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Senate Committee on Agriculture, Nutrition, & Forestry  
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Ranking Member David Scott  
House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

Ranking Member John Boozman  
Senate Committee on Agriculture, Nutrition, & Forestry  
328A Russell Senate Office Building  
Washington, DC 20510

May 13, 2024

**RE: Clarification of States’ Existing Authority to Regulate Hemp and Hemp Products**

The Cannabis Regulators Association (CANNRA) is a nonpartisan association of government agencies regulating cannabis, cannabinoids, and hemp across more than 45 states and U.S. territories. We are writing to you regarding the reauthorization of the Farm Bill and the critical need to clarify states’ existing regulatory authority over activity involving hemp and hemp products (including, but not limited to, the production, manufacture, and sale of hemp and hemp products), particularly those containing cannabinoids.

Cannabinoid hemp products have become widely available across the country since the passage of the 2018 Farm Bill. These products are consumed in a variety of forms (edibles, beverages, vapes, joints, tinctures) and have different regulatory considerations than industrial hemp products like feed, fiber, and grain – particularly when it comes to protecting consumer safety.

Faced with this influx of cannabinoid hemp products, states have been engaged in efforts to regulate cannabinoid hemp products to promote consumer safety and public health. These efforts are consistent with existing federal law: the 2018 Farm Bill does not purport to preempt state regulation over any activity other than “the transportation or shipment of hemp or hemp products . . . through [a] State.”

Nevertheless, states are facing litigation alleging that state efforts to regulate activity involving hemp and hemp products—including their production, manufacture, and sale—are somehow preempted by federal law. To be clear: these arguments are not supported by existing law. But the ongoing threat of litigation (regardless of its merits) risks delaying or chilling state responses to a fluid and emerging regulatory and public health issue.

Federal clarification of states’ existing authority is thus essential to allow states to continue to protect public health and integrity in the hemp industry—as the 2018 Farm Bill always intended. To further clarify states’ existing authority in this area, we urge you to consider adding the following provision or something similar in the reauthorization or a Continuing Resolution of the Farm Bill:

SEC. 10114. INTERSTATE COMMERCE **AND PREEMPTION.**

. . .

**(c) Except as provided in subsection (b), no provision within this title or any amendment hereto preempts or limits any law of a State or Indian tribe that regulates any activity involving hemp or hemp products, including but not limited to the production, manufacture, and sale of hemp and hemp products.**

This provision or something similar is warranted to reaffirm and clarify existing state authority to establish and enforce laws regulating activity involving hemp and hemp products within their jurisdictions. We believe inclusion of this provision in the current reauthorization of the Farm Bill confirms the 2018 Farm Bill's decision to preserve states' rights to protect public health and safety, while fostering innovation and economic growth in the hemp industry.

Thank you for your consideration. We remain available to connect any member of Congress with government officials regulating cannabinoids and hemp in their state, or in other jurisdictions, to learn more about the regulatory challenges that currently exist in this space.

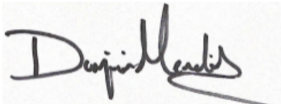
Respectfully,



**Gillian Schauer, PhD**  
Executive Director  
Cannabis Regulators Association



**William Tilburg (MD)**  
President  
Cannabis Regulators Association



**Dominique Mendiola (CO)**  
President-Elect  
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