

the buzz:

Cannabis News & Policy Update

November 2025 Edition

FEDERAL UPDATES

Hemp: The [spending package](#) to reopen the government signed by President Trump on November 12 includes provisions that substantially redefine hemp, effectively banning most consumable hemp products, as of November 13, 2026. Most notably, the law limits all hemp products to 0.4 mg of total THC per container and explicitly classifies synthetic cannabinoids (not naturally produced by the plant) and “intoxicating hemp” as non-hemp.

Statements from the [Hemp Beverage Alliance](#) and [U.S. Hemp Roundtable](#) indicate we can expect significant lobbying efforts urging Congress to pass a federal hemp regulatory framework before the new definition goes into effect. Additionally, by February 11, 2026, the Food and Drug Administration must publish a list of cannabinoids naturally produced by *Cannabis sativa* L., all naturally occurring THC, and all cannabinoids known or marketed to have THC-like effects.

INDUSTRY LITIGATION

CannaProvisions: On October 24, a coalition of state-legal cannabis businesses [petitioned](#) the U.S. Supreme Court to take up their constitutional challenge to federal marijuana prohibition. The plaintiffs argue the Commerce Clause of the U.S. Constitution does not permit Congress to criminalize marijuana activity that occurs entirely within a state’s borders, such as state-regulated cultivation or sales. The petition asks the court to revisit its 2005 *Gonzales v. Raich* decision, which upheld federal enforcement of the Controlled Substances Act against intrastate cannabis activity. The petitioners contend that the federal government’s enforcement stance against medical cannabis has eroded the rationale behind *Raich*. The conservative group Americans For Prosperity Foundation filed an amicus brief in the case on Nov. 19th urging the Court to limit federal power to regulate local conduct

Supreme Court: The U.S. Supreme Court agreed to hear a [case](#) affecting the rights of individuals to own firearms and “use” marijuana. The case involves the constitutionality of a federal law prohibiting firearm possession by an individual who is an “unlawful user of or addicted to any controlled substance,” even if they legally own the gun. In *United States v. Hemani*, the Fifth Circuit Court of Appeals upheld the dismissal of charges against a Texas man when police found marijuana and cocaine in his home because the government did not prove he was actively or recently using illegal drugs. The case will determine the scope of Second Amendment protections.

280E: *New Mexico Top Organics v. Commissioner*: As we’ve reported before, this case asserts novel arguments challenging the application of Section 280E to state legal cannabis businesses. On December 1, Holland & Hart’s Jennifer Benda and Rachel Gillette will submit a ‘friend of the court’ amicus brief on behalf of industry group amici. For in-depth analysis of the legal and policy arguments, listen to the [latest episode](#) of the Weed Wonks podcast featuring Jen, Rachel, and the petitioner’s counsel, Nate Pollock.

PPP Loan Repayment: In what appears to be a first-of-a-kind case related to COVID-era PPP loans, marijuana producer Podworks [agreed to pay](#) \$632K+ to the US Small Business Administration over a Paycheck Protection Program loan it obtained during COVID. PPP rules explicitly excluded cannabis businesses from receiving the forgivable loans. Interestingly, Podworks’ ‘fraud’ was reported by a whistleblower who gets 10% of the settlement, under the IRS’s Whistleblower Program.

NEW MARKETS & LICENSING OPPORTUNITIES

Virginia: Former U.S. Rep. Abigail Spanberger (D) was [elected](#) governor of Virginia, handily defeating Lt. Gov. Winsome Earle-Sears (R). Democrats also significantly expanded their majority in the House of Delegates from 51 seats to 62. With its newly secured state government trifecta, there is a high likelihood Democrats will reintroduce and fast track legislation to launch regulated cannabis sales in 2026. A joint legislative commission exploring an adult-use sales framework will [hold](#) its final meeting December 2, where it will provide an overview of the bill it is drafting for next year.

Wisconsin: On October 22, the state Senate Health Committee held a hearing on a new [bill](#) to legalize medical cannabis, which is being spearheaded by Senate President Mary Felzkowski (R) and other Republican lawmakers. The proposed bill does not establish license caps and would allow for many products like edibles, concentrates, and vapes, although flower would be banned. Wisconsin is one of the few remaining states that has yet to legalize medical cannabis.

STATE POLICY UPDATES

Ohio: A bill that would significantly change state cannabis policy ([SB 56](#)) passed in the state House of Representatives following a conference committee approval of final language. The bill, as reported by the conference committee, would cap the total number of adult-use retailers in the state at 400, reduce the allowable potency for concentrates to 70%, and recriminalize possession of cannabis purchased from other states.

Notably, the conference committee aligned the state definition of hemp with the new federal law (see Hemp section above), limiting non-beverage products to 0.4 mg of total THC per container, and created a temporary market allowing hemp beverages with up to 5 mg of total THC to be sold by alcohol retailers, which will sunset on December 31, 2026. The Senate is anticipated to vote on the conference committee language on December 9.

Michigan: The state Department of Treasury published [guidance](#) on November 4 concerning implementation of the state's new 24% wholesale tax set to take effect January 1, 2026. The guidance comes amid a legal challenge contending the wholesale tax unconstitutionally amends the voter-approved legalization law without the required three-fourths super majority. The court will hear arguments November 25 concerning a potential preliminary injunction of the wholesale tax.

Massachusetts: The Senate passed [legislation](#) on November 19 to restructure the embattled Cannabis Control Commission. Changes include reducing the number of commissioners from five to three and making the governor responsible for two of the commissioner appointments. The bill also proposes increasing retail license ownership caps from three to four, raising the adult-use purchase and possession limit to two ounces, and eliminating the longstanding requirement that medical cannabis operators be vertically integrated. The bill was sent back to the House and the two chambers will need to reconcile differences in a conference committee or through further legislative negotiation.

Massachusetts and Maine: Ballot measure efforts are underway to repeal the adult-use marijuana markets approved by Massachusetts and Maine voters in 2016.

- In **Massachusetts**, proponents of the [measure](#) are [reportedly](#) on track to collect the required 100,000 signatures by December 3 to bring the measure before the legislature. The legislature would then have until May 6, 2026 to act on it. If it does not, proponents must collect 12,429 more signatures by July 8, 2026 to place it on the 2026 ballot. Recently, [reports](#) have emerged of signature gatherers using deceptive tactics to gather signatures for the petition.
- In **Maine**, the Secretary of State is currently reviewing the [proposed measure](#). If it is certified, proponents can begin gathering signatures to qualify it for the ballot.

HEMP LITIGATION

Virginia: A subsidiary of multi-state cannabis operator Jushi Holdings filed an \$80 million [lawsuit](#) against DoorDash and Total Wine & More, alleging the companies sold hemp beverages that violated Virginia's 2 mg THC limit. This is the first time DoorDash has been sued for its activity in the hemp space, making this case a potential litmus test for how courts may scrutinize the liability of online delivery platforms that facilitate the sale of hemp products allegedly in violation of state law.

Wyoming: On October 27, the Tenth U.S. Circuit Court of Appeals [ruled](#) the 2018 Farm Bill does not preempt Wyoming's law restricting "psychoactive hemp" products. The case, *Green Room LLC et al. v. Wyoming*, challenged the state's 2024 law prohibiting synthetic cannabinoids. The court joined the Fourth and Eighth Circuits in affirming that states may impose stricter hemp rules than federal law allows. This decision further solidifies judicial consensus that the 2018 Farm Bill allows states to enact restrictive regulations on hemp products.

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