



# KENTUCKY HEMP

ASSOCIATION

## January 2026 Newsletter

Time is running out! We only have 286 days before the definition of hemp changes and 95% of our current hemp-derived products will be federally illegal.

### ***What the new law does effective November 12, 2026:***

- **Redefines Hemp:** Expands the statutory definition to include *total tetrahydrocannabinols*, rather than just Delta-9 THC by dry weight. There are also new exclusions regarding what types of products may be considered “hemp” and thus compliant.
- **Sets a 0.4 mg Total THC Cap:** Excludes from the definition of hemp any final hemp-derived cannabinoid products containing greater than 0.4 mg combined total per container of total tetrahydrocannabinols, including THCA and any other cannabinoids that have similar effects or are marketed to have similar effects on humans or animals (as determined by the Secretary of Health and Human Services). **This amount will likely disqualify nearly all existing full-spectrum and intoxicating hemp products from meeting the definition of hemp.**
- **Excludes Synthetics:** Removes from the definition of hemp any intermediate or final hemp-derived cannabinoid products that a cannabis plant can naturally produce and that were synthesized outside the plant.
- **Delta-8, Delta-10, HHC, THCP, and similar intoxicating hemp-derived products** will no longer qualify as “hemp” and may be treated as controlled substances.
- **Full-spectrum CBD products** that contain total THC above the 0.4 mg threshold will need reformulation or market withdrawal.
- **Retailers and distributors risk federal liability** for non-compliant inventory once the compliance period ends.
- **FDA authority remains unchanged**, but this new definition narrows the category of hemp products that can be lawfully marketed in interstate commerce.

On January 12, 2026, Representative Jim Baird of Indiana introduced the Hemp Planting Predictability Act. This bill would delay implementation of the new federal hemp definition from one year to three; buying time to negotiate a regulatory alternative to prohibition. Our best option right now is to get this extension passed before the end of the session, so farmers can still plant this year and this would also give us time to create common sense regulations instead of dismantling an industry.



In Kentucky, there are even more regulations being filed on what they are calling “medicinal hemp” under HB532 backed by State Representative Kim Moser and Martin Smith, President of the Kentucky Hemp Farmers Association. There is also a draft bill for a significant tax increase on hemp sales.

With hemp under constant attack on a federal and state level, we need your support more than ever! Please continue to reach out to your representatives and let them know you support common sense regulations over prohibition. We will continue to work closely with our lobbyist to make the Kentucky Hemp Association’s voice heard, but we rely solely on donations to pay for our lobbyist. If you can make any donation, it is truly appreciated! It’s easy to donate online: <https://kyhempassociation.org/donations/> or send checks to The Kentucky Hemp Association, 11609 Dawson Springs Rd., Crofton, KY 42217.

If your membership has expired, it’s easy to renew!

Renew your membership: <https://kyhempassociation.org/new-member-sign-up/#join>

As always, please reach out with any questions you may have. We appreciate your valued opinion and help in achieving our goals of moving this industry forward.

Email us: [info@kyhempassociation.org](mailto:info@kyhempassociation.org).