



Monday, July 21, 2025

The Honorable John Thune  
Senate Majority Leader  
511 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Chuck Schumer  
Senate Minority Leader  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators John Thune and Chuck Schumer,

On behalf of the millions of activists we partner with at Americans for Prosperity, I write to express our opposition to Section 781 of S. 2259 – the FY2026 Agriculture Appropriations bill – which redefines hemp in a way that effectively prohibits the production and sale of hemp-derived cannabinoid products containing any “quantifiable” amount of THC. This provision is a counterproductive attempt to remedy a dangerous situation created by the federal government through a combination of vague statutory language in the 2018 Farm Bill and the Food and Drug Administration's failure to fulfill its role in ensuring product safety.

States have effectively stepped up with a range of innovative regulatory approaches in the absence of needed federal clarity in ways that reflect local values and conditions. Rather than supporting these state-led efforts, Section 781 would impose a one-size-fits-all federal prohibition that undermines existing state systems and reintroduces the very uncertainty the 2018 Farm Bill sought to resolve. A federal ban would not only override these efforts but also disrupt legitimate markets, harm small businesses, and confuse consumers.

We believe the better path forward for intoxicating hemp-derived products is a regulatory one—one that respects state leadership, encourages innovation, and provides clear federal standards for product safety and labeling. Untested and unregulated products pose a serious danger to both consumers and non-consumers in our communities.

But history proves that prohibition will not eliminate demand for these products. Instead, it will drive consumers into the black market, where there is less transparency, no quality control, and greater risk of contamination. Research shows that prohibition can and will lead to the use of more potent and dangerous substances.

We urge you to reject Section 781 and any similar efforts. A better path forward is an approach that addresses the FDA's regulatory gap by establishing federal quality and safety standards and labeling requirements, without resorting to the failed approaches we've already tried in the past.

We encourage Congress to support a modern, science-based regulatory framework that protects consumers, respects state autonomy, and fosters economic opportunity.

Sincerely,

Brent Wm. Gardner  
Chief Government Affairs Officer  
Americans for Prosperity

Jeremiah Mosteller  
Policy Director  
Americans for Prosperity

CC: Senator Susan Collins  
Senator Patty Murray  
Senator John Hoeven  
Senator Jeanne Shaheen