

The phrase “plant cannot produce naturally” sounds like a narrow scientific test. In the new federal hemp framework, however, it may help determine whether a cannabinoid product can qualify as hemp at all. That matters to manufacturers, retailers, laboratories and consumers—especially as the rules move beyond delta-9 THC alone and address total THC, including THCA.

The november 12 provision sets out a broader approach to what counts as hemp and hemp-derived products. It also gives the US Department of Agriculture (USDA) a near-term rulemaking deadline: December 11. The distinction to keep in view is that the deadline for USDA action is not necessarily the date every new product restriction takes effect. Businesses should check the statute’s effective-date language and any subsequent regulations before changing product lines or shipment plans.

One-sentence legal takeaway: A cannabinoid’s hemp status may depend not only on THC measurements but also on whether the compound is naturally produced by the cannabis plant and how the finished product is made and sold.

What “plant cannot produce naturally” is getting at

The phrase points to a source-and-process question: does the cannabis plant naturally make the cannabinoid, or is the compound created through chemical synthesis or another process outside the plant? Under the november 12 provision, cannabinoids that do not meet the relevant natural-production criteria may be excluded from the federal hemp definition, even if they are marketed as hemp-derived.

That is not the same as saying that every cannabinoid produced through processing automatically loses hemp status. Extraction, purification and other forms of processing are not necessarily the same thing as synthesizing a cannabinoid that the plant does not produce. The precise boundary will depend on the statutory language and USDA’s implementing rules. Companies should avoid treating marketing terms such as “natural,” “converted” or “hemp-derived” as substitutes for evidence [joy organics organic CBD gummies](#) about the ingredient’s origin and manufacturing process.

For compliance teams, the practical questions include:

- Is the cannabinoid naturally produced by cannabis, and is there reliable support for that conclusion?
- Was the compound extracted from plant material, or made by chemically converting another compound?
- Do supplier records document the source, process and identity of the ingredient?
- Does the finished product meet the applicable THC limits and other requirements?

These are questions to document, not just questions to answer verbally. A certificate of analysis can help establish what a laboratory found in a sample, but it may not establish how an ingredient was manufactured. Process records, supplier attestations and batch documentation may also be needed.

Why the december 11 US hemp rule deadline matters

The november 12 provision gives the USDA a December 11 deadline to issue rules. That short window makes the agency’s next steps important for companies trying to interpret terms such as natural production, synthetic cannabinoids and product-level THC limits. The statute supplies the framework; regulations can clarify how that framework applies to testing, records and product categories.

Businesses should not assume that a deadline to issue rules means all new requirements are already being enforced in the same way on that date. Nor should they assume that there will be a long grace period. Check the law's effective date, the text of any USDA rule, and any transition provisions. Keep a dated record of the versions reviewed and the conclusions reached.

The USDA is not the only relevant actor. The US Hemp Roundtable and other trade groups may publish analyses or advocate for implementation approaches, but their materials are not binding law. A company can use trade-group guidance to identify issues, then confirm the answer against the statute, agency rules and qualified legal advice.

From delta-9 THC to total THC, including THCA

Another major shift is the move away from treating delta-9 THC as the only meaningful measurement. The new framework focuses on total THC, including THCA. THCA is a naturally occurring cannabinoid that can convert into delta-9 THC when heated. A product with a low delta-9 result today may therefore still present a compliance issue if its THCA content pushes total THC over the applicable limit.

This distinction matters particularly for raw or minimally processed material. A delta-9-only test may not show the full picture. Companies should ask laboratories what analytes were measured, how total THC was calculated, and whether the method is appropriate for the product type. A report that says "pass" without naming the test basis can create a false sense of security.

Third-party lab testing is an important compliance tool, but it is not a legal safe harbor. Results apply to the sample tested, not automatically to every unit in a production run. Sampling plans, representative batches, chain of custody and reliable analytical methods all matter. If a product changes during storage or processing, an earlier result may no longer describe the product being shipped.

The 0.4 mg total THC per container cap

The provision also establishes a cap of 0.4 milligrams of total THC per container for covered products. This is a product-level limit, not simply a percentage threshold for the plant material. That difference can have significant consequences for edibles, tinctures, beverages and other packaged products: the amount per container may matter even when the concentration appears small.

Care is needed when interpreting "container." A package could contain multiple servings, and the relevant unit may be defined or clarified by the law and USDA rules. Until that is clear, companies should not assume that dividing a package into servings, or labeling each serving separately, changes the legal container calculation.

Compliance question Why it matters Practical step What is the total THC per container? The stated cap is 0.4 mg total THC per container. Confirm the calculation and product unit against the statute and USDA rules. Does the test include THCA? A delta-9-only result may miss THC that contributes to total THC. Request a report that identifies the analytes and total-THC method. Is the cannabinoid naturally produced? The natural-production test may affect whether the ingredient qualifies as hemp-derived. Keep source and manufacturing records alongside lab reports. Does the report match the batch being sold? Results from one sample do not automatically establish compliance for another batch. Use batch-specific testing and traceable records.

Flower shipments are at the highest risk

Flower shipments are among the product categories most exposed to the shift toward total THC. Hemp flower can contain THCA even when delta-9 THC is low. If a shipment is assessed under a total-THC standard, a delta-9-only

certificate may not answer the relevant question. Flower is also sold in forms where the tested sample, the shipped lot and the final retail package need to be carefully matched.

That does not mean every flower shipment will fail or that all flower is automatically excluded. It means exporters and buyers should treat testing and paperwork as central parts of the transaction. A shipment may be delayed, rejected or subject to enforcement if its documentation does not establish what it is and how it meets the applicable requirements.

Before shipping, companies should verify:

- The lot number on the product matches the lot number on the laboratory report.
- The report includes total THC, including THCA, where required.
- The sampling method and test date are documented.
- The shipment's product description and package quantities match its commercial paperwork.
- Supplier and manufacturing records support the claimed origin of any cannabinoid ingredients.

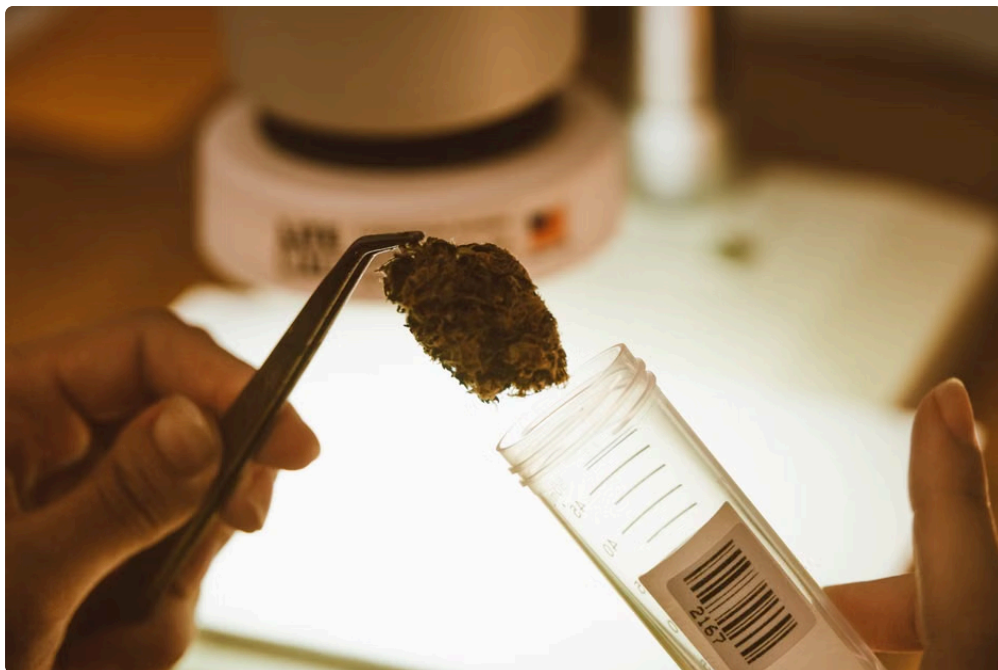
Flower businesses should also confirm whether state rules, destination-market requirements or contract terms impose additional conditions. Federal compliance does not necessarily settle every state or commercial requirement.

What “synthetic cannabinoids” means for product decisions

The term synthetic cannabinoids is used loosely in the marketplace, so companies should avoid relying on a label alone. A compound may be described as hemp-derived because a hemp ingredient was used somewhere in its production, even if the final cannabinoid was created through chemical conversion. The new natural-production language makes the actual process important, not just the starting material or the marketing claim.

For each cannabinoid ingredient, request a process description from the supplier. Identify the starting material, transformations performed, and the identity and purity of the final compound. If the supplier will not disclose enough information to assess the process, that is a compliance gap—not proof that the ingredient is prohibited, but a reason to seek clarification before purchase or sale.

Brands such as Joy Organics and other established sellers may face questions from customers and retail partners about testing, ingredients and product status. The useful response is transparent documentation, not a broad claim that a product is “legal everywhere” or “THC-free.” No product should be called THC-free without appropriate lab results that support that exact claim and clearly explain the testing limits.



What businesses should do now

The best preparation is a product-by-product review that ties legal analysis to actual batches, ingredients and packaging. Companies should not wait until a shipment is held or a retailer asks for records.

1. **Inventory products and ingredients.** List each cannabinoid, its source, manufacturing route, format and package size.
2. **Review testing.** Confirm that third-party lab testing covers the required analytes, including THCA where relevant, and that reports are batch-specific.
3. **Recheck product-level THC.** Model the 0.4 mg total THC per container cap using the correct container definition, not just serving size or concentration.
4. **Collect process records.** Ask suppliers for documentation that helps distinguish extraction from chemical synthesis or conversion.
5. **Make records accessible.** Consider batch lab results posted online, with clear lot identifiers and report dates. Online posting improves access but does not replace accurate testing or required records.

6. **Monitor the USDA rulemaking.** Revisit conclusions when the December 11 deadline passes and when final or interim guidance becomes available.
7. **Review contracts and shipping procedures.** Update specifications, warranties and rejection procedures to address total THC, ingredient origin and documentation.

Bottom line

“Plant cannot produce naturally” is a phrase with real commercial consequences, but it should not be reduced to a slogan. The November 12 provision links hemp status to cannabinoid identity and production, while also shifting attention from delta-9 THC alone to total THC, including THCA. The 0.4 mg per container cap adds a separate product-level test, and flower shipments are especially exposed to the testing and documentation changes.

For companies, the defensible path is straightforward: know how each cannabinoid was made, test the actual batch for the right analytes, calculate THC at the relevant product level, and keep records that can travel with the shipment. As the USDA works toward its December 11 rule deadline, confirm the effective dates and final definitions before making irreversible product or supply-chain decisions. This article is general information, not legal advice; businesses should obtain advice tailored to their products and markets.