Practice Update

Congress Approves One-Month Delay of Federal Hemp THC Restrictions

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Congress has approved a short-term government funding measure that would delay implementation of most new federal restrictions on hemp-derived THC products by 30 days, moving the effective date from November 12, 2026, to December 11, 2026. The measure, H.R. 6500, the Continuing Appropriations and Extensions Act, 2027, passed the House on September 1, 2026, by a 370-48 vote following prior Senate approval and now proceeds to the president for signature.

The continuing resolution does not repeal the hemp restrictions enacted in 2025. Rather, it provides a limited extension of the moratorium for non-synthetic hemp-derived cannabinoids, giving Congress until December 11, 2026 — the date on which the next federal funding deadline is expected — to consider whether to enact a broader regulatory framework.

The extension is narrow. Products containing synthetic cannabinoids — described in the legislation as cannabinoids not capable of being naturally produced by a Cannabis sativa L. plant — remain subject to the original November 2026 implementation timeline.

The restrictions at issue were included in federal funding legislation enacted in November 2025.

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Those provisions amended the federal definition of hemp to exclude certain products containing more than 0.4 milligrams of total THC and to prohibit cannabinoids synthesized from hemp-derived CBD. The change represented a substantial shift from the 2018 Farm Bill framework, which generally focused on whether cannabis contained no more than 0.3% delta-9 THC on a dry-weight basis.

Since enactment, hemp businesses and trade organizations have urged Congress to replace the restrictions with a comprehensive federal regulatory framework. Supporters of the delay contend that the additional month may allow lawmakers to advance legislation addressing, among other issues, product safety, age restrictions, labeling, testing, potency limits, and enforcement. Opponents, including certain marijuana industry stakeholders and a bipartisan group of state attorneys general, have argued that further delay could prolong regulatory uncertainty and disrupt state-level efforts to limit intoxicating hemp products.

Several legislative efforts remain in play. For example, the bipartisan Lawful Hemp Protection Act, introduced by Reps. Andy Barr (R-Ky.) and Angie Craig (D-Minn.), would replace the pending restrictions with a federal regulatory framework for hemp-derived consumer products, including standards addressing domestic sourcing, manufacturing, testing, labeling, age restrictions, marketing to minors, and limits on synthetic cannabinoids. Other proposals have sought to repeal the 2025 restrictions, delay implementation for a longer period, or address discrete product categories such as hemp beverages. The competing approaches underscore that the December deadline may become a focal point for renewed negotiations over whether Congress will prohibit, delay, or regulate intoxicating hemp-derived products.

A couple of key takeaways:

- **The delay is temporary — not a safe harbor.** Unless Congress acts again, affected products remain at risk of falling outside the federal definition of hemp on December 11, 2026.
- **Synthetic cannabinoids remain an immediate concern.** The one-month delay does not appear to apply to cannabinoids that cannot be naturally produced by the cannabis plant.
- **State law remains central to compliance analysis.** Many states have adopted their own restrictions on hemp-derived intoxicating products, and the federal delay does not suspend or preempt those requirements.
- **Businesses should continue preparing.** Manufacturers, distributors, retailers, and investors should use the extension to reassess product formulations, labeling, testing protocols, distribution channels, inventory, and contractual risk.

The bottom line is that this one-month extension provides affected businesses with a brief reprieve, but not a resolution. Companies operating in the hemp, cannabinoid, beverage, wellness, retail, and cannabis-adjacent sectors should treat the extension as a narrow compliance planning window and continue preparing for potentially significant federal and state regulatory developments.

Akerman's Cannabis Practice remains at the forefront of this developing issue. We advocate for hemp product manufacturers, retailers, and beverage companies throughout the U.S. If you have any questions about how this may affect your business, our team of professionals stands ready to assist.

Disclaimer:
Possessing, using, distributing, and/or selling marijuana or marijuana-based products is illegal under federal law, regardless of any state law that may decriminalize such activity under certain circumstances. Although federal enforcement policy

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