Competing proposals highlight hemp’s uncertain future

Paul has introduced the Hemp Economic Mobilization Plan (HEMP) Act, which would *increase* the allowable THC threshold for hemp and create standardized testing protocols, a sharp contrast to McConnell's call for prohibition.

McConnell, who once championed hemp's legalization, has since reversed course, criticizing colleagues who oppose a ban. He argues the law was never meant to create a legal path for intoxicating cannabinoids.

Bevan's message to both lawmakers and regulators is simple: "Millions of Americans have made their choice. They want these products. They deserve safe, regulated access not criminalization."

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