

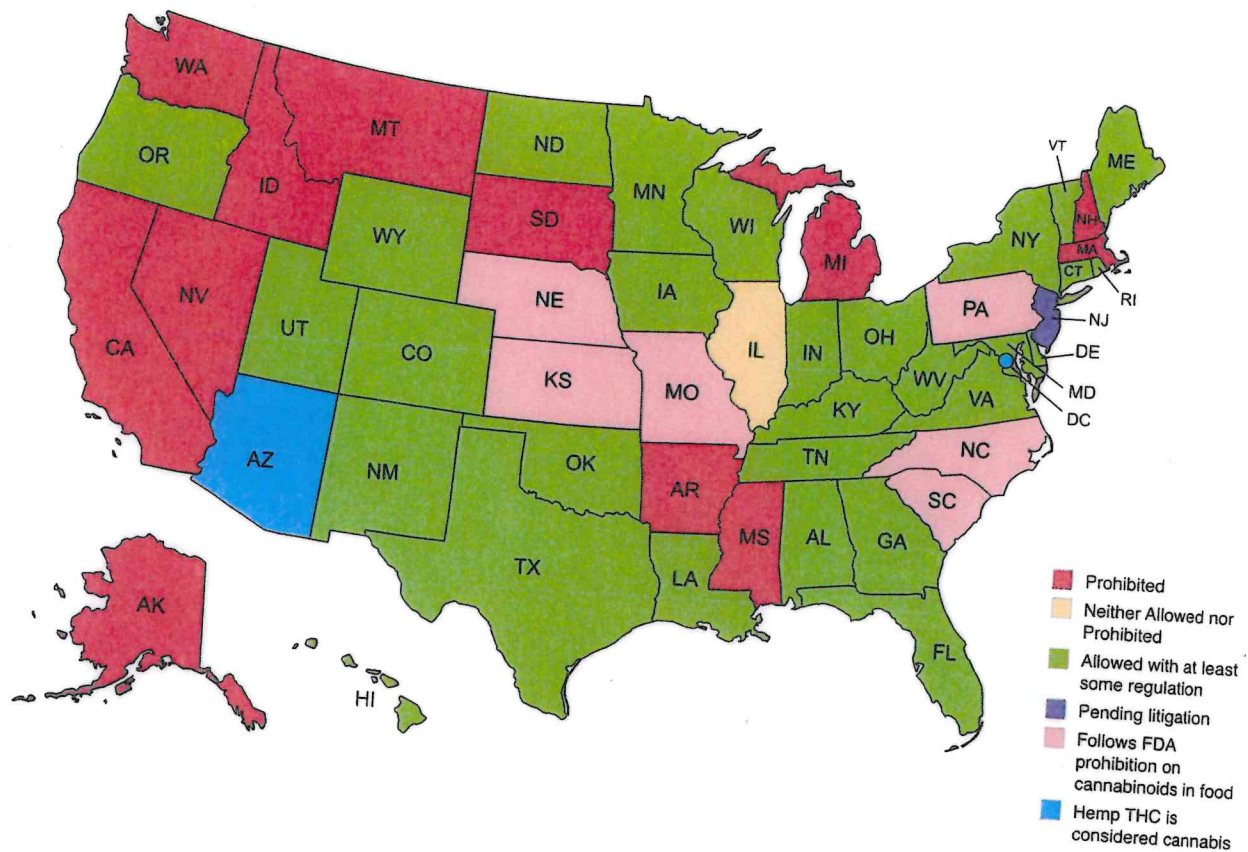


---

## US States & Territories - Hemp-derived beverages:

- **Alabama:** Permitted with some regulation.
- **Alaska:** Prohibited.
- **Arizona:** Hemp is considered cannabis; it must be purchased from a state-licensed dispensary. \*Litigation currently pending.
- **Arkansas:** Prohibited.
- **California:** Prohibited. \*Regulation to commence January 1, 2028.
- **Colorado:** Permitted with some regulation.
- **Connecticut:** Permitted with some regulation.
- **Delaware:** Permitted with some regulation.
- **District of Columbia:** Hemp is considered cannabis; it must be purchased from a state-licensed dispensary.
- **Florida:** Permitted with some regulation.
- **Georgia:** Permitted with some regulation.
- **Hawaii:** Permitted with some regulation.
- **Idaho:** Prohibited.
- **Illinois:** Neither allowed nor prohibited.
- **Indiana:** Permitted with some regulation.
- **Iowa:** Permitted with some regulation.
- **Kansas:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Kentucky:** Permitted with some regulation.
- **Louisiana:** Permitted with some regulation.
- **Maine:** Permitted with some regulation.

- **Maryland:** Permitted with some regulation.
- **Massachusetts:** Prohibited.
- **Michigan:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Minnesota:** Permitted with some regulation.
- **Mississippi:** Prohibited.
- **Missouri:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Montana:** Prohibited.
- **Nebraska:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Nevada:** Prohibited.
- **New Hampshire:** Prohibited.
- **New Jersey:** \*Pending litigation.
- **New Mexico:** Permitted with some regulation.
- **New York:** Permitted with some regulation.
- **North Carolina:** Follows the FDA provision - prohibits cannabinoids in foods.
- **North Dakota:** Permitted with some regulation.
- **Ohio:** Permitted with some regulation.
- **Oklahoma:** Permitted with some regulation.
- **Oregon:** Permitted with some regulation.
- **Pennsylvania:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Rhode Island:** Permitted with some regulation.
- **South Carolina:** Follows the FDA provision - prohibits cannabinoids in foods.
- **South Dakota:** Prohibited.
- **Tennessee:** Permitted with some regulation.
- **Texas:** Permitted with some regulation.
- **Utah:** Permitted with some regulation.
- **Vermont:** Restricts or bans hemp drinks outside of the licensed cannabis system.
- **Virginia:** Permitted with some regulation.
- **Washington:** Prohibited.



### U.S. Territories - Hemp-derived beverages:

- **American Samoa:** Prohibited.
- **Commonwealth of the Northern Mariana Islands:** Permitted with some regulation.
- **Guam:** Follows the FDA provision - prohibits cannabinoids in foods.
- **Puerto Rico:** Prohibited.
- **U.S. Virgin Islands:** Follows the FDA provision - prohibits cannabinoids in foods.







NATIONAL  
ASSOCIATION OF  
ATTORNEYS GENERAL

PRESIDENT

**John Formella**

New Hampshire  
Attorney General

October 24, 2025

PRESIDENT-ELECT

**William Tong**

Connecticut  
Attorney General

The Honorable Susan Collins  
Senate Committee on Appropriations  
U.S. Capitol Building, S-128  
Washington, D.C. 20510

VICE PRESIDENT

**Marty Jackley**

South Dakota  
Attorney General

The Honorable Tom Cole  
House Committee on Appropriations  
U.S. Capitol Building, H-307  
Washington, D.C. 20515

IMMEDIATE PAST  
PRESIDENT

**Letitia A. James**

New York  
Attorney General

The Honorable John Boozman  
Senate Committee on Agriculture, Nutrition, & Forestry  
328A Russell Senate Office Building  
Washington, D.C. 20510

**Brian Kane**

Executive Director

The Honorable Glenn "GT" Thompson  
House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, D.C. 20515

1850 M Street NW  
12th Floor  
Washington, DC 20036  
(202) 326-6000  
[www.naag.org](http://www.naag.org)

Dear Chairs:

We, the undersigned Attorneys General, write concerning a provision of the 2018 Farm Bill that has been wrongly exploited by bad actors to sell recreational synthetic THC products across the country. We ask that Congress clarify the federal definition of hemp during the Fiscal Year 2026 appropriations process or through the reauthorization of the Farm Bill to leave no doubt that these harmful products are illegal and that their sale and manufacture are criminal acts.

Intoxicating hemp-derived THC products have inundated communities throughout our states due to a grievously mistaken interpretation of the 2018 Farm Bill's definition of "hemp" that companies are leveraging to pursue profits at the expense of public safety and health. Many of these products—created by manufacturers by manipulating hemp to produce synthetic THC—are more intoxicating and psychoactive than marijuana a Schedule I controlled substance and are often marketed to

minors. Unless Congress acts, this gross distortion of the 2018 Farm Bill's hemp provision will continue to fuel the rapid growth of an underregulated industry that threatens public health and safety and undermines law enforcement nationwide.

Congress never meant to legalize these products in the 2018 Farm Bill. A proper interpretation of the Farm Bill's hemp provision demonstrates that the entire synthetic THC industry rests on a foundation of illicit conduct. Clear direction from Congress is needed to shut down this industry before it metastasizes further into an even greater threat to public safety than it already is.

The Agricultural Improvement Act of 2018 legalized industrial hemp for commercial use. Congress's goal was to allow for the production and sale of industrial hemp as a non-intoxicating commodity while leaving in place the vital and longstanding prohibition on the use of cannabis products. But the definition of hemp in the 2018 Farm Bill contains an inadvertent ambiguity that bad actors are exploiting to market dangerous drugs to the American public. As a result, shelves and display cases in gas stations, convenience stores, and other retail locations throughout our states are stocked to the brim with potent, psychoactive THC products—often packaged and sold in ways meant *deliberately* to appeal to children.

Under the 2018 Farm Bill, hemp-derived products cannot be comprised of more than 0.3% delta-9 THC on a dry-weight basis. Yet, through use of highly advanced chemical processes—not contemplated by Congress when it enacted the 2018 Farm Bill—to manipulate the hemp plant, the psychoactive hemp industry artificially produces various forms of THC in addition to delta-9, like delta-8, delta-10, THC-O, THCP, and HHC, that are then infused at high concentrations into a multitude of products that can intoxicate a person as severely as the most potent strains of cannabis sold on the illicit market. In other words, industry actors have nefariously misinterpreted the Farm Bill's legalization of low concentrations of hemp-derived delta-9 and the Bill's silence regarding hemp-derived THC products other than delta-9 to claim that the Farm Bill allows them to produce and sell various synthetic cannabinoids regardless of the chemicals' potency and psychoactive effects.<sup>1</sup>

In this way, legal, nonintoxicating hemp is used to make Frankenstein THC products that get adults high and harm and even kill children.

These products are being sold nationwide without consistent age restrictions, labeling standards, or safety requirements and are frequently packaged as gummies, candies, and beverages designed to appeal to young children. The public health consequences are stark and severe. In Indiana, for example, total cannabinoid and analog exposures reported to poison control centers increased 41 percent between 2022 and 2024, with pediatric exposures under age five rising 46 percent and exposures among children aged 6–12

---

<sup>1</sup> In addition, this industry is creating commercial amounts of delta-9 THC using the same processes. This synthetic delta-9 THC is then added to products that are less than .3% delta-9 THC but have enough milligrams of delta-9 THC per serving to be inebriating and often more than is permitted by state law in states that have adult use cannabis programs.



increasing 62 percent. Incidents involving “minor cannabinoids” such as delta-8 and delta-10 increased by 2,482 percent over the same period. See Indiana Poison Center data, 2022–2025 (on file with the Indiana Department of Health). Because Indiana has not legalized marijuana, most of these incidents likely involve hemp-derived intoxicants entering the market as a result of the psychoactive hemp industry’s perversion of the 2018 Farm Bill’s hemp provision.<sup>2</sup>

State efforts to outlaw hemp-derived psychoactive products to protect their citizens cannot solve this problem. Such efforts can only lead to an uneven and ineffectual patchwork of bans and regulations that differ from State to State and will not stop the flood of mail-order THC products from streaming through interstate commerce. Congress must act to salvage the 2018 Farm Bill’s laudable legalization of commercial hemp from the psychoactive hemp industry’s spoliation of the Bill’s hemp provision.<sup>2</sup>

Importantly, the prohibition on products containing intoxicating levels of THC—of any kind and no matter how it is derived—will not inhibit the cultivation of hemp for industrial and agricultural uses since hemp does not contain intoxicating levels of THC. The original goal of the 2018 Farm Bill’s hemp provision can still be effectuated while Congress also eliminates the dangerous and illegal drug market that has been created through incorrect interpretations of the Farm Bill.

We commend your commitment to American farmers and your work to create an orderly and well-regulated market for industrial hemp and non-intoxicating hemp-derived products. You should not allow irresponsible corporations to take advantage of your good work to purvey dangerous products in our States. We ask Congress to act decisively to clarify the Farm Bill’s definition of hemp to ensure intoxicating THC products are taken off the market.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Griffin", with a horizontal line above it.

Tim Griffin  
Arkansas Attorney General

A handwritten signature in blue ink, appearing to read "William Tong", with a horizontal line above it.

William Tong  
Connecticut Attorney General

---

<sup>2</sup> Clarifying the definition of hemp in the Farm Bill is also necessary to ensure the Farm Bill is consistent with the Food, Drug, and Cosmetics Act, under which any kind of THC-infused food or beverage product—which is the form that many of the illicit, high-THC products often take—are unlawful. See 21 U.S.C. §§ 331(11), 355; Food and Drug Administration, *Statement from FDA Commissioner on CBD and THC in Foods* (June 16, 2022).



Todd Rokita  
Indiana Attorney General



Keith Ellison  
Minnesota Attorney General



Steve Marshall  
Alabama Attorney General



Kris Mayes  
Arizona Attorney General



Rob Bonta  
California Attorney General



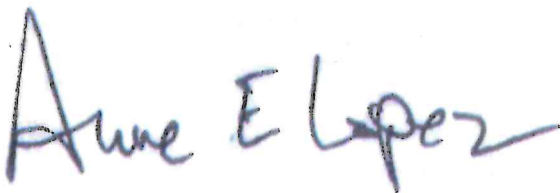
Phil Weiser  
Colorado Attorney General



Kathleen Jennings  
Delaware Attorney General



Christopher M. Carr  
Georgia Attorney General



Anne E. Lopez  
Hawaii Attorney General



Kwame Raoul  
Illinois Attorney General



Brenna Bird  
Iowa Attorney General

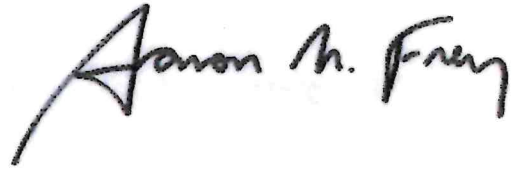


Kris Kobach  
Kansas Attorney General





Liz Murrill  
Louisiana Attorney General



Aaron M. Frey  
Maine Attorney General



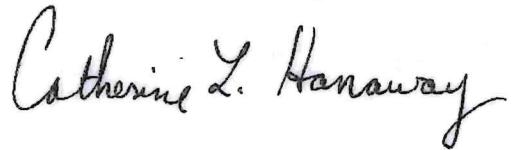
Anthony G. Brown  
Maryland Attorney General



Andrea Joy Campbell  
Massachusetts Attorney General



Lynn Fitch  
Mississippi Attorney General



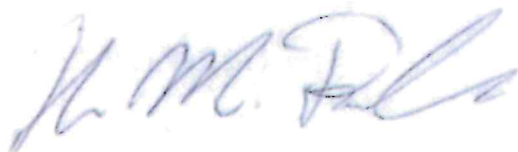
Catherine Hanaway  
Missouri Attorney General



Mike Hilgers  
Nebraska Attorney General



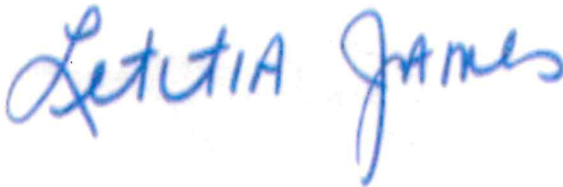
Aaron D. Ford  
Nevada Attorney General



John M. Formella  
New Hampshire Attorney General



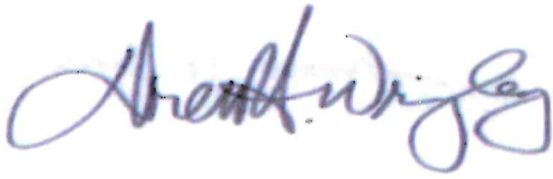
Raúl Torrez  
New Mexico Attorney General




Letitia James  
New York Attorney General



Jeff Jackson  
North Carolina Attorney General



Drew H. Wrigley  
North Dakota Attorney General



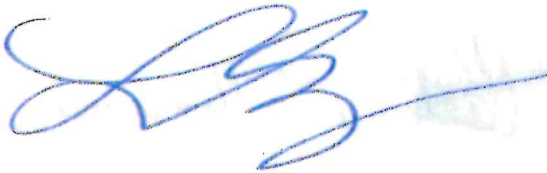
Dave Yost  
Ohio Attorney General



Gentner Drummond  
Oklahoma Attorney General



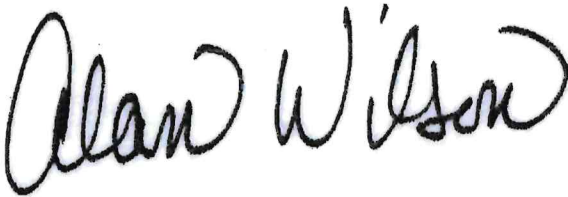
Dave Sunday  
Pennsylvania Attorney General



Lourdes Lynnette Gómez Torres  
Puerto Rico Attorney General



Peter F. Neronha  
Rhode Island Attorney General



Alan Wilson  
South Carolina Attorney General



Marty Jackley  
South Dakota Attorney General



Gordon C. Rhea  
U.S. Virgin Islands Attorney General



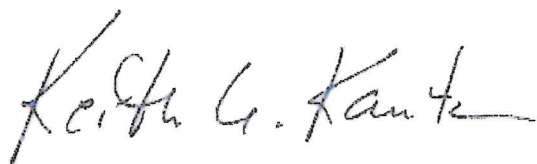
Derek Brown  
Utah Attorney General



Charity Clark  
Vermont Attorney General



Jason S. Miyares  
Virginia Attorney General

A handwritten signature in black ink, reading "Keith G. Kautz". The signature is fluid and cursive, with the first name "Keith" and last name "Kautz" being more prominent than the middle initial "G.".

Keith Kautz  
Wyoming Attorney General

cc: The Honorable Andy Harris, Chairman, House Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

The Honorable John Hoeven, Chairman, Senate Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies



