

House Committee Passes Amendment to Farm Bill, Banning Delta-8 THC

An amendment proposed for the 2024 Farm Bill seeks to address the proliferation of intoxicating hemp-derived products, such as delta-8 THC, by closing a loophole left open by the 2018 Farm Bill. This amendment was approved by the U.S. House Committee on Agriculture and could significantly impact the hemp industry.

Proposed Changes

Ban on Intoxicating Products: The amendment would federally ban hemp-derived products known for their intoxicating effects, including delta-8 THC, semi-synthetic cannabinoids like HHC, and synthesized products like THC-O.

Revised Hemp Definition: It introduces a distinction between “hemp grown for cannabinoid extraction” and “industrial hemp” used for non-cannabinoid purposes like food and fiber. This redefinition aims to clarify and restrict the scope of hemp that can be used for intoxicating products.

Legalization Context: The 2018 Farm Bill legalized hemp cultivation with a THC content of 0.3% or lower to promote non-intoxicating uses like CBD extraction. However, it inadvertently fueled a market for intoxicating hemp-derived cannabinoids.

Market Impact: These products became widely available despite varying state laws on cannabis, leading to a lucrative gray market estimated at \$28 billion.

Industry Response

Support and Opposition: Proponents argue the amendment is necessary to regulate a growing industry of potentially harmful products. Opponents, including some within the hemp industry, argue that banning these products could devastate the market and hinder economic growth.

Legislative Developments: States have started independently regulating these products due to federal ambiguity, highlighting the need for cohesive federal regulation.

Legislative Process

Current Status: The amendment has passed the U.S. House Committee on Agriculture but awaits further debate and approval in the Senate. The final form of the 2024 Farm Bill remains uncertain, leaving the future of the hemp industry in question.

Context in Cannabis Industry

Impact on Adult-Use Cannabis: Despite assumptions, stakeholders in the adult-use cannabis industry are divided. Some support regulating the gray market to maintain standards, while others fear broader repercussions for cannabis legislation.

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