

A BILL

To amend the Agricultural Marketing Act of 1946 to clarify the definition of hemp, protect full-spectrum CBD products, and exclude intoxicating and synthetic hemp-derived products.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Full-Spectrum CBD and Hemp Clarification Act of 2026”.

SECTION 2. AMENDMENT TO DEFINITION OF HEMP.

Section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o) is amended by striking paragraph (1) and inserting the following:

“(1) HEMP.—

(A) IN GENERAL.— The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 1.0 percent on a dry weight basis.

(B) INCLUSION.— Such term includes industrial hemp.

(C) EXCLUSIONS.— Such term does not include—

- (i) any viable seeds from a *Cannabis sativa* L. plant that exceeds a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of 1.0 percent on a dry weight basis;
- (ii) any intermediate hemp-derived cannabinoid products that contain—
 - (I) cannabinoids that are not capable of being naturally produced by a *Cannabis sativa* L. plant; or
 - (II) cannabinoids that are capable of being naturally produced by a *Cannabis sativa* L. plant but were synthesized or manufactured outside the plant;

except that intermediate materials held by a licensed or registered processor solely for further manufacturing into a compliant final product, and not marketed or sold to end consumers, shall not lose hemp status solely because they exceed potency thresholds during processing;

- (iii) any intermediate products that are marketed or sold as final products or directly to end consumers;
- (iv) any final hemp-derived cannabinoid product that is not a full-spectrum CBD product (as defined in subparagraph (D)) and that contains greater than 2.0 milligrams combined total per container of total tetrahydrocannabinols (including tetrahydrocannabinolic acid) and any other cannabinoids that have similar effects (or are marketed to have similar effects) as determined by the Secretary of Health and Human Services; or
- (v) any final hemp-derived cannabinoid product that contains cannabinoids that are not capable of being naturally produced by a *Cannabis sativa* L. plant or that were synthesized or manufactured outside the plant.

(D) FULL-SPECTRUM CBD PRODUCT.— The term ‘full-spectrum CBD product’ means a final hemp-derived cannabinoid product that—

- (i) contains multiple naturally occurring cannabinoids and terpenes from the *Cannabis sativa* L. plant;
- (ii) contains not more than 3 milligrams of total tetrahydrocannabinols (including tetrahydrocannabinolic acid) per serving;
- (iii) contains cannabidiol in an amount that is at least 15 times greater than the total tetrahydrocannabinols content;
- (iv) is intended solely for oral or topical administration;
- (v) contains no cannabinoids that are not capable of being naturally produced by a *Cannabis sativa* L. plant and no cannabinoids that were synthesized or manufactured outside the plant; and
- (vi) is not marketed or labeled as producing intoxication, euphoria, or effects comparable to marijuana.

(E) CONTAINER.— For purposes of this paragraph, the term ‘container’ means the innermost wrapping, packaging, or vessel that is in direct contact with a final hemp-derived cannabinoid product and that is intended for retail sale to the end consumer.”.

SECTION 3. EFFECTIVE DATE.

This Act shall take effect upon enactment and shall supersede any conflicting provisions of section 781 of division B of Public Law 119–37 with respect to the definition of hemp and hemp-derived products.

— Discussion Draft —

Prepared for legislative consideration. Not yet introduced.