

A resolution urging Congress to recognize industrial hemp as a valuable agricultural commodity; to define industrial hemp in Federal law as non-psychoactive and genetically identifiable species of the genus *Cannabis*; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States producers by removing barriers to State regulation of the commercial production of industrial hemp.

WHEREAS, industrial hemp refers to varieties of *Cannabis* which have less than three tenths of one percent (0.3%) tetrahydrocannabinol (THC), which are genetically distinct from drug varieties of *Cannabis* (marijuana), and which are cultivated exclusively for fiber, stalk and seed; and

WHEREAS, industrial hemp should not be confused with varieties of *Cannabis* which have high concentrations of tetrahydrocannabinol (THC) and which are commonly referred to as marijuana; and

WHEREAS, Congress never intended to prohibit the production of industrial hemp when restricting the production, possession, and use of marijuana; the legislative history of the Marijuana Tax Act where the current federal definition of marijuana first appeared shows that industrial hemp farmers and manufacturers of industrial hemp products, including Sherwin Williams Paint Company, were assuaged by Federal Bureau of Narcotic Commissioner Harry J. Anslinger who promised that the proposed legislation bore no threat to them: "They are not only amply protected under this act, but they can go ahead and raise hemp just as they have always done it."; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit ruled in *Hemp Industries v. Drug Enforcement Administration*, 357 F.3d 1012 (9th Cir. 2004), that the federal Controlled Substances Act of 1970 (21 U.S.C. Sec. 812(b)) explicitly excludes non-psychoactive industrial hemp from the definition of marijuana, and the federal government declined to appeal that decision.

WHEREAS, the Controlled Substances Act of 1970 specifies the findings to which the government must attest in order to classify a substance as a Schedule I drug and those findings include that the substance has a high potential for abuse, has no accepted medical use, and has a lack of accepted safety for use, none of which apply to industrial hemp; and

WHEREAS, Article 28, Section 2, of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, states, "This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes."

WHEREAS, industrial hemp is commercially produced in more than 30 nations, including Canada, Great Britain, France, Germany, Romania, Australia, and China.

WHEREAS, many farmers view industrial hemp as a versatile and valuable agricultural commodity that will have long-term economic benefits to the farmers who produce the hemp and the persons who utilize hemp in the production of twine, rope, textiles, paper products, building materials (plywood, concrete, insulation and roofing), animal bedding, automobile parts, plastics, fuel (bio-diesel, ethanol, and butanol) cosmetics, foods, nutritional supplements, body care products, and more; and

WHEREAS, US sales of hemp food are growing by 50% a year, industrial hemp seed prices are good (conventional seed goes for 39 to 52 cents per pound, and organic, 72 cents to 87 cents per pound), and yields are high (in Canada, without irrigation, 800 pounds of seed per acre is average, up to 1,000 pounds; with irrigation, yields double to 1600 pounds per acre up to 2,000 pounds).

WHEREAS, industrial hemp is a high-value low input crop that is not genetically modified, requires no pesticides, can be dry land farmed, and uses less fertilizer than wheat and corn.

NOW, THEREFORE, BE IT RESOLVED: That the legislature urges the Congress of the United States to recognize industrial hemp as a valuable agricultural commodity; to define industrial hemp in Federal law as non-psychoactive and genetically identifiable species of the genus *Cannabis*; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States producers by removing barriers to State regulation of the commercial production of industrial hemp; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Agriculture, the chairmen of the Senate and House Agriculture Committees, and to each member of the state's Congressional Delegation.