

Marijuana and Intoxicating Hemp Policies Approved by the Board on March 26, 2025

DISCUS believes that intoxicating hemp products in any form should be treated as equivalent to marijuana products, in terms of regulations, taxation and retailing.¹ DISCUS supports efforts underway by lawmakers to close an unintended federal loophole that is enabling the proliferation of unregulated and untaxed intoxicating hemp products across the country, including those containing synthetically derived THC. In the absence of federal regulation, DISCUS supports advocacy efforts against the co-location of intoxicating hemp with beverage alcohol products. If a state chooses to permit co-location, DISCUS supports ensuring that a cannabis-specific license be mandated for all sales, with taxation and regulation standards comparable to those for distilled spirits at both the state and federal levels. In addition, DISCUS supports efforts to achieve the following:

1. Ensure that the taxation and regulation of marijuana and intoxicating hemp in governmental jurisdictions where marijuana and/or intoxicating hemp have been approved for consumption is at least comparable to taxation and regulation of distilled spirits
2. Ensure that any and all efforts to legalize the consumption of marijuana and intoxicating hemp include a 21-year-old legal purchase and use requirement
3. Insist on the development of a standard measurement of marijuana- and intoxicating hemp-induced impairment (comparable to .08 BAC)
4. Advocate for development of a roadside impairment test for marijuana and intoxicating hemp such as the breathalyzer test for beverage alcohol
5. Ensure that the same penalties exist for driving under the influence of marijuana, intoxicating hemp and other intoxicants as for driving under the influence of beverage alcohol
6. Ensure that testing and reporting for the presence of drugs, including marijuana and intoxicating hemp, as well as beverage alcohol is required for all U.S. highway fatalities
7. Require that all marijuana and intoxicating hemp products appropriately disclose the THC dose in a manner and under similar conditions of the alcohol by volume declaration required of beverage alcohol products

¹ Marijuana and hemp originate from the same genetic plant, called cannabis. The terms ‘marijuana’ and ‘cannabis’ are often used interchangeably, while ‘hemp’ is usually considered separate. As per the Controlled Substances Act (CSA), ‘marijuana’ is defined as “all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.” The term marijuana does not include hemp. See 21 USC § 802 (16). As per the Agricultural Improvement Act of 2018 (commonly known as the Farm Bill), ‘hemp’ is defined as “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 delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” See 7 USC § 1639o (1).