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Hemp

Industrial Hemp has received an extensive amount of legislative attention in recent years. Over the past ten or so years, Vermont has passed three bills pertaining to industrial hemp. These acts are ACT176 (1996) requesting the commissioner of agriculture, food and markets as well as the University of Vermont do research into the viability of the industry, ACT222 (1998) urging the U.S. Drug Enforcement Agency (DEA) to review the new Canadian hemp policies, and ACT333 (2000) "urging the U.S. Drug Enforcement Agency and the U.S. Department of Agriculture (USDA) to reconsider federal policies that restrict the cultivation and marketing of industrial hemp and related products" (Vermont Legislature). The U.S. legislature has also taken an interest in this issue with the 2007 bill, H.R. 1009 that distinguishes industrial hemp from marijuana and takes industrial hemp off the list of plants included in the controlled substance act. In addition to reviewing this national bill, this report will also examine significant legislative actions on industrial hemp taken by other states such as West Virginia and North Dakota.

In the 2007-2008 Session the Vermont Legislature passed H.0267, a bill "to permit the development of an industrial hemp industry in Vermont" (http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H%2E0267&Session=2008).[1]

Industrial Hemp Uses

Table 1 lists the various uses of industrial hemp identified by the Canadian Department of Agriculture and Agrifood (2007).

Table 1: Uses for Hemp

Hemp Seed Product Uses	Hemp Oil Product Uses	Hemp Fibre Product Uses
• Confectionary	• Cooking	• Fabric
• Beer	• Salad Dressing	• Insulation
• Flour	• Dietary Supplements	• Carpeting
• Feed	• Body Care Products	• Paneling
• Dietary Fibre	• Fuel	• Pulp and Paper
• Snacks	• Detergents	• Recycling Additive
• Non-dairy Milk and Cheese	• Spreads	• Automobile Parts
• Baking	• Paint	• Animal Bedding and Mulch

[1] At the time of the completion of this report the governor had yet to take action on the bill.

In addition to all of these, legislatures have been interested in legalizing industrial hemp because it is easy to grow. Hemp can be grown successfully in a wide variety of climates, and in its mature form it is strong enough to resist extensive storm damage. It is also a good rotation crop, choking out other weeds, surviving without polluting pesticides, and using up relatively few soil nutrients (Frohling and Staton 1997).

Differentiating Between Hemp and Marijuana

Hemp is a cousin of marijuana, and both plants are illegal in the United States. The main practical difference is that marijuana plants contain levels of 3-15 percent THC and plants grown for industrial hemp contain less than 1 percent of THC (Frohling and Staton 1997). Research has shown that that there are no psychoactive effects below .3 percent, and minimal psychoactive effects below 1 percent. In the wild, hemp naturally grows with THC levels between .3 percent and 1 percent (Thompson et al.1998), but human-bred forms can have even less. Biologically, both plants are in the family *Cannabis Sativa*, and most biologists consider them to be variations of the same species.

Proposed Federal Law

H.R. 1009 introduced by Representative Ron Paul of Texas would strike the inclusion of industrial hemp (*Cannabis sativa L*) from its association with marijuana in the controlled substance act. Industrial hemp would thereby be legal to grow as long as the plants do not exceed 0.3 percent of THC (U.S. Congress, 2007).

North Dakota

North Dakota passed two laws in early 2007 that support the production of industrial hemp. The first allows that processors, in addition to farmers, can seek a state license to handle industrial hemp. The second allows anyone with a state license to import and resell certified industrial hemp.

There are also two concurrent resolutions that were passed by the North Dakota Legislature, also in early 2007. These bills have not yet been signed by the governor. The first bill urges Congress to recognize the multiple benefits of industrial hemp and to facilitate the growing of industrial hemp and the expansion of industries reliant on industrial hemp-based products. The second bill urges Congress to direct the United States Drug Enforcement Administration to differentiate between industrial hemp and marijuana.

Agriculture Commissioner Roger Johnson said,

> "Our Legislature has passed numerous bills with strong, bipartisan support to make it possible for North Dakota farmers to grow this potentially valuable crop. Our regulations, which become effective this month, require licensed industrial hemp farmers to submit to criminal background checks and fingerprinting. They must also provide satellite coordinates that identify the locations of industrial hemp fields. These regulations apply to everyone who owns, operates or works at a hemp farm or who grows, handles or processes industrial hemp." (North Dakota Dept. of Agriculture)

At the end of the 2007 Session of the North Dakota Legislature repealed the statute requiring hemp farmers to register with the DEA. Farmers in North Dakota are no longer required to register with the DEA to grow hemp, but farmers will be open to federal prosecution if they choose to grow without DEA authorization. There is currently a lawsuit pending, on behalf of North Dakota farmers, which is trying to prevent the DEA from enforcing federal marijuana laws against hemp farmers.

West Virginia

In 2002 West Virginia passed the "Industrial Hemp Development Act" (SB 447). As the name implies, the act created a legal way to cultivate hemp in the state. The bill distinguishes clearly between marijuana and industrial hemp: "industrial hemp" is defined as all parts of the *Cannabis Sativa L.* plant that contain less than one percent THC, while "marijuana" is defined as all plant material from the genus cannabis with more than one percent THC, or seeds capable of germination. The bill goes on to state that "industrial hemp" will be considered an agricultural crop in West Virginia, and that a licensing system will be created to facilitate and regulate the cultivation of the plant. The licensing system is run by Commissioner of Agriculture, and requires background checks for applicants. The licensee is required to notify the commissioner of the type of seeds he/she intends to use, and of any sale or distribution of "industrial hemp." The Commissioner is allowed to levy necessary fees on those applying for licenses, as well as randomly test the crops. The law maintains that it is a complete defense to the prosecution for possession, sale, or cultivation of marijuana to note that the defendant is complying completely with the law. It holds that if a person possesses *Cannabis Sativa* that does not meet the definition of "industrial hemp" outlined in the law they are subject to full prosecution (West Virginia Senate, 2002).

The most important parts of the law are those that distinguish between "marijuana" and industrial hemp, and the specific provisions regarding the licensing procedures. The law has not actually been implemented yet due to fear of running afoul of the strict federal laws (West Virginia Environmental Council, 2005).

Other States

Twenty-Eight states have introduced and fifteen (including, West Virginia and North Dakota) have passed pro-industrial hemp legislation. Seven states have made it easier to research and produce hemp. In 2007 eleven states have already introduced new pro-hemp legislation. (Votehemp.com, 2007)

Canada

Canada legalized the production of industrial hemp in 1998. Since then roughly 100 farmers have taken advantage of the law. The regulatory system is administered by the Office of Controlled Substances under Health Canada. According to the Canadian Department of Agriculture and Agrifood, "the upper limit in Canada for THC in the industrial hemp plant is 0.3 percent of the weight of leaves and flowering parts, while marijuana plants often have a THC

level of 5 percent or more," and the office checks to ensure that each farmer abides by the regulations.

Table 2: Total number of hectares licensed for hemp cultivation from 1998 to 2006 for Canada and selected provinces

	Canada	BC	AB	SK	MB	ON	QC	NB	NS
1998	2,400	72	38	263	606	1,164	24	214	19
1999	14,202	225	754	3,093	8,887	1,023	86	4	126
2000	5,487	291	306	1,426	2,906	217	239	0	102
2001	1,316	96	113	392	472	209	30	0	0
2002	1,530	200	123	449	597	142	19	0	0
2003	2,733	7	153	672	1,468	397	13	4	18
2004	3,531	18	639	1,004	1,655	183	10	4	18
2005	9,725	0	916	3,429	5,018	251	74	19	18
2006*	20,554	111	2, 103	6,154	11,726	346	88	8	18

Source: Industrial Hemp Licensing and Authorization Statistical Summary 2006, Health Canada. (Taken from Canadian Department of Agriculture and Agrifood, 2007)

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