

State attorneys general urge Congress to address risks posed by intoxicating hemp products

By Paul Demko

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A bipartisan group of 20 state attorneys general are imploring Congress to take action to address a looming public health “crisis” due to the burgeoning multibillion-dollar market for intoxicating hemp products.

Congress legalized hemp under the 2018 farm bill, touting it as a boon for struggling farmers. But the market has become increasingly dominated by intoxicating products that are largely unregulated and often sold at gas stations and convenience stores.

“The reality is that this law has unleashed on our states a flood of products that are nothing less than a more potent form of cannabis, often in candy form that is made attractive to youth and children — with staggering levels of potency, no regulation, no oversight, and a limited capability for our offices to rein them in,” reads [the letter](#), shared exclusively with POLITICO, which was sent to the chairs and ranking members of the House and Senate agriculture committees.

The letter was led by Indiana Attorney General [Todd Rokita](#) and Arkansas Attorney General [Tim Griffin](#), both Republicans. But it also includes many notable Democrats, including California Attorney General [Rob Bonta](#) and Colorado Attorney General [Philip Weiser](#).

Legal fights: State lawmakers and regulators across the country have been [wrestling with ways to combat the unregulated market for intoxicating hemp products](#), warning that they present a health risk to consumers and are increasingly creating financial problems for companies operating in state-legal medical or recreational marijuana markets.

But efforts to crack down on the market for intoxicating products have repeatedly sparked lawsuits filed by hemp companies, and courts have given mixed signals about how much authority states have to address the issue. That includes Arkansas, where a federal judge issued a preliminary injunction in September barring implementation of a law designed to effectively ban intoxicating hemp products.

“These inconsistent court rulings are part of the reason I have urged Congress to step in and create consistency across the nation to protect our children from these dangerous drugs,” Griffin said in an email to POLITICO.

What they want: The attorneys general are calling on federal lawmakers to address the issue in the next farm bill — [which has been repeatedly pushed back potentially to 2025](#). They want Congress to alter the definition of hemp under federal law — which is currently cannabis with no more than 0.3 percent Delta-9 THC — although they don’t provide any specific recommendations for how it should be changed. In addition, they want federal lawmakers to make it clear that states have the authority to regulate and restrict hemp and other cannabinoids.

“The reason Congress needs to act is that its definition of industrial hemp is the original source of the problem and the confusion that has sprung up around what is allowed and what’s not allowed under state and federal law,” said Indiana Solicitor General James Barta in an interview.