

## THC and Hemp Policy for Convenience Stores

### Background

The Energy Marketers of America (EMA) represents independent fuel marketers, heating oil dealers, and convenience store operators across the United States. Our members operate in a dynamic retail environment where convenience stores serve as essential community hubs, providing fuel, groceries, and a variety of consumer products. The emergence of hemp-derived products, including those containing tetrahydrocannabinol (THC), presents both opportunities and challenges for the convenience store industry.

Building on hemp legalization in the 2018 Farm Bill, EMA supports a balanced federal policy framework that allows for the responsible sale of legal hemp-derived products in convenience stores while prioritizing public safety, consumer protection, and compliance with federal regulations. We oppose overly restrictive bans that eliminate emerging revenue streams without addressing underlying regulatory gaps. Instead, we advocate for clear, science-based regulations from the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) to ensure product safety, accurate labeling and packaging, and age-restricted sales.

### The Evolution of Hemp and THC Policy

The 2018 Farm Bill legalized hemp production by defining it as any part of the cannabis plant or its derivatives containing no more than 0.3% delta-9 THC on a dry-weight basis. This legalized hemp-derived THC products on the federal level, distinguishing from marijuana, and opened the door for a booming hemp industry including cannabidiol (CBD) oils, edibles, and beverages. However, the rise of "intoxicating hemp" products, such as products containing THCA, delta-8 THC, delta-10 THC, and other isomers, has clouded the market and creates regulatory challenges for those retailers selling federally-legal hemp products.

In recent years, state-level regulations have varied widely, with some states embracing these products and others imposing bans or strict limits. At the federal level, the lack of comprehensive oversight from the FDA has led to concerns about product quality, potency, and safety. In late 2025, Congress passed legislation criminalizing intoxicating hemp products by capping total THC (including all isomers) at no more than 0.4 milligrams per container for consumer products, effectively banning a majority of commercial hemp products. This move, while aimed at curbing unregulated sales, has disrupted a burgeoning category that generated significant sales for convenience stores, particularly in states without legalized recreational marijuana.

### Impact on Convenience Stores

Convenience stores operated by EMA members are multifaceted businesses, often co-located with fueling stations. These stores rely on diverse product offerings to drive foot traffic and profitability including emerging categories like CBD and hemp beverages. Hemp-derived THC products have shown strong growth potential, with industry reports indicating double-digit sales increases in participating stores. For example, partnerships like those between major chains and hemp beverage suppliers have expanded access in markets such as Texas.

EMA believes that hemp-derived products, when properly regulated, can be a valuable addition to convenience store inventories, providing consumers with safe, legal options and supporting economic growth for small businesses.

- **Support for Legal and Regulated Sales:** EMA endorses the sale of hemp products compliant with the 2018 Farm Bill in convenience stores. We oppose blanket bans on intoxicating hemp products, such as the 2025 federal cap, which could eliminate a promising category without sufficient evidence of widespread harm. Instead, we advocate for a clear regulatory framework that promotes consumer safety.
- **Prioritization of Public Safety and Consumer Protection:** Products must undergo rigorous testing for contaminants, accurate THC content, and potency. EMA supports mandatory age verification (21+), child-resistant packaging, and clear labeling to prevent misuse. We urge the FDA to establish a regulatory pathway for hemp-derived cannabinoids, similar to dietary supplements, to ensure consistency and reduce black-market risks.
- **Economic Equity for Small Businesses:** Convenience stores, often independently owned, face competition from specialized dispensaries and online retailers. Federal policy should level the playing field by allowing c-stores to participate in the hemp market under fair regulations, boosting rural economies and diversifying revenue streams amid declining tobacco sales.
- **Harmonization of Federal and State Laws:** EMA calls for federal preemption to resolve conflicting state regulations, reducing compliance burdens for multi-state operators. This includes clarifying the status of delta-8 and other isomers under the Controlled Substances Act.

#### **“The Ask”**

To achieve a balanced THC and hemp policy, EMA recommends the following actions:

- **Congressional Action:** Urge passage of The Hemp Planting Predictability Act (H.R. 7024 in the House and S. 3686 in the Senate) which would extend the grace period by an additional two years, delaying full implementation until November 2028. This would allow farmers, businesses, and policymakers more time to adapt or formulate alternative regulations.
- **Amend the 2025 legislation to raise THC caps for low-dose products and direct the FDA to expedite rulemaking for hemp-derived cannabinoids.** Include provisions for small business grants to aid compliance.
- **FDA and USDA Oversight:** Develop standards for manufacturing, testing, and marketing of hemp products. Require third-party lab certification and prohibit misleading claims about health benefits.
- **Research and Education:** Fund studies on the impacts of low-dose THC on driving and workplace safety. Provide resources for retailers to educate staff and customers on federal DOT rules.
- **Enforcement Focus:** Target illicit producers rather than legitimate retailers, ensuring that enforcement does not disproportionately affect convenience stores.

EMA is committed to advocating for policies that promote responsible commerce, protect consumers, and safeguard our members' operations. By fostering a regulated market, we can harness the economic potential of hemp while addressing legitimate safety concerns. EMA stands ready to engage with policymakers, regulators, and stakeholders to shape a forward-looking framework that benefits all Americans.

*(Committees: House Agriculture, Senate Agriculture Committee, All Lawmakers)*

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