

The State of Hemp in America Today:

State Legislative Action Builds

by Mari Kane

If a state legislator can get an industrial hemp bill passed today, he or she can accomplish just about anything. Acceptance of hemp farming flies in the face of outdated federal laws that fail to distinguish between low-THC hemp and high-THC marijuana varieties of cannabis. Those laws effectively prohibit the domestic farming and processing of hemp, a plant that still remains in Schedule I of the Controlled Substances Act (CSA).

It takes a true hero to succeed, and there have been more than a few. In fact, 25 of 53 state hemp-related bills introduced since 1995 have passed, a success rate of over 47%. Overall, 14 states have successfully passed hemp-related legislation. 1999 was an especially good mid-term year that saw the passage of ten bills. In 2000, the National Conference of State Legislatures (NCSL) adopted a hemp policy that strongly urged the DEA, USDA and the Drug Czar's office to recognize the distinction between hemp and marijuana. NCSL, which represents thousands of state legislators, also urged Congress to change federal law to allow farmers to grow hemp under a regulated system. Clearly, the political seeds planted years ago are now coming to fruition.

In 2002, hemp bills have been introduced in seven states: Arizona, California, Hawaii, New Mexico, Vermont, Wisconsin and West Virginia. The CA, HI and WV bills have passed the NM and VT bills have died in committee, and the AZ and WI bills have been held until 2003.

State legislators generally begin by drafting bills calling for scientific, economic and environmental studies of hemp, usually under the auspices of a state university. Some go one step further by calling for the planting of test plots. In those cases, researchers must still obtain the required federal permits from the DEA.

For example, Hawaii, which passed legislation calling for University-sponsored, privately-funded research in 1999, received the necessary state and DEA research permits and has gone on to plant test plots for a third straight year now. North Dakota passed similar legislation that same year, but DEA permits were not obtained until this year. State Representative David Monson (R-ND) is hopeful that, when they meet again in 2003, the legislature will appropriate public funds allowing the state to plant a test crop.

Depending on the state, most opposition to the regulation of industrial hemp emits from local and federal law enforcement agencies and private anti-drug organizations such as Drug Watch International and Family Research Council. These groups employ dramatic rhetoric in an effort to stifle legislative reform. These opponents are even opposed to simply studying the issue. Law enforcement agencies usually claim an inability to distinguish between hemp and marijuana. They also claim that hemp plants might be stolen by drug traffickers, or that some farmers might try to grow marijuana disguised as hemp. Anti-drug groups insist that relaxing restrictions against hemp will send the "wrong message" to kids about the dangers of drugs.

These arguments have very little basis in fact and are increasingly seen as outmoded, fear-driven thinking. In fact, in countries where farmers have legally grown hemp for years, law enforcement has had no problem distinguishing hemp from marijuana, and marijuana use has not increased among the public as a result. Farmers have to apply for permits, buy only approved low-THC hemp seed, and provide GPS coordinates of their fields. In contrast to their concern about the message of hemp products, anti-drug groups do not seem to be concerned that a wrong message is being conveyed by bakeries and grocery stores that sell poppy seed bagels containing trace opiates.

In Hawaii, where hemp cultivation research has been carried on without any major problems for three years, local law enforcement was hard pressed to find any valid reasons to object to State Rep. Cynthia Thielen's most recent hemp bill. The bill made Act 305, Session Laws of Hawaii 1999, permanent, allowing privately-funded hemp research to be continued in the state.

"The only opposition was from Jeanette McDougal of Drug Watch International and the Honolulu Police Department," said Thielen. "The police didn't give 'law enforcement' reasons; they simply said 'the objectives of the original research have been fulfilled.' Since that was incorrect, their testimony had little impact."

On the positive side, support for hemp comes from a broad spectrum - farmers, manufacturers, labor unions, environmentalists, states' rights advocates and private citizens, among others - who view

hemp's potential as a sensible proposal for resource sustainability and economic development. Their wide support is buttressed by the experiences of their counterparts in over thirty other countries that allow the cultivation and processing of hemp, as well as by American consumers who demand hemp as an alternative to cotton, petroleum and wood products.

In Arizona, State Senator Hamilton's bill, SB 1431, passed easily last year, but the Governor vetoed it due to intense pressure from the law enforcement community. There were also questions over whether the university study would be publicly or privately funded, so the 2002 bill was altered to require the university to do a study only if they receive private funding. The bill then passed in the House Education Committee, but the Agriculture Committee Chairman blocked it.

"Unfortunately, they [law enforcement] went to the Chairman of the Agriculture Committee and he listened to them before we were able to make that education effort," said Hamilton, who will be leaving the Senate due to term limits. "Education is the key. Tim Castleman [local hemp expert and activist] and his people had everybody educated on both sides, and now we're going to have all new people to educate."

California's AB 388, sponsored by State Rep. Virginia Strom-Martin, requests the University of California "to conduct an assessment of economic opportunities available through the production of specialty or alternative fiber crops including industrial hemp, kenaf and flax by extrapolating data on productivity and production costs available from trials conducted in other states and countries similar to California's conditions. The assessment shall include an estimation of market demand and likely crop prices, identification of potential barriers to profitability, and identification of production, legal, processing

Mari Kane Talks with State Representative David Monson (R-ND)



David Monson

MK: How did you get the notion to regulate hemp in North Dakota?

DM: I knew we raised hemp back in the 1940s during WWII, and it had been raised successfully in the state before that and was growing wild all over the place - ditchweed, you know. I'm Republican and in the majority party in North Dakota. A huge majority, pretty conservative, and not out to raise marijuana. [Laughs.] We had credibility, and the farmers got on board, and we came out of there and passed her [the 1999 hemp bill] big-time. And once we got her passed in the House, she pretty well breezed through the Senate. In 1999, five different [hemp] bills all passed big-time. Now, I think if you ran on a platform opposing industrial hemp in North Dakota, you're going to get beat. About 80% of the people think it [hemp] is just fine.

MK: You have been pretty busy passing hemp legislation. How did it happen?

DM: We had the first [hemp] legislation to pass in the U.S., in 1997, to have industry do research on hemp feasibility. They reported in 1998 or 1999 and determined it was viable and worth pursuing. We passed several bills with bipartisan support by huge majorities, especially in the House. 89-7 voted in favor of the bills to send resolutions to Congressmen, the President and

the DEA, saying there is no reason not to raise this [hemp] as a crop. We passed a law to give NDSU [local university] the right to get a license to grow it. One of the main laws declared industrial hemp an agricultural crop instead of a weed, so it took hemp off the noxious weeds list. Now, since it's considered a crop, we've got licensing procedures put in place very similar to what Canada has. We also put it under control of the Department of Agriculture in North Dakota.

So, we've done pretty much everything in North Dakota that we can. We're ready to raise hemp here; we have everything in place. NDSU applied [to the DEA] for a permit, and I think they have been successful in getting their licenses. But they got them too late to plant this year, so it will wait for next year. The problem is, to do the test plots, they will have to put thousands of dollars into security.

MK: Who will pay for that?

DM: We're going to have to come up with the funds next session. We meet every two years, next in 2003, and we'll have to try to appropriate some money in their [NDSU's] budget for security stuff. I've got my work cut out for me now to try and get funding for it. It's kind of a chicken-and-egg thing. Until there's a market, people aren't going to raise it, even if it were legal at the federal level. And until it is legal and people are raising it, there isn't going to be a big market. No industry is going to build a multi-million dollar plant and then find out they can't get it raised.

and marketing issues that would need to be addressed in future demonstration research or pilot commercial trials."

Wisconsin's AB 679, sponsored by State Rep. Eugene Hahn, requires the Board of Regents of the University of Wisconsin "to apply for any federal permits required for research involving 'industrial hemp' (defined as Cannabis sativa with THC concentration not exceeding 0.3% on a dry weight basis)." It continues, "If the University Board obtains these permits, it must conduct research on growing and marketing industrial hemp and annually report the results of the research to the legislature. This bill also requires the Departments of Agriculture, Trade and Consumer Protection to promulgate rules, in consultation with the Attorney General, concerning industrial hemp, including rules for the inspection of industrial hemp fields and for notifying local law enforcement agencies in whose jurisdiction industrial hemp is being grown."

West Virginia's Senate Bill No. 447, sponsored by State Senators Facemyer and Bailey, passed on March 7, 2002 and was signed into law by Governor Wise on March 28. It decriminalized the growing of hemp as an agricultural crop and required the Agricultural Commissioner to promulgate rules and

regulations and develop grower licensing requirements. Senator Facemyer said approval of the bill would only mean that the DEA would work with the state to set up a research project on growing hemp for a few years. Only after that phase is complete might it be possible for farmers to actually grow it, she said.

Clearly, a large number of states are ready and willing to support domestic hemp cultivation and industry. Now, more than ever, it is vitally important that the federal barriers standing in the way are removed, enabling the forces of the free market to work their magic.

Mari Kane is a freelance writer who covers issues relating to business, the environment and wine. Since 1993, Ms. Kane has written extensively on industrial hemp.



Useful Links

NCSL Hemp Resolution:
<http://www.VoteHemp.com/issue.html#NCSL>
 Hawaii State Legislators Letter to President Bush:
<http://www.VoteHemp.com/issue.html#Hawaii>

State Hemp Legislation Passed

STATE	YEAR(s)	BILL(s)
Arizona	2001	SB 1519
Arkansas	1999	SR 13
California	1999 & 2002	HR 32 / AB 388
Hawaii	1999 & 2002	HR 110 / HB 57
Illinois	1999 & 2000	SR 49 / HR 553
Kentucky	2001	HB 100
Maryland	2000	HB 1250
Minnesota	1999	HF 1238
Montana	1999 & 2001	HR 2 / HF 1238
New Mex.	1999	HB 104
North Dak.	1999	HCR 3038
Vermont	2000	JRS 98
Virginia	1999 & 2001	HJR 94 & 605
West VA	2002	SB 447

For more information and links to all state hemp legislation which has been introduced since 1995, visit the Vote Hemp web site at: http://VoteHemp.com/state_legis.html

South Dakota Hemp Crop Adds Impetus to State Hemp Petition

by Bob Newland

Almost completing a cycle which has not been duplicated since 1958, Alex White Plume has planted, cultivated, harvested, sold and arranged delivery of an industrial hemp crop in 2002. White Plume, a Lakota Sioux Indian whose hemp crop was illegally destroyed in 2000 and 2001 by U.S. federal law enforcement officers, had contracted his crop to the Madison Hemp & Flax Co. of Lexington, Kentucky. Before they could pick up the crop, however, a federal judge granted a temporary restraining order preventing the delivery and completion of the cycle. Alex White Plume and other family members are now facing several civil charges and will appear in court in early October.

This news coincides with the political campaign for "Initiated Measure 1" on November's general election ballot in South Dakota. The "South Dakota Industrial Hemp Act of 2002" was placed on the ballot by the South Dakota Industrial Hemp

Council (SDIHC) which wrapped up its year-long petition drive on May 7.

Bob Newland, a co-founder of the SDIHC and nominee for South Dakota Attorney General, said, "Alex White Plume has done more than any other single person to expose to South Dakotans and the world the absolute absurdity of U.S. public policy regarding hemp."

With the appearance of the Hemp Act on the ballot there, South Dakota is a focal point for hemp advocates. South Dakota voters will choose "yes" or "no" on the following proposed addition to state law in November: "Any person may plant, cultivate, harvest, possess, process, transport, sell or buy industrial hemp (cannabis) or any of its by-products with a tetrahydrocannabinol (THC) content of one percent or less."

Lakota Hemp History

Under the Fort Laramie Treaty of 1868, the U.S. recognized the sovereign right of the Lakota Nation (Oglala Sioux) to be self-sufficient based on "cultivating the soil for a living." The nomadic Lakota understood they were to raise food and clothing from the soil as a substitute for buffalo which had provided them sustenance since antiquity. Industrial hemp was a staple crop in the region throughout the 19th century and was well adapted to the climate of South Dakota.

The Lakota had the right to cultivate hemp in 1868 and were encouraged by the U.S. to continue doing so. Wild ("feral") hemp, such as that cultivated by Alex White Plume, thrives naturally throughout South Dakota today - remnants from

historic hemp cultivation on the Plains. The Lakota recognized this history and their sovereign rights in passing Ordinance 98-27 of 1998, authorizing the cultivation of hemp at the Pine Ridge Indian Reservation while retaining "marijuana" laws unchanged.

Alex White Plume's hemp crop was intended to be used in a local, community-based hemp house demonstration project, a working model of agriculture-based, environmentally sustainable economic redevelopment. Since Pine Ridge is located within one of the poorest counties in the U.S., it is critical to establish such models there. The DEA's continued harassment of the Lakota people concerning these activities undermines their important efforts to make a better life with limited resources.

It will be the first time voters have ever directly voted on the question of hemp production in the U.S. in a statewide referendum (as opposed to elected state representatives voting in state legislatures). The SDIHC conducted a poll of South Dakota voters in 2001, which demonstrated that over 80% want farmers to be able to grow hemp if they choose to do so.

The proposal, when enacted, will distinguish hemp from marijuana by THC content and will remove South Dakota's barriers to hemp production. The change will coincide with a federal bill being contemplated by North Dakota Senator Kent Conrad, which will also define hemp as distinct from marijuana and will move regulation of hemp from the DEA to the USDA.

"We ache for adjectives strong enough to describe the absurdity of federal policies regarding hemp," Newland stated. "Over thirty nations grow, process and trade in hemp. The U.S. and Canada will consume over \$150 million of hemp products in 2002. Legal Canadian-grown hemp is being trucked past barely-surviving South Dakota farms. Our politicians talk constantly about finding alternative energy sources, saving the family farm, creating new value-added agricultural opportunities, cleaning up the environment and reducing our dependence on foreign energy and fiber supplies. But they ignore the billion-dollar golden opportunity sitting right in front of them - the promise of industrial hemp - which can potentially address all those concerns."

"I think South Dakotans will overwhelmingly pass the Hemp Act in November. I also think they will elect politicians who endorse hemp - because they support hemp, not in spite of it."



Useful Links

More information on Alex White Plume and the Lakota Hemp Project:
<http://www.VoteHemp.com/news.html#Lakota>
 General information on hemp in South Dakota:
<http://www.sodakhemp.org/>