**U. S. Department of Justice**
Drug Enforcement Administration
Springfield, VA 22152

Agriculture Department
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OCT 25 '10
STATE CAPITOL
Bismarck, North Dakota

*www.dea.gov*

OCT 20 2010

Doug Goehring, Commissioner
North Dakota Department of Agriculture
600 E. Boulevard Ave., Dept. 602
Bismark, ND 58505-0020

Dear Commissioner Goehring:

Thank you for your letter dated November 16, 2009, to Spencer Overton, U.S. Department of Justice (DOJ), regarding marijuana grown for industrial purposes (referred to in your letter as "industrial hemp"). Your letter has been referred to the Drug Enforcement Administration (DEA) for response.

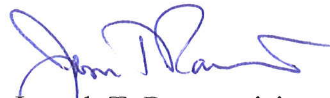
Your letter asks for DOJ's assistance to clarify the definitions in the Controlled Substances Act (CSA) to allow farmers in North Dakota to grow marijuana for industrial purposes as a cash crop. As you are no doubt aware, the CSA defines marijuana as "all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation from such plant, its seeds or resin." 21 U.S.C. § 802(16). That statutory definition includes within its ambit all cannabis plants grown for industrial (or any other) purposes – regardless of the THC content of such plants. *See Monson v. Drug Enforcement Administration*, 589 F.3d 952, 961-962 (8th Cir. 2009) (citing *United States v. White Plume*, 447 F.3d 1067, 1072-73 (8th Cir. 2006) (finding that "the CSA regulates the farming of hemp" because "under the CSA, marijuana is defined to include *all* Cannabis sativa L. plants, regardless of THC concentration" and the CSA "makes no distinction between cannabis grown for drug use and that grown for industrial use"). As a result, under the CSA, there are no circumstances under which farmers in North Dakota, or any other state, can legally grow marijuana for industrial purposes without first registering with the DEA. 21 U.S.C. §§ 822(a)(1), 823(a)(1). *See Monson* at 956-957 (finding that the CSA requires any person seeking to manufacture a schedule I controlled substance for any lawful purpose, including marijuana grown for industrial purposes, to register with the DEA); *see also United States v. White Plume*, 447 F.3d 1067 (8th Cir. 2006); *New Hampshire Hemp Council v. Marshall*, 203 F.3d 1 (1st Cir. 2000).

We understand your position is that industrial hemp does not need to be regulated under the CSA. However, that is the result under federal law. Accordingly, farmers in your state who would like to grow marijuana for industrial purposes can seek authorization to do so by applying for a DEA registration, and, as you know, two such applications submitted by David Monson and Wayne Hauge are currently pending before the agency.

Regarding your reference to the Administration recently "soften[ing] its enforcement stance regarding the unlawful use of marijuana for medical purposes," let me take this opportunity to clarify that the Administration is committed to enforcing the CSA in all states, including those states that have passed laws that purport to authorize the use of marijuana for medical purposes. The Deputy Attorney General's memo on this subject simply prioritizes federal resources to maintain the Department's longstanding focus on significant drug traffickers.

I hope that this information fully addresses your inquiry. Thank you for seeking DOJ's input on this matter.

Sincerely yours,



Joseph T. Rannazzisi
Deputy Assistant Administrator
Office of Diversion Control

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