

# United States Senate

WASHINGTON, DC 20510

September 16, 2025

The Honorable John Thune  
Majority Leader  
United States Senate

The Honorable Chuck Schumer  
Minority Leader  
United States Senate

Dear Majority Leader Thune and Minority Leader Schumer:

We write to express strong opposition to the inclusion of any language in S. 2256, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2026 (FY26 Agriculture-FDA Appropriations Bill), or in any continuing resolution or conferenced spending bill, that would decimate the American agricultural hemp industry and imperil states' ability to prevent unsafe hemp-derived cannabinoid products from getting into the hands of children. We ask to work with you and interested members to protect consumers by effectively regulating hemp-derived cannabinoid products instead of passing language that will instantly drive thousands of acres of crop value across America, including 3,900 acres in South Dakota, to zero.

We agree that hemp-derived cannabinoid products, when left unregulated, present safety concerns. But the original language in the FY26 Agriculture-FDA Appropriations Bill, particularly Sec. 781(1)(C)(ii)(III), recriminalized products currently prolific across the United States without any method to remove them from the stream of commerce. Instead of this hurried attempt that will not achieve its worthy public health and safety goals, we suggest considering legislation to establish a hemp-derived cannabinoid product framework that: (1) restricts the sale and possession of hemp products to adults over age 21; (2) standardizes packaging and labeling to eliminate "look-a-like" snack products that are appealing to children while allowing adult-only consumers to make informed choices; (3) prohibits synthetic or artificially derived products; and (4) requires independent third-party laboratory tests for consumable hemp-derived cannabinoid products to ensure safety.

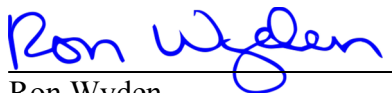
We voted for the Agriculture Improvement Act of 2018 (2018 Farm Bill) in part because the bill expanded the definition of hemp and established a first-step framework for the hemp industry. Despite regulatory inaction by the Food and Drug Administration in the years since, under the 2018 Farm Bill language, the hemp industry flourished and now supports 320,000 American jobs, generates \$28.4 billion in regulated market activity, and produces some \$1.5 billion in state tax revenue. While we appreciate the Appropriations Committee's commitments to improve the language contained in the original FY26 Agriculture-FDA Appropriations Bill, the language in Section 782 of S.2256 (which was struck by a managers' package amendment before final passage) falls short of a real solution. If this language were to become law, it would deal a fatal blow to the American farmers who are the foundation of the regulated hemp industry, and jeopardize tens of billions of dollars in economic activity around the country. Let's work together to regulate these products—building on this opportunity for economic growth for farmers while improving consumer safety and protecting kids, instead of re-criminalizing a crop to regulate finished products.

Some have said the Section 782 language would not negatively impact the industrial hemp industry. To the contrary: by re-criminalizing any “quantifiable” levels of tetrahydrocannabinol (THC), the language makes illegal all existing and future development of dual cultivars used by farmers to produce grain and cannabinoids, or fiber and cannabinoids, from one hemp crop. These genetic advances are critical to maximizing the economic value of a single crop, giving farmers the flexibility to respond to shifting market demands and improve overall profitability. The industrial hemp industry is interconnected between grain, fiber and cannabinoid products, meaning the long-term success of American hemp farmers depends on the continued viability of all three markets. Re-criminalizing cannabinoid products cuts off one leg of the hemp market’s stool, and it will topple if this language is included in any final spending bill. Over 70% of hemp acreage is dedicated to cannabinoid production, according to the latest USDA data—and hemp even yields higher profits for farmers compared to corn or soybeans.

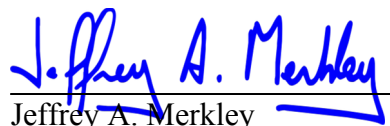
We understand that proponents of this language believe it would not imperil access to cannabidiol (CBD). As you may know, CBD is a demonstrated helpful, relatively nontoxic hemp-derived cannabinoid that consumers use to relax and manage anxiety, insomnia, and chronic pain. CBD is not psychoactive, like THC is. However, under the language struck from the FY26 Ag-FDA Appropriations Bill, a hemp-derived cannabinoid product with 5 milligrams of CBD and .01 milligram of THC (a naturally occurring, non-impairing, non-psychoactive yet quantifiable amount) would again be a Schedule I substance under the Controlled Substances Act. These products have significant demand from consumers across the country. Some veterans suggest these products have helped them reduce use of opioids. The language in the FY26 Ag-FDA Appropriations Bill, however, did nothing to protect non-psychoactive CBD products—yet another reason the Senate voted to strike this language from the bill in July.

By arbitrarily changing the definition of a crop to regulate finished products, Congress would effectively turn out the lights on America’s law-abiding hemp farmers and undermine ongoing work by our colleagues in authorizing committees and in states that have created regulatory frameworks for hemp products. For these reasons, we strongly urge you to maintain the removal of this language from the FY26 Ag-FDA Appropriations Bill and any final FY26 appropriations bill, and instead work with us to regulate finished products to protect consumers and effectively keep hemp-derived cannabinoid products out of the hands of kids. We will continue to stand up for American hemp farmers and small businesses and oppose efforts to include this language in any bill.

Sincerely,



Ron Wyden  
United States Senator



Jeffrey A. Merkley  
United States Senator



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Angela D. Alsobrooks  
United States Senator



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John Hickenlooper  
United States Senator



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Cory A. Booker  
United States Senator



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Martin Heinrich  
United States Senator



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Michael F. Bennet  
United States Senator



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Chris Van Hollen  
United States Senator