FOR PRACTITIONERS AND SMALL RETAILERS WHO USE OR SELL CBD

The December 11 Hemp Rule

What practitioners and small retailers need to know about the new federal THC cap

0.4 mg
total THC allowed per container

Dec 11, 2026
when the cap takes effect

~95%
of hemp products estimated not to qualify [1]

The rule in one minute

1. **The law.** Public Law 119-37, Division B, Section 781, signed November 12, 2025, rewrote the federal definition of hemp in the Agricultural Marketing Act (7 U.S.C. 1639o). H.R. 6500, signed September 2, 2026, moved most of the change to December 11, 2026. [2]
2. **The cap.** A finished hemp product may hold no more than 0.4 mg of total THC per container. Total THC counts THCA, not just delta-9, and the limit applies to the whole container, not a single serving.
3. **Over the cap.** A product above 0.4 mg no longer counts as hemp under federal law. Topicals are not exempt, and the law gives no grace period for stock already on hand.
4. **Still waiting on FDA.** FDA had 90 days, until February 10, 2026, to publish lists of THC-class and similar cannabinoids and to clarify what a container is. As of October 2026 none of it is published, so plan conservatively. [3]

Key dates

February 10, 2026
FDA deadline to publish its cannabinoid lists and container guidance. Missed, still pending.

November 12, 2026
Cannabinoids the plant cannot make on its own, like delta-8 converted from CBD, lose hemp status.

December 11, 2026
The 0.4 mg total THC per container cap applies to every finished hemp product.

Why products that pass today can fail

Since the 2018 Farm Bill, hemp only had to stay at or under 0.3% delta-9 THC by dry weight, a percentage that left out THCA and ignored how big the container was. The new rule counts total THC, including THCA, in milligrams across the whole container. A product that sits just under the old percentage can now be hundreds of times over the cap.

WORKED EXAMPLE

Two 4 fl oz (118 mL, about 115 g) creams. A full spectrum cream at 0.2% total THC, legal under the old rule, holds about **230 mg**, more than 500 times the **0.4 mg** cap. A THC-free cream testing non-detect, counted at the lab's detection limits (delta-9 at 0.002 mg/g, THCA at 0.001 mg/g), holds at most about **0.33 mg**, under the cap.

What it means for your business

In your service rooms

Creams and balms you use on clients count the same as products you sell.

On your retail shelf

Every gummy, tincture and cream you sell has to meet the cap on December 11.

Stock you already own

No grace period. Sell through over-cap stock before December 11 or set it aside.

How to check a COA in 5 steps

1. **Match the report.** The lot number matches the package, and the lab tested the finished product.
2. **Find total THC.** Delta-9 THC plus THCA × 0.877. No THCA or total THC line means it can't show compliance.
3. **Convert to mg per container.** Percent × 10 = mg per gram, then multiply by net weight in grams.
4. **Check the limit behind any non-detect.** The lab's detection limit × container weight must stay under 0.4 mg.
5. **Check the rest of the report.** An ISO/IEC 17025 accredited lab and a full safety panel.

FREE CALCULATOR

Check any product's COA against the cap in about a minute

kyotobotanicals.com/pages/hemp-thc-rule-guide-for-cbd-retailers

Your checklist before December 11

- [ ] List every hemp product you use or sell
- [ ] Ask brands for better reports when unclear
- [ ] Check your state and local rules
- [ ] Run each COA through the calculator
- [ ] Stop reordering anything over the cap
- [ ] Keep COAs and invoices on file

Talking with customers

Describe CBD by what it is, how it is used and how it was tested. Skip any claim that it treats, cures or prevents a condition. When a customer asks if a product is still legal, the COA is your answer.

Also check

Some states and cities set stricter limits or their own dates, and the federal change does not replace them. Check the rules where you practice as well as the federal cap.

ABOUT THE AUTHOR

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Mark has 17 years in food and wellness marketing, 10 of them in hemp, starting at Charlotte's Web. He launched Kyoto Botanicals in 2020 and supports clear federal limits on THC in hemp.

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Sources. [1] Whitney Economics estimate, cited in the US Hemp Roundtable CBD one pager. [2] Public Law 119-37, Division B, Section 781 (7 U.S.C. 1639o), and H.R. 6500, the Continuing Appropriations and Extensions Act, 2027. [3] FDA lists and container guidance required under Section 781, unpublished as of October 2026.

Not legal advice. This brief is for education only. Rules may change as FDA publishes guidance, so check your state's rules and talk with your own counsel before making inventory decisions.