

Hemp Restrictions in the House FY2026 Agriculture Appropriations Draft Bill

June 13, 2025

On June 5, 2025, the House Agriculture Appropriations Subcommittee voted to send a markup for an FY2026 [appropriations bill](#) to the full committee. The full House Appropriations Committee began consideration of the draft bill on June 11 but postponed a final vote. Among its [many provisions](#), the draft bill includes a provision that effectively would prohibit the commercial production, sale, and distribution of hemp-derived cannabinoid products. [Similar action was debated](#) but not enacted in the 118th Congress.

The House Agriculture appropriations markup would amend the statutory definition of *hemp* to clarify the types of hemp products considered lawful under the [Domestic Hemp Production Program](#) (7 U.S.C. §§1639o-s) administered by the U.S. Department of Agriculture (USDA). The current statutory definition of *hemp* was established in the Agriculture Improvement Act of 2018 (P.L. 115-334), which legalized hemp cultivation by excluding it from the definition of *marijuana* (21 U.S.C. §802(16)) and removed federal regulation of hemp from the Controlled Substances Act (CSA; 21 U.S.C. §§801 et seq.) and oversight by the U.S. Drug Enforcement Administration (DEA). Both [hemp and marijuana](#) are from the *Cannabis sativa* plant. Congress also preserved the laws and regulations of the Food and Drug Administration (FDA) and the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. §§301 et seq.) regarding hemp-derived products (7 U.S.C. §1639r(c)), leading FDA to assert that consumer products containing cannabis and cannabis-derived cannabinoids under its jurisdiction are “[unlawful](#).”

Hemp is currently defined to mean “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 [THC] concentration of not more than 0.3 percent on a dry weight basis” (7 U.S.C. §1639o). There are [hundreds of chemical compounds and cannabinoids](#) in the cannabis plant.

The [draft appropriations bill](#) would expand on the existing statutory definition of *hemp* to include industrial hemp products and exclude hemp-derived cannabinoid products (§759). The provision would define these two terms as follows:

- *Industrial hemp* would be defined to mean hemp grown for “non-cannabinoid” uses, including for fiber or for grain/seed (e.g., use as a whole grain, oil, cake, nut, or hull) or for immature plants (e.g., microgreens or other edible hemp leaf products), as well as hemp grown for research purposes or as a viable seed to produce industrial hemp.

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- *Hemp-derived cannabinoid product* would be defined to mean “any intermediate or final product derived from hemp (other than industrial hemp), that ... contains cannabinoids in any form; and ... is intended for human or animal use through any means of application or administration, such as inhalation, ingestion, or topical application.”

Excluding hemp-derived cannabinoid products from the federal definition of *hemp* effectively would prohibit production and sale of hemp-derived cannabinoids, derivatives, and extracts thereof, including cannabidiol (CBD). Excluded cannabinoids would cover also non-naturally occurring and [synthesized or manufactured compounds](#). The proposed provision would make other broader changes to the *hemp* definition by changing the allowable limits of THC—the leading psychoactive cannabinoid in the cannabis plant—to be determined on the basis of its total THC, including tetrahydrocannabinolic acid (THCA), instead of delta-9 THC. This would codify the regulatory practice established in USDA’s [2021 final hemp regulations](#). The provision would exclude from hemp “any viable seeds from a *Cannabis sativa* L. plant” that exceed a total THC (including THCA) of 0.3% in the plant on a dry weight basis.

The draft appropriations measure also would exclude from the statutory definition of *hemp* “any hemp-derived cannabinoid products containing ... quantifiable amounts based on substance, form, manufacture, or article” of THC as determined by the Secretary of Health and Human Services (HHS) in consultation with the Secretary of Agriculture. A [draft of the committee report](#) to accompany the draft bill would further require that FDA establish a task force to “provide input on determining the level of quantifiable amounts of [THC] or other cannabinoids in hemp-derived cannabinoid products” and recommend “clear, science-based guidance to ensure product safety, consumer confidence, and regulatory clarity” for hemp-derived products. The [manager’s amendment to the report](#) states, “In determining the quantifiable amounts, the Committee does not intend for industrial or non-intoxicating hemp-derived cannabinoid products with trace or insignificant amounts of THC to be affected.”

The House Agriculture Appropriations Committee’s [press release](#) says the hemp provision “supports the Trump Administration and mandate of the American people by ... closing the hemp loophole that has resulted in the proliferation of unregulated intoxicating hemp products, including [d]elta-8 and hemp flower, being sold online and in gas stations across the country.” This proposed policy change broadly reflects the efforts of the [Cannabis Regulators Association \(CANNRA\)](#) and the [attorneys general](#) across several states. In general, the “loophole” refers to the marketing of unregulated hemp-derived cannabinoid products despite some products being widely considered to be intoxicating and to pose public safety and health risks. CANNRA has identified [three loopholes](#)—0.3% loophole, THCA loophole, and derivatives loophole—which they assert are being used to justify the sale of intoxicating hemp-derived products. The draft provision largely addresses the first two loopholes by codifying USDA requirements that hemp be tested on the basis of total THC (including THCA); the third is addressed by the exclusion of hemp-derived cannabinoid products in the definition of *hemp*. Industry groups contend that the proposed policy change would “[dismantle](#)” the U.S. hemp industry.

The 118th Congress [considered but did not enact similar provisions](#). The House Agriculture Committee included [nearly identical changes](#) to the *hemp* definition in the Farm, Food, and National Security Act of 2024 (H.R. 8467, §10006, as ordered to be reported). The House Agriculture Appropriations Committee’s [FY2025 appropriations bill](#) (H.R. 9027, §760) included a similar provision. While appropriations acts usually [do not amend](#) the *U.S. Code*, it is possible depending on the use of House rules.

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