



Overview of the 2025 U.S. Congressional Appropriations Language on Hemp November 2025

TOP-LINE SUMMARY:

- This Act changes language in the Agricultural Marketing Act of 1946;
- This Act separates cannabinoid hemp products from industrial hemp;
- This Act outlaws cannabinoid hemp products that have >0.4mg Total THC (and any other cannabinoids determined to have similar effect) per container;
- This Act outlaws synthetic cannabinoids, including those that are synthesized versions of naturally occurring cannabinoids;
- This Act creates a new definition for industrial hemp that does not include cannabinoid products;
- Hemp provisions in this Act are effective 365 days after its enactment.
- Within 90 days of enactment, FDA must publish information related to intoxicating cannabinoids, naturally occurring cannabinoids, and anything additional related to defining “container.”
- Many unknown factors remain in terms of implementation, including what federal enforcement might look like, whether additional implementation guidance will be provided to states, and how states will implement this policy.

On November 12, 2025, the President signed [“An Act Making Continuing Appropriations and Extensions for Fiscal Year 2026”](#) into law. The Act contains 6 pages related to hemp (pages 156-162).

WHAT DOES THE ACT CHANGE RELATED TO HEMP?

The Act changes the language in the Agricultural Marketing Act of 1946 to do the following:

- It expressly adds *Total THC* (a measure of the total of all tetrahydrocannabinol compounds), including tetrahydrocannabinolic acid (THCa – which is a precursor to delta-9 THC in the plant) to the definition of the “0.3%” on a dry weight basis.
- It separates industrial hemp from cannabinoid hemp.
- It excludes from the definition of “hemp” the following:
 - Seeds that come from a marijuana plant (i.e., a plant that exceeds 0.3% total THC on a dry weight basis);
 - Any intermediate or final hemp-derived cannabinoid products with:
 - Cannabinoids not produced naturally in the plant;
 - Cannabinoids capable of being produced naturally in the plant, but synthesized outside the plant;
 - Products with more than 0.3% combined total (for intermediate products) or 0.4mg total per container (for final products) of:
 - Total THC (including THCa)
 - Any other cannabinoids with similar effects, or marketed to have similar effects (as determined by HHS)
- It defined industrial hemp specifically as hemp that is:
 - Grown for use of the stalk of the plant, fiber produced from such stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk;

- Grown for the use of the whole grain, oil, cake, nut, hull, or any other non-cannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant;
 - Grown for the purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are derived from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinols concentration.
 - That is a plant that does not enter the stream of commerce and is intended to support hemp research at an institution of higher education (as defined in section 101 of the Higher Education Act) or an independent research institute; or
 - Grown for the use of a viable seed of the plant produced solely for the production or manufacture or any material described above as industrial hemp.
- It defined three specific terms: (1) “hemp-derived cannabinoid product” (2) “intermediate hemp-derived cannabinoid product,” and (3) “container”:
 - The term **hemp-derived cannabinoid product** means 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.
 - The term **“intermediate hemp-derived cannabinoid product”** means a hemp-derived cannabinoid product which –
 - is not yet in the final form or preparation marketed or intended to be used or consumed by a human or animal; or
 - is a powder, liquid, tablet, oil, or other product form which is intended or marketed to be mixed, dissolved, formulated, or otherwise added to or prepared with or into any other substance prior to administration or consumption.
 - The term **“container”** means the innermost wrapping, packaging, or vessel in direct contact with a final hemp-derived cannabinoid product in which the final hemp-derived cannabinoid product is enclosed for retail sale to consumers, such as a jar, bottle, bag, box, packet, can, carton, or cartridge.
 - The term container excludes bulk shipping containers or outer wrappings that are not essential for the final retail delivery or sale to an end consumer for personal or household use. Such term does not include a drug that is the subject of an application approved under subsection (c) or (j) of section 505 of the FD&C (21 USC 355).
- The aforementioned changes go into effect 365 days after the signing of the Act.
 - Within 90 days of the enactment of the Act, it requires the Food and Drug Administration (in consultation with other relevant federal agencies) to publish:
 - A list of all cannabinoids known to FDA to be capable of being naturally produced by a Cannabis sativa L plant, as reflected in peer reviewed literature;
 - A list of all tetrahydrocannabinol class cannabinoids known to the agency to be naturally occurring in the plant;
 - A list of all other known cannabinoid with similar effects to, or marketed to have similar effects to, tetrahydrocannabinol class cannabinoids; and
 - Additional information and specificity about the term “container”, as defined in the Act.

WHAT HAPPENS NEXT AT THE FEDERAL AND U.S. CONGRESSIONAL LEVEL?

- The language in this Act is not required to be renegotiated as part of future Appropriations bills, because it changes existing federal law;
- A 90-day clock has already started for FDA to identify intoxicating cannabinoids, identify cannabinoids produced naturally by the plant, and further define “container;”
- Discussions are happening about a minibus Farm Bill (which may provide more details on hemp);
- Discussions are happening about other potential Congressional hemp regulatory bills (e.g., a bill from Rep. Griffith (R-VA); a bill from Sen. Wyden (D-OR) and Sen. Merkley (D-OR), etc.)
 - It is unclear if any standalone bill will have support given other work Congress will be taking on and given that 2026 is an election year.

WHAT IS STILL UNKNOWN?

- What federal enforcement will look like (and who might enforce this law);
- If there will be a Cole-like memo to provide guidance to states who exercise states’ rights to continue a cannabinoid hemp program in the state;
- What additional federal bills or regulations may be introduced to further shape a regulatory framework on either the cannabinoid or the industrial hemp side;
- What will happen during the sell-down period (the 365 days leading up to full implementation of the Act);
- How major national players in this space will implement or respond to this Act (e.g., Total Wine, Shopify, Circle K, etc.);
- How federal alcohol laws and requirements will impact engagement by alcohol wholesalers, retailers, and brands in the THC beverage space now that specific law exists federally outlawing many of the THC beverages on the national market.

OTHER COMMENTS AND CONSIDERATIONS

- This will immediately impact capital, banking, insurance, and more for the hemp industry;
- This kicks the issue to the states to some degree – and states will likely address this differently from state to state based on a variety of factors;
- It will be important to keep consumer safety and public health in focus during state discussions about next steps;
- In an unprecedented way, this bill codified an allowable limit of THC into law – this could have implications for rescheduling discussions (since no other Schedule 1 substances have allowable limits set for access by the general population);
- This provides a new opportunity for industrial hemp – we will likely see more federal activity around developing and furthering an industrial hemp market in the U.S.