JAMES LANKFORD
OKLAHOMA

731 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224–5754

United States Senate

COMMITTEES:
FINANCE
ETHICS
INTELLIGENCE
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

November 12, 2026

Dear Colleague,

Today marks the day when intoxicating hemp products were supposed to be banned from the market. The most recent Continuing Resolution delayed the implementation date to December 11th. It is critical that this ban goes into effect on December 11th. It is also critical that we remember how we got here and what is at stake for American communities, especially children.

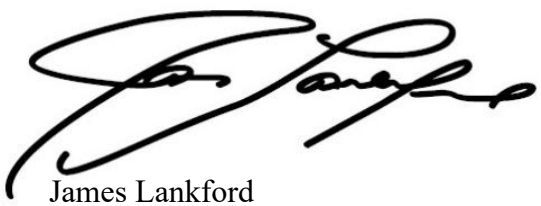
One year ago, the Senate voted 76-24 to fix the hemp loophole that was created in the 2018 Farm Bill. In 2018, Congress redefined hemp as cannabis with less than .3% Delta-9 THC. The goal of that definition was to remove non-intoxicating hemp from Schedule I of the Controlled Substances Act. Supporters of that provision claimed the focus was to protect industrial hemp--the plant that is used to make rope, fabric, and other consumer goods. I remember that conversation and was supportive of that Farm Bill because it seemed straightforward that a non-intoxicating plant should not be classified as a Schedule I drug.

In the years that followed, the hemp market got creative and exploited a loophole in the new definition of hemp. Our country has witnessed an explosion of intoxicating hemp products that claim to be legal under the 2018 Farm Bill. These products are chemically similar to marijuana products. They contain semi-synthetic cannabinoids derived from the hemp plant. So, while they contain less than .3% Delta-9 THC, they contain high amounts of either Delta-8 THC, Delta-10 THC, or another synthetic cannabinoid that can get you high. They come packaged in gas stations as candy-flavored gummies, sodas, and vapes. A vote to extend the THC limits is a vote for nationwide legalization of marijuana.

Hemp dispensaries explain on their websites that their products are legal under the 2018 Farm Bill. Many intoxicating products even have a disclaimer on the package that claims it is compliant with the 2018 Farm Bill. The population that suffers the most is children. According to the Journal of Medical Toxicology, half of Delta-8 exposures in 2024 were children. 58% of critical care admissions for THC exposure in 2024 were children under the age of 6.

Congress decided this issue years ago. Our communities deserve for these drugs to be taken off the shelves and out of reach of children. It is time for Congress to close the loophole we created in 2018. Hemp producers can sell CBD oil and hemp fibers, but they should not be allowed to sell intoxicating products disguised as harmless hemp.

In God We Trust,



James Lankford