



STATE OF NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E BOULEVARD AVE, DEPT 602
BISMARCK, ND 58505-0020

DOUG GOEHRING
COMMISSIONER

November 16, 2009

Spencer Overton
Principal Deputy Assistant Attorney General
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530-0001

Dear Deputy Attorney General Overton:

As elected officials of the state of North Dakota we respectfully request your time and attention to the matter of industrial hemp production in our state. We would like to meet with you concerning the department's policy with respect to cultivation of this crop.

Since 1997 the North Dakota Legislature has passed legislation in support of the commercial production of industrial hemp. In 2007 the North Dakota Department of Agriculture issued the nation's first industrial hemp licenses under state authority. The state's two licensed farmers are unwilling to proceed with growing industrial hemp since they could be prosecuted by your agency under the Controlled Substances Act. In North Dakota we license the cultivation of industrial hemp to prevent anything other than lawful hemp fiber, stalk, oil, and non-viable seed from leaving a farmer's property, ensuring that no unlawful use or diversion can take place.

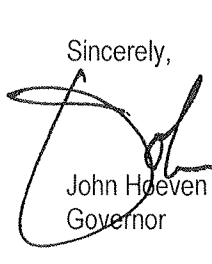
A study conducted by North Dakota State University indicates that industrial hemp has potential as an alternate rotation crop. North Dakota is also moving forward with an industrial hemp research program under agreement with the Drug Enforcement Administration. Based on our confidence in the state licensing program and the fact that industrial hemp production presents no potential for diversion to illegitimate purposes, we believe that North Dakota farmers should have the opportunity to enter the industrial hemp market.


Industrial hemp is not marijuana and does not need to be regulated under the Controlled Substance Act. While the administration has recently softened its enforcement stance regarding the unlawful use of marijuana for medical purposes, North Dakota's licensed hemp growers are barred from supplying our domestic market with a product their licensed Canadian counterparts have unfettered access to.

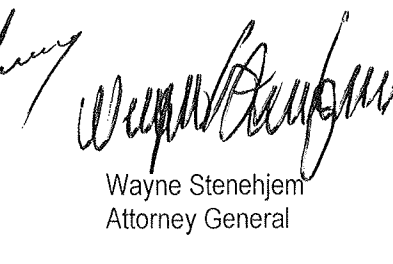
We ask for your help in clarifying the definition which would allow producers in our state to grow industrial hemp as a cash crop.

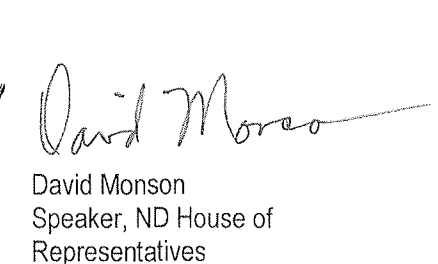
We would appreciate the opportunity to meet with you to discuss this matter at the earliest possible time. If you have any questions, please contact Judy Carlson at 701-328-4997.

Sincerely,


John Hoeven
Governor


Doug Goehring
Agriculture Commissioner


Wayne Stenehjem
Attorney General


David Monson
Speaker, ND House of
Representatives