

DIVISION OF ALCOHOL AND TOBACCO CONTROL

Mike Kehoe
Governor

Mark S. James
Director, Public Safety



Christin H. Templeton
Acting State Supervisor

September 21, 2026

INDUSTRY CIRCULAR 27-01

The Intoxicating Cannabinoid Control Act

The Division of Alcohol and Tobacco Control (ATC) is issuing this circular as a resource to make licensees aware of important changes to state and federal law impacting the manufacture, transportation, and sale of hemp-derived cannabinoid products, including beverages and other consumable products containing THC. Laws concerning the regulation of products containing intoxicating hemp have been the subject of debate both at a federal level and within Missouri's legislature for several years. Because many liquor licensees are also involved in commercial activity with hemp-derived cannabinoid products, and because models in certain other states delegate regulation of these products to their respective liquor authorities and similar models have been debated in Missouri, this topic has been a prevalent source of questions and concerns directed to ATC.

This advisory contains a brief history of cannabis regulation, a summary of changes to federal and Missouri law soon going into effect, and important information for licensees to note concerning how these changes may impact the lawful manufacture and sale of hemp-derived cannabinoid products in Missouri.

The History of Federal Hemp Regulation and the 2018 Farm Bill

From 1970 to 2018, cannabis and all its derivatives were classified as controlled substances. There was no legal differentiation between hemp and marijuana. However, in 2018, the federal Agriculture Improvement Act ([P.L. 115-334](#), known as the "2018 Farm Bill") changed the law by carving out "hemp" from the definition of marijuana, defining it as a product containing less than 0.3% delta-9 THC on a dry-weight basis. Following passage of the Farm Bill, hemp was no longer regulated as a Schedule I controlled substance alongside marijuana. As a result, consumer demand and market share for hemp-derived THC products such as beverages, gummies, vapes, and other consumables have proliferated since 2018.

Concerns for consumer safety rose when certain producers interpreted the 2018 Farm Bill's definition of hemp to mean that a product would legally be considered hemp if it contained less than 0.3% delta-9 THC, regardless of what other psychoactive compounds it might contain, such as delta-8 THC, or if it contained tetrahydrocannabinolic acid (THCA), which can readily

become THC when heated.

2025 Change to Federal Hemp Definition

On November 12, 2025, Congress passed the Continuing Appropriations and Extensions Act of 2026 ([P.L. 119-37](#) or “CAEA”), amending – and significantly narrowing – the definition of hemp under 7 U.S.C § 1639o. The revised definition means qualification as “hemp” is no longer determined solely by a product’s delta-9 THC concentration. Rather, the definition changes the limit to a *total* THC concentration of less than 0.3% on a dry weight basis. Notably, this new definition also explicitly excludes final hemp-derived cannabinoid products containing more than 0.4 mg of THC per *container*. The effect of this exclusion is that products containing more than 0.4 mg of THC per container will, once the definition becomes effective, be regulated as marijuana, which remains a Schedule I controlled substance under federal law. Unless delayed by legal challenges or other extenuating circumstances, this new federal definition of hemp goes into effect on **November 12, 2026**.

Missouri’s Intoxicating Cannabinoid Control Act and Effective Dates

Earlier this year, Missouri Governor Mike Kehoe signed a bill into law establishing the Intoxicating Cannabinoid Control Act (“the act”). [§ 195.900, RSMo](#). Provisions of the act largely align state law with the newly defined federal limitations on hemp set to go into effect in November, with potentially significant implications for many Missouri businesses.

Importantly, the act’s definition of “hemp” mirrors the definition contained in the CAEA, limiting it to a total THC concentration of not more than 0.3% on a dry-weight basis, and 0.4 mg of total THC per container, including THCA, and any other cannabinoids that have similar effects or are marketed as such. “Hemp derived cannabinoid products,” another term specifically defined in the act, would encompass a range of hemp derived products containing THC and intended for human or animal use through any means of application or administration including, but not limited to, inhalation, ingestion, or topical application. Of special significance to many who have inquired with ATC, however, is that it also encompasses beverages containing THC, a large variety of which are manufactured by liquor licensees and sold on licensed premises.

Licensees should note that the act specifically provides that, once effective, all hemp derived cannabinoid products are considered to be marijuana and may only be cultivated, manufactured, tested, transported, or sold in facilities authorized by law to engage in such activities (i.e., licensed dispensaries or other authorized facilities as defined in Article XIV of the Constitution of Missouri). These products shall be subject to the jurisdiction of the Department of Health and Senior Services (DHSS) and the office of the Missouri Attorney General. By contrast, the act also clarifies that products meeting the definition of hemp and industrial hemp will not be considered marijuana and therefore will not be subject to the legal framework contained in Art. XIV of the Missouri Constitution.

Enforcement of the act’s provisions is delegated to the office of the attorney general as having primary jurisdiction. The office of the attorney general may, in turn, authorize DHSS, the Department of Public Safety, ATC, the Missouri State Highway Patrol, or any other state agency

it deems necessary, to aid in enforcement efforts.

The act will go into effect on the following schedule:

A. Effective **November 12, 2026**:

- Provisions related to hemp derived cannabinoid products that:
 - contain cannabinoids not capable of being naturally produced by a *Cannabis sativa* L. plant;
 - contain cannabinoids that are capable of being naturally produced, but were synthesized or manufactured outside the plant;
 - are sold, distributed or marketed to consumers as smokable or vapeable as raw plant material, flower, or bud material and that contain any amount of THCA; or
 - are sold, distributed, or marketed to consumers in the form of any solid candy, gummy, chewable product, tablet, capsule, oil, baked good, or other solid edible product and that contain delta-9 THC derived from hemp in any amount that exceeds naturally occurring concentrations.

B. Effective **November 12, 2026, UNLESS** Congress delays the effective date of federal hemp restrictions under 7 U.S.C § 1639o:

- Provisions for all hemp derived cannabinoid products not described in point (A), above, such as THC beverages.
 - If Congress delays the effective date of the new federal hemp restrictions on or before November 12, 2026, the provisions of Missouri's act on this category of products will only apply during any period in which federal restrictions prohibit these products.
 - Such products shall not be sold, distributed, or marketed to any person under the age of 21.

Many outlets indicate that legal challenges to both the federal changes to the definition of hemp and the provisions of Missouri's Intoxicating Cannabinoid Control Act are likely, which may, among other outcomes, result in changes to the effective dates stated above. ATC is closely monitoring this developing area of law and public policy and encourages its licensees to check our Industry Updates section (<https://atc.dps.mo.gov/enforcement/faq.php>) for updates.

We appreciate the commitment of our licensees to ensure that their conduct follows all applicable laws and regulations. Should you have any questions about how these new developments could impact your license, please contact your legal counsel. If you have questions specific to ATC's licensure process, please contact us (https://atc.dps.mo.gov/about/contact_us.html).