November 12, 2026

The Honorable John Thune
Senate Majority Leader
511 Dirksen Senate Office Building
Washington, DC 20510-4105

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510-3202

The Honorable Mike Johnson
Speaker of the House
521 Cannon House Office Building
Washington, DC 20515-1804

The Honorable Hakeem Jefferies
House Minority Leader
2267 Rayburn House Office Building
Washington, DC 20515-3208

The Honorable Susan Collins
Chairwoman
U.S. Senate Appropriations Committee
S-128, The Capitol
Washington, DC, 20510-6025

The Honorable Patty Murray
Vice Chairwoman
U.S. Senate Appropriations Committee
S-128, The Capitol
Washington, DC, 20510-6025

The Honorable Tom Cole
Chairman
U.S. House Appropriations Committee
H-307, The Capitol
Washington, DC, 20510-6025

The Honorable Rose DeLauro
Ranking Member
U.S. House Appropriations Committee
H-307, The Capitol
Washington, DC, 20510-6025

Dear Members of the Senate and House of Representatives:

We, the 111 undersigned national and state public health, medical, law enforcement, consumer safety, youth protection, and substance use prevention organizations write regarding the federal definition of hemp and the rapidly expanding market for intoxicating cannabinoid products sold as "hemp." **Congress should not extend the temporary delay of Public Law 119-37 beyond December 11, 2026, and should not create carve-outs or alternative federal pathways that allow intoxicating THC products – including beverages – and other highly intoxicating hemp-derived products to continue being sold nationwide as hemp.** This includes proposals that would repeal or replace Public Law 119-37 with a regulatory system for intoxicating hemp products, as well as beverage-specific proposals such as the Beverage Regulatory Parity Act.

Congress enacted Public Law 119-37 to address the fundamental problem created by the 2018 Farm Bill: products capable of producing marijuana-like intoxication have been manufactured and sold nationwide as "hemp" in convenience stores, grocery stores, vape shops, and online.[1,2] As a result, intoxicating gummies, beverages, vapes, concentrates, flower, and other products are now being sold in both jurisdictions that have not established legal commercial marijuana markets as well as in those that have.[1,2] Some products contain intoxicating doses of delta-9 THC but are marketed as "hemp" based on the federal dry-weight definition.[1,2,3] Others contain an expanding array of intoxicating cannabinoids – researchers have identified 26 distinct compounds, often sold in blends containing two or more intoxicating cannabinoids – including compounds commercially produced by chemically converting hemp-derived CBD.[1,2,4] These compounds are often poorly studied individually, much less in the numerous combinations in which they are sold.[4,5] Still other products are made with concentrated THC extracts or distillates that may themselves legally constitute marijuana, then formulated into gummies, beverages, and other finished products marketed as hemp.[3] In practice, the term "hemp" has therefore come to encompass a highly diverse market of intoxicating THC products that bears little resemblance to the non-intoxicating agricultural commodity Congress originally intended to legalize.[1,2,3,4,6]

Public Law 119-37 establishes a much clearer boundary by accounting for total THC, addressing cannabinoids synthesized or manufactured outside the cannabis plant, and excluding finished hemp-derived cannabinoid products

containing more than 0.4 milligrams per container of total THC and cannabinoids with similar effects, while separately preserving industrial hemp.[7] In practical terms, it draws a clear federal line between non-intoxicating hemp and intoxicating cannabinoid consumer products, replacing the federal hemp language that has enabled the latter to be sold in ordinary retail commerce. The law originally provided a full 365-day implementation period.

That implementation has already been delayed. Section 2019 of H.R. 6500, enacted as Public Law 119-103, temporarily limits application of most of the new framework through December 11, 2026, leaving only the exclusions involving cannabinoids that cannot naturally be produced by cannabis operative during that period.[8] Most of today's intoxicating hemp market, however, involves THC and related cannabinoids that may be characterized as naturally occurring even when they are commercially concentrated, converted, synthesized, or manufactured outside the plant.[1,2,5] **Another extension would perpetuate the very market Congress already acted to address and create another opportunity for temporary delays to become effectively permanent.**

This problem cannot be solved through regulation for several reasons. First, the problem is not limited to mislabeled or contaminated products. THC itself poses significant health and safety risks including impaired driving, injuries, poisonings, cardiovascular harms, addiction, psychosis, and other psychiatric conditions, while many newer intoxicating cannabinoids remain comparatively understudied.[4,5,9,10] Testing, warning labels, age restrictions, child-resistant packaging, and manufacturing standards may address some product-quality concerns, but they do not eliminate intoxication or the consequences of broader commercial availability.[6,7] Second, the marketplace can evolve faster than compound-by-compound regulation: new cannabinoids, chemical conversions, formulations, and marketing strategies rapidly emerge as existing products are restricted.[1,2,4,5,6] Companies are continuously reengineering products to circumvent product regulations.[1] Third, determining whether a product qualifies as lawful hemp can be difficult – and in some cases may be impossible from finished-product testing alone. Law enforcement cannot reliably distinguish lawful hemp from marijuana products by appearance, odor, or routine field testing. **Costly and time-consuming laboratory analysis can establish the cannabinoid content of a finished product but may not reveal the source material or manufacturing process – facts that can also determine whether the product qualifies as hemp under federal law.** Indeed, in a recent analysis of hundreds of delta-9 THC edibles marketed as federally lawful hemp, **80% could not physically contain enough cannabis material at the maximum lawful THC concentration to provide their labeled THC dose** – suggesting that many depend on more concentrated THC inputs that would not qualify as hemp.[3] Yet establishing that conclusively may not be possible from finished-product testing alone.[3] Authorities can therefore undertake sophisticated testing and still face uncertainty about a product's legal status. A federal framework that forces regulators and law enforcement to chase each new intoxicating cannabinoid after it reaches the marketplace will perpetuate this cycle rather than establish a clear, durable, and enforceable boundary. **Public Law 119-37 directly addresses this enforcement problem by establishing a finished-product limit – 0.4 milligrams per container of total THC and cannabinoids with similar effects – rather than relying solely on regulators to reconstruct how a product was manufactured.**

Intoxicating THC beverages should not receive a special carve-out. Creating a separate federal pathway for beverages does not make THC non-intoxicating or eliminate the public health consequences of expanded access and commercialization. Proposals such as H.R. 10079, the Beverage Regulatory Parity Act, would establish a separate federal regulatory framework for hemp-derived beverages; the bill was introduced August 10 and referred to the House Energy and Commerce and Ways and Means Committees. The bill would exempt qualifying beverages from Public Law 119-37's 0.4-milligram per-container limit, permit up to 5 milligrams of intoxicating THC per serving – including more than 80 milligrams in a 750-milliliter bottle – and allow intermediate material used in beverage manufacturing to contain up to 20% total THC.[11] This approach would authorize the sale of intoxicating THC beverages in ordinary retail stores, facilitate interstate commercialization, and conflict with the substantially lower finished-product threshold Congress enacted in Public Law 119-37. Similarly, H.R. 9830, the Lawful Hemp Protection Act, would repeal Section 781 and replace it with a new federal regulatory structure for intoxicating hemp-derived cannabinoid products.[12] **Rather than implementing the clear boundary Congress established in Public Law 119-37, these proposals would replace it with federal regulatory pathways that preserve or authorize the commercial sale of intoxicating cannabinoid products marketed as "hemp."** In the view of the undersigned, requirements for testing, labeling, age restrictions, taxation, or federal oversight do not resolve the underlying concern that these approaches would maintain and greatly expand the nationwide commercial market for these intoxicating THC products. Protecting legitimate hemp agriculture and non-intoxicating hemp products does not require maintaining a separate federal pathway for these intoxicating products.

Congress has already established a federal boundary intended to distinguish hemp from intoxicating cannabinoid consumer products. The undersigned organizations' position is therefore straightforward:

- **Do not extend the temporary Section 2019 delay beyond December 11, 2026.**
- **Allow the remaining provisions of Public Law 119-37 to take effect when that temporary period expires.**
- **Reject proposals that would preserve intoxicating THC and other highly intoxicating products derived from hemp as federally lawful "hemp".**
- **Ensure prompt and effective implementation and enforcement of the law Congress has already enacted.**

Congress does not need to invent a solution to the current regulatory blind spot. It already enacted one. The temporary delay should expire on December 11, 2026, as scheduled, allowing the remaining provisions of Public Law 119-37 to take effect.

Sincerely,

Addiction Policy Forum
Alabama Citizens Action Program (ALCAP)
Alabama Pro Life Coalition
Alexander Neville Foundation
American Academy of Addiction Psychiatry (AAAP)
American Academy of Pediatrics
Americans Against Legalizing Marijuana
BE EXTRAORDINARY, BE YOU!
Becca Schmill Foundation
CADCA
Cannabis Impact Prevention Coalition, LLC.(CIPC)
Cannabis Industry Victims Educating Litigators
Cannabis Industry Victims Seeking Justice, LLC (CIVSJ)
Caron Treatment Centers
Children's Hospital Colorado
Citizens for a Safe and Healthy Texas
Coalition for a Drug Free Texas
Community Alliance for Teen Safety
Community Connections Substance Abuse Prevention System
Community Connections, Inc.
Consumer Federation of America
D.A.R.E. America
DEA Educational Foundation
Devin J. Norring Foundation
Drug Enforcement Association of Federal Narcotic Agents (DEAFNA)
Drug Free America Foundation, Inc.
Drug Free Collin County
Drug Watch International, Inc
DrugFree WilCo
DrugImpairment.com
DUID Victim Voices
DuPage County Health Dept.
Eagle Forum
Eagle Forum of Alabama

End Kratom Addiction
Every Brain Matters
Fighting Obscenity In the children's sections of Libraries
Forsyth County Drug Awareness Council
Foundation for Drug Policy Solutions
Foundation for Healthy Generations
Georgians for Responsible Marijuana Policy
Greater Portsmouth Youth Wellness Coalition
Hamblen County Substance Abuse Coalition
Healthy Communities Alliance
Healthy Fayette County Coalition (HFCo)
Hermosa Coalition for Drug-Free Kids
Hillsborough County Anti Drug Alliance
HUGS, Inc.
In Ryan's Name, Inc.
Informed Families/The Florida Family Partnership
Institute for Behavior and Health, Inc.
International Certification and Reciprocity Consortium
International Association of Chiefs of Police (IACP)
Iowa Alliance of Coalitions for Change
Johnny’s Ambassadors Youth THC Prevention
Lost Voices of Fentanyl
Marin Residents for Public Health Cannabis Policies
MATFORCE
Minnesota Prevention Alliance
Minnesota Prevention Alliance Foundation
Mothers for Awareness and Prevention of Drug Abuse
NAADAC, the Association for Addiction Professionals
National Association for Children of Addiction
National Drug & Alcohol Screening Association
National Family Partnership
National HIDTA Director’s Association (NHDA)
National Prevention Science Coalition to Improve Lives
New Jersians Against Legalizing Marijuana
Newfound Coalition for Youth
North Carolinians Against Legalizing Marijuana
North Fayette Valley Community Coalition
Nurturing Resources, Inc.
One Chance to Grow Up
Parents Against Vaping (PAVe)
Partnership to End Addiction
Pennsylvania Against Legalizing Marijuana
Prevention Action Alliance
Prevention Alliance of Tennessee
Preventing Tobacco Addiction Foundation

Public Health Institute
Raymond Coalition for Youth
Safe Yakima Grandview Coalition
Safe Yakima REACH Coalition
Safe Yakima Toppenish Coalition
SafeLaunch
Save Our Society From Drugs
SCCAM-Shasta, Siskiyou, and Lassen County Citizens Against Marijuana
Shatterproof
Smart Approaches to Marijuana
Smart Approaches to Marijuana Minnesota
Step Up Anderson Township
Student Assistance Services Corporation
Students Against Destructive Decisions
Substance Awareness Coalition Leaders of Arizona (SACLAz)
Tennessee Bureau of Investigation
Texans for Safe and Drug-Free Youth
Texas Pediatric Society
The National Alliance of State Drug Enforcement Agencies (NASDEA)
the National Narcotic Officers Association (NNOAC)
The Raymond Coalition for Youth
The Scottsville Allen County Faith Coalition
Tigard Turns the Tide
Tipton Prevents
Tobacco 21
Treatment Communities of America
Unicoi County Prevention Coalition
Vive18
Washington Association for Substance Misuse and Violence Prevention (WASAVP)
Washington State Public Health Association
WestCare Foundation
Wyoming Division of Criminal Investigation

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