



**State of Oklahoma
Department of Agriculture, Food, and Forestry**

J. Kevin Stitt
Governor

Blayne Arthur
Secretary of Agriculture

January 16, 2026

To Whom It May Concern:

This letter is intended to provide clarification for hemp growers, processors, handlers, and the public regarding requirements for marketing products as hemp. Under current law hemp products are restricted to test no more than 0.3% Total THC (Total THC is measured as THC plus 87.7 percent of THCA). In addition to that pre-existing restriction as part of the federal Continuing Appropriations & Extensions Act, 2026 (H.R.5371, Public Law 119-37) the federal definition of hemp will be changing.

Under this amendment to 7 U.S.C. § 1639o the following changes to the federal definition of hemp will be placed into effect on November 12, 2026 and will impact the types of marketable hemp products allowed for legal sale:

- Any intermediate hemp-derived product must contain no more than 0.3% Total THC on a dry-weight basis after decarboxylation.
- Any final marketplace hemp-derived cannabinoid product must contain no more than 0.4 milligrams of Total THC per container. Containers are defined as the retail packaging (e.g., jars, bottles, cartridges).

This definition change also excludes the following cannabinoid products from being considered hemp:

- Cannabinoids not naturally produced by *Cannabis sativa* L. plants or those that are synthesized or manufactured outside the plant. (e.g., delta-8 and similar isomer products).
- Any hemp-derived products that exceed the THC per container limit or Total THC limits described above.

This has been facilitated by an increase in products available in the marketplace that exceed the allowable Total THC value as defined by the United States Department of Agriculture (USDA). Total THC as defined by USDA is the post-decarboxylation value of THC, either after testing with gas chromatography or liquid chromatography (LC) after using a conversion factor. LC does not use decarboxylation as part of the process and this addition is to account for the conversion of THCA into THC if decarboxylation was part of the process. The addition of 87.7 percent of THCA is applicable if the testing laboratory uses LC with detection to measure the THC. Total THC is the measured THC plus 87.7 percent of THCA.

Accordingly, products that are above the THC per container limit of 0.4 milligrams or the dry-weight restriction of less than 0.3% Total THC level are not considered hemp and cannot be marketed as such. This includes any addition to the hemp or hemp product after harvest that would cause it to exceed the aforementioned legal limits.

If you have additional questions, concerns, or comments, please contact the Hemp Program Administrator at 405-522-5974 or hemp@ag.ok.gov.

Respectfully,

Joshua Rigdon

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Hemp Program Administrator