

What is the Harris Hemp Amendment?

Last year, the hemp industry — advocates, business owners and campaigners — fought off a potentially devastating Farm Bill amendment. Representative Miller’s proposed legislation threatened the livelihoods of thousands of American producers, business owners, and consumers. Heavy handed and packed with ill-thought out language, the legislation risked dismantling a key domestic growth sector.

In 2025, the threat is back. It has simply returned in a different package, under a different name. Here’s what you need to know about the Harris Hemp Amendment, what it will mean for the industry, how it differs (and doesn’t) from Miller’s proposals, and why we must resist further clumsy federal regulation on US hemp altogether.

What does the Harris Hemp Amendment say?

The key element of the Harris Amendment is its attempt to change the legal definition of hemp. The proposal redefines hemp under federal law as any plant containing no more than 0.3% total tetrahydrocannabinol (including THCA, its acid precursor) on a dry weight basis.

The incorporation of THCA in the total-allowed THC limit would ban most of the currently legal hemp varieties become federally illegal, not just products with Delta-8 that is popularly used to demonize the entire hemp cannabinoid industry.

The catch-all legislation threatens most segments of this young and diverse market, not just “smokable hemp.” Full-spectrum CBD oils, tinctures, edibles, capsules, and even topicals that contain trace amounts of THCA or other precursor cannabinoids may exceed the 0.3% total THC threshold and be banned under the Harris Amendment. In short, the proposal in its current form has the capacity to effectively dismantle the existing therapeutic hemp market in a single stroke.

Harris vs. Miller: Is this amendment any different?

Like Representative Miller before him, Harris is presiding over a “a farmer-crushing, job-killing hemp ban,” — the apt words of Jonathan Miller, general counsel of the U.S. Hemp Roundtable. The [Roundtable Statement](#) also notes the extent to which the bill’s language mirrors last year’s failed Mary Miller Amendment.

So, what exactly are the differences between this new proposal and those which were tabled by Representative Miller last year?

Most obviously, the legislative channels differ. The Miller amendment was attached to the 2024 Farm Bill draft via the House Agriculture Committee, while Harris' proposal was inserted into the FY 2026 Agriculture–FDA Appropriations Bill by the House Appropriations Committee.

Now to the specifics. First, while the Harris legislation presents itself as consumer protection, in practice, non-intoxicating hemp-derived products are set to face the same restrictions as those with intoxicating effects. In that sense, this legislation and Miller's failed amendment sing from the same hymn sheet. And an effective ban is not protection. A well-regulated market could add consumer protection.

It's true that under Harris, there is some incorporation of more nuanced definitions. While Miller's proposals threatened the entire industrial hemp sector, the language of this new proposal maintains separate definitions for "industrial hemp" (fiber, grain) vs. "hemp-derived cannabinoid products" (finished goods).

Though the Harris amendment is slightly more technical in nature, the outcome will be largely identical for cannabinoid producers, i.e., a ban. Even with slightly better protections for fiber and grain producers, we should make no mistake in thinking that Harris presents a demonstrably better option.

The result will still be diminished consumer access, poorer choice, and significant economic harm for many American businesses.

So, who benefits?

As with Mary Miller's defeated 2024 proposal, a closer look exposes the same deep-pocketed lobbyists calling the shots.

Unsurprisingly, the alcohol industry has not welcomed the growing popularity of hemp-derived THC drinks (sales are [predicted](#) to balloon to \$4.1 billion by 2028, up from just \$239 million in 2023), or any threat to its market share. Yet it's not just the beverage industry going to war.

On a national level, the U.S. Cannabis Council (USCC) is vocally in favor of what it calls "closing the hemp loophole". The industry coalition group, which represents major cannabis companies including Acreage Holdings, Cronos Group, Canopy Growth Corporation Cresco Labs, and Curaleaf, is joining forces with organisations such as the Community Anti-Drug Coalitions of America (CADCA), in order to advance prohibitionist legislation such as that proposed by Harris.

Of course, lobbying is perfectly legal. Pay-to-play has long been the established state of affairs in American politics. It's also true that the industry's issues have been compounded by hemp's ability to cross state lines. Indeed, many big cannabis industry players have already hedged their bets. Take Curaleaf's latest product, for example; not "cannabis" but an energy drink that blends 10 milligrams of hemp-derived THC with 50 milligrams of caffeine.

What could have been an open, equitable cannabis market is today a pale, hollowed version of what many once envisioned. That the market should not be weighed down by excessive taxation, rigid regulatory barriers, or exclusion from basic federal business relief — for example, access to banking and the bankruptcy system — is not in contention here. But the cannabis industry must not be temporarily propped up (and it will be temporary, at best) through the sacrifice of its sister market.

The introduction of any hemp or cannabis legislation driven by special interests, masquerading as consumer protection, serves neither industry. By aligning with prohibitionists, the cannabis industry merely lends further justification to the advancement of restrictive agendas.

Ultimately, we are seeing the War on Drugs 2.0 - except in this case, "drugs" switched sides. Far from being sensible, empirical regulation, the Harris Amendment represents prohibition in a fresh coat of paint. Compassionate motives are being feigned in a dirty fight for market share.

These are the arguments that must be advanced urgently, loudly and clearly, to ensure that Harris' proposed legislation meets the same fate as Miller's before it.