

Legal Group Issues Statement on U.S. Hemp Recriminalization

INCBA Responds to Federal Hemp Recriminalization Following Historic Government Shutdown and 2026 Spending Bill

Federal Hemp Recriminalization Through 2026 Appropriations Act Could Disrupt Legal Cannabis Industry, INCBA Warns

Last week, after the longest shutdown in U.S. history, Congress reopened the federal government by passing the *Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026*. Among its many provisions, the bill recriminalizes hemp-related activities that were previously made lawful under the 2018 Farm Bill, banning most hemp products that contain THC and other hemp-derived cannabinoids.

[The International Cannabis Bar Association \(INCBA\)](#) issued a statement recognizing the significant impact this new law will have on the legal work of its attorney members, the operations of cannabis businesses, and the broader industry. INCBA emphasized its readiness to support members and clients navigating these unprecedented changes.

Definition of “Hemp” Redefined to Include All THC Isomers and Cannabinoids With Similar Effects, Creating Legal Uncertainty

The legislation redefines “hemp” such that, upon the one-year anniversary of enactment, the total THC content including delta-9, delta-8, and other isomers, as well as any cannabinoids with similar effects to tetrahydrocannabinol cannot exceed 0.3%. Hemp products must also be limited to a total of 0.4 milligrams per container. Any possession, transfer, sale, or purchase beyond these limits could result in criminal liability under federal law.

INCBA highlighted that these changes threaten to criminalize a wide array of hemp-based products, putting businesses and consumers at risk for legal consequences despite prior compliance with the 2018 Farm Bill.

INCBA’s Mission to Support Cannabis Legal Professionals Amid Shifting Federal Regulations

Founded in 2015, INCBA is a nonpartisan nonprofit dedicated to advancing professional excellence among attorneys serving the cannabis industry. By uniting legal professionals across disciplines, INCBA promotes ethical, informed, and sophisticated practice in this rapidly evolving field. Its members provide counsel across all facets of the legal cannabis ecosystem, ensuring businesses and communities receive knowledgeable and consistent guidance.

[Since the passage of the 2018 Farm Bill](#), the U.S. hemp sector has grown into a complex industry distinct from state-licensed marijuana markets. Differences in regulatory oversight, taxation, scientific advances, and business strategies created divisions between federally legal hemp and recreational or medical cannabis operations. INCBA members have worked through these challenges, providing counsel to ensure legal compliance and operational stability across the industry.

Recriminalization Could Disrupt Hemp Activity and Federal Protections

INCBA warned that the new legislation could prohibit substantial hemp-related activities, threatening both the production and distribution of compliant hemp products. By rolling back protections established in 2018, the federal government risks penalizing businesses and consumers that have relied on the prior legal framework.

The association underscored its opposition to any law that recriminalizes or stigmatizes *Cannabis sativa L.* or its derivatives. INCBA emphasized the need for evidence-based regulation that preserves industry growth and legal compliance, rather than punitive measures that could destabilize the market.

Lawmakers Take Action to Counter Federal Hemp Restrictions

INCBA noted that legislative responses to the hemp recriminalization provisions are already underway. U.S. Representative Nancy Mace (R-S.C.) introduced a bill to repeal the provision entirely, while U.S. Representative Ilhan Omar (D-Minn.) indicated that efforts are being made to secure exemptions for states with already established hemp programs.

The association called on stakeholders across the cannabis sector to engage with legislators and advocate for fair, reasonable, and practical federal regulations. Such engagement is crucial to ensuring that legal hemp businesses can continue operations without the threat of criminal penalties.

INCBA Encourages Industry Unity and Advocacy Amid Federal Legal Uncertainty

INCBA emphasized that this moment represents both a challenge and an opportunity for the cannabis industry. Legal professionals, businesses, and policymakers must collaborate to ensure that the U.S. hemp sector remains viable and well-regulated. By advocating for clear, evidence-based policies, the industry can maintain protections for compliant businesses while fostering continued innovation and consumer access.

INCBA reaffirmed its commitment to educating and connecting cannabis legal professionals, supporting compliance, and elevating best practices across the rapidly evolving industry.

Federal Hemp Recriminalization Sparks Call for Stakeholder Engagement and Industry-Led Solutions

As the one-year countdown to the hemp provisions takes effect, INCBA urges all stakeholders to actively participate in the legislative process and push for clarifying guidance. The association stressed that the future of hemp and broader cannabis legalization depends on informed advocacy, proactive engagement, and a unified industry voice.

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