

Hemp Regulation

January 8, 2026



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Evolution of Hemp Regulation - Federal

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The Controlled Substances Act (CSA)

Schedule I: high potential for abuse with no currently accepted medical use in treatment in the United States. Examples: heroin, lysergic acid diethylamide (LSD), **marijuana (cannabis)**, 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote.

Schedule II: high potential for abuse, with use potentially leading to severe psychological or physical dependence. Examples: combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin

Schedule III: moderate to low potential for physical and psychological dependence. Examples: products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, testosterone

Schedule IV: low potential for abuse and low risk of dependence. Examples: Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien, Tramadol

Schedule V: lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Examples: cough preparations with less than 200 milligrams of codeine or per 100 milliliters (Robitussin AC), Lomotil, Motofen, Lyrica, Parepectolin

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Agricultural Improvement Act of 2018 (“2018 Farm Bill”)

7 USC 1639o

(1)Hemp.—The term “hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and *all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers*, whether growing or not, with a *delta-9 tetrahydrocannabinol* concentration of not more than *0.3 percent on a dry weight basis*.

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“0.3% loophole”:

Applying the 0.3% concentration threshold to heavier products results in greater amounts of THC. For example, a 50-gram chocolate bar could have around 150 mg of THC and still be compliant with the 0.3% THC threshold.



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“THCA loophole”:

The 0.3% threshold specifically applies to “delta-9 THC.” As written, it does not include delta-9 THCA (the precursor to THC) which readily converts into THC when smoked, heated, or combusted.



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“Derivatives loophole”:

The definition of hemp also includes “all derivatives” of the cannabis plant. As a result, many hemp businesses are taking CBD (cannabidiol) derived from hemp and chemically converting it into intoxicating cannabinoid derivatives like delta-8 THC, THCO acetates, and HHC, none of which have been well-studied for human safety.



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smokea

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[Sen. Mitch McConnell:](#)

That is why I helped secure new language in the most recent agriculture appropriations bill, to restore the **original intent of the 2018 Farm Bill's federal hemp legislation**. This language helps keep dangerous products made by bad actors out of the hands of kids while preserving this industry for Kentucky's hemp farmers.

I helped initiate pilot programs in the 2014 Farm Bill that gave us confidence in hemp's viability. Four years later, hemp's legalization and continued successes gave Kentucky a promising new crop. The plant is used in food, clothing, paper, plastic and many other consumer products. **However, the loophole in this legislation was abused. And it must be closed.**

Louisville Courier Journal
July 17, 2025

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FY2026 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act

Total THC Limit: The 0.3% THC threshold now applies to the **total THC concentration**, which includes delta-9 THC, delta-8 THC, tetrahydrocannabinolic acid (THCA), and any other cannabinoids determined by the Secretary of Health and Human Services to have similar effects to THC.

Per Container Limit: Final consumer products are limited to a maximum of **0.4 milligrams of combined total THC per container**, a threshold that industry experts argue would eliminate approximately 99% of currently available products, including many non-intoxicating CBD items that contain trace amounts of THC.

Synthetic and Manufactured Cannabinoids: The law explicitly excludes cannabinoids that are synthesized or manufactured outside the *Cannabis sativa* plant, directly targeting products like delta-8 and delta-10 THC that grew in popularity under the 2018 Farm Bill framework.

Effective date: November 12, 2026

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INCREASING MEDICAL MARIJUANA AND CANNABIDIOL RESEARCH

December 18, 2025

The Assistant to the President and Deputy Chief of Staff for Legislative, Political, and Public Affairs shall work with the Congress to update the statutory definition of final hemp-derived cannabinoid products to allow Americans to benefit from access to appropriate full-spectrum CBD products while preserving the Congress's intent to restrict the sale of products that pose serious health risks. This will include consultation with appropriate executive departments and agencies and authorities to **develop a regulatory framework for hemp-derived cannabinoid products, including development of guidance on an upper limit on milligrams of THC per serving** with considerations on per container limits and CBD to THC ratio requirements.

Evolution of Hemp Regulation - Vermont

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- Act 143 (2018), 6 V.S.A. § 564(a):

“The Secretary *shall* establish a pilot program to research the growth, cultivation, and marketing of industrial hemp.

The Agency of Agriculture, Food & Markets adopted the first and only Hemp Rules, effective May 21, 2020. [CVR 20-031-023](#)

- Act 174 (2022) amended 6 V.S.A. § 564(a):

“The Secretary *may* establish and administer a State Hemp Program to regulate the growing, processing, testing, *or* marketing of industrial hemp and hemp products in the State.”

- In October 2022, AAFM notified participants that it would stop licensing and provided instructions for registering “to grow hemp” with the USDA Domestic Hemp Production Program.

Evolution of Hemp Regulation - Vermont

Act 158 (2022), 7 V.S.A. § 862:

"The [Cannabis Control] Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol."

Prohibited synthetic cannabinoids *including delta-9 tetrahydrocannabinol that has been chemically or mechanically concentrated or otherwise derived from hemp and then sprayed, infused, or otherwise artificially introduced onto or into any product, including hemp or hemp products, so as to impart intoxicating properties mimicking those of cannabis and cannabis products.*

- (a) contains total tetrahydrocannabinol in a concentration exceeding 0.3 percent on a dry weight basis; or
- (b) contains more than 1.5 mg tetrahydrocannabinol per serving, where "serving" is the amount reasonably ingested by a typical consumer in a single instance; or
- (c) contains more than 10 mg total tetrahydrocannabinol per package, unless the ratio of cannabidiol to tetrahydrocannabinol is at least 20:1; or
- (d) has the dominant market appeal of mimicking the intoxicating effects of tetrahydrocannabinol.

Promulgated as final rules effective October 21, 2023

Questions

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Will interstate commerce of hemp products containing more than 0.4% THC be permitted?

Who should regulate hemp processors?

Is there hemp manufacturing capacity in Vermont?

What testing, labelling, safety standards apply to hemp products intended for human consumption?

Is 1.5 mg of THC an appropriate threshold for hemp products?

Are hemp products that contain THC restricted to people 21+?

Are there products that should be prohibited?