

**MEMORANDUM**

TO: HONORABLE MARK LENO  
FROM: CALIFORNIA NARCOTIC OFFICERS ASSOCIATION  
CALIFORNIA POLICE CHIEFS ASSOCIATION  
SUBJECT: OPPOSITION TO SENATE BILL 676  
DATE: APRIL 4, 2011

The California Narcotic Officers' Association and the California Police Chiefs Association would like to register their strong opposition to Senate Bill 676, which is slated to be before the Senate Committee on Agriculture on April 5. We believe there are a number of very serious issues in connection with this bill – taken either individually or together, those issues call for the rejection of SB 676.

To begin with, cultivation of hemp is illegal in the United States. Enactment of SB 676 will not change that state of affairs at all because the prohibition against cultivation of industrial hemp is found in federal law, which would be unaffected by passage of SB 676. That federal law, 21 USC 802 (16), has been on the books since 1970 and makes it clear that it is illegal to cultivate any cannabis plants.

Although proponents of SB 676 would have you believe that this is not the case, the truth is that even Eric Steenstra, President of Vote Hemp, has admitted that “under current national drug control policy, industrial hemp can be imported, but it cannot be grown by American farmers.” (Vote Hemp news release February 13, 2007)

It was the unassailable fact that federal law prohibits the cultivation of hemp that contributed to Governor Schwarzenegger's veto of AB 1147 and of AB 684 in two successive sessions. Since that time, nothing has changed with respect to federal law. The very best thing that can be said about this bill is that it is seriously premature and that any action on it should be deferred until cultivation of hemp is legalized – something this bill cannot do.

Proponents argue that the recent 9<sup>th</sup> Circuit ruling in *Hemp Industries v. Drug Enforcement Administration*, (9<sup>th</sup> Cir. 2004) 357 F.3d 1012, permits the cultivation of industrial hemp. This is simply not the case. That case was decided on very narrow procedural grounds which found that DEA had not gone through its own procedural hoops in ordering destruction of hemp related products. The best evidence of this fact is that Congressman Paul subsequently introduced a federal bill to legalize hemp cultivation. Had the *Hemp Industries* case actually legalized hemp cultivation, the Congressman's bill would not have even been necessary.

There are very sound public policy reasons for prohibiting the cultivation of hemp. Hemp is indistinguishable from marijuana and its cultivation will seriously compromise our marijuana enforcement efforts. Please take a look at any Internet photographs of hemp and marijuana plants. You will find that the photographs are indistinguishable, one from the other! The burdens this will place on law enforcement are simply incalculable. Since hemp and marijuana are indistinguishable either through ground or aerial surveillance, all enforcement operations will have to await lab tests prior to taking any action. The reality is that labs are backed up with other forensic issues and marijuana enforcement will in all likelihood be curtailed – something that is very unfortunate coming at a time when large criminal combines are firmly ensconced in marijuana production. Hemp could be a useful device by drug traffickers to evade detection, as well; for example, a marijuana producer might grow a portion of his/her grow area in hemp (the THC reduction caused by hemp-marijuana cross pollination,

contrary to assertions of proponents, does not occur in a plant's first generation) as a way to fool law enforcement.

There is even a humorous dimension to the hemp/marijuana confusion: In several British communities law enforcement has reported theft of hemp from hemp farms. Investigation revealed that the thefts were being carried out by persons under the impression that the hemp would get them high. As a result, several agencies have taken to posting signs around hemp farms informing passers-by that the products being grown on this farm will not get anyone high and that there is no need to steal them!

Proponents argue (with a vigor that calls to mind the patent medicine salesmen of the old west) that hemp cultivation will be a virtual economic and ecological panacea for Californians. Again, this is simply not true. According to Dr. Valerie Vantrees-Askren, Professor of Agricultural Economics at the University of Kentucky, hemp is a niche market product and is destined to remain so. Dr. Vantrees-Askren points out that cultivation costs are highly labor intensive and effectively mean that American farmers will not be able to compete against heavily subsidized Chinese and European hemp producers.

Dr. Vantrees-Askren, who is recognized as the leading authority on the economics of hemp cultivation, is dubious about the viability of a hemp cultivation industry in the United States because American hemp farmers would be unable to compete with the heavily subsidized Chinese and European cultivation industries. Moreover, Dr. Hayo M. G. van der Werf, with the French National Institute of Agronomic Research, and former editor of the Official Journal of the International Hemp Association, has stated that many of the claims for hemp's benefits are "inaccurate" and "may be due to the emotional commitment many individuals have in making this a viable crop." Finally, European production of hemp has reduced significantly over the last decade. In 1998, over 100,000 acres of hemp were produced in Europe. In 2005, the last year statistics are available, that number had dropped to 39,000 acres – hardly production patterns that suggest an economic panacea.

Hemp production is illegal and passage of SB 676 will not change that; hemp and marijuana are indistinguishable and hemp can be used by marijuana growers to evade detection; there is no real economic viability to hemp cultivation. For these reasons, CNOA respectfully requests that you vote "no" on Senate Bill 676.