



July 2, 2018

Vote Hemp Statement regarding the legality of hemp cultivation under California law

It has come to Vote Hemp's attention that there is confusion in the State of California regarding the present legality of hemp cultivation under the existing state statute ("the State Law") that passed in 2013 (SB 566) and was amended in 2016 (Proposition 64). This statement attempts to clear up this confusion.

Pursuant to Food and Agricultural Code § 81000 (c):

- "Established agricultural research institution" means any institution that is either:
- (1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or
 - (2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

Established agricultural research institutions are presently exempt from the State Law's registration, approved cultivar, and THC testing requirements. The rationale behind these exemptions was, in part, to allow for research and development of seed stock to occur as the nation's hemp seed stock withered away decades ago. *See Food and Ag. Code §§ 81002 (a), 81003 (a), 81004 (a), and 81006 (a) and (f)*. Hemp cultivation by an established agricultural research institution is, thus, presently fully lawful under state law. Accordingly, a local or state body does not have the legal authority to halt these activities in the absence of a DEA permit or other state authorization because established agricultural research institutions are already authorized by state statute to engage in these activities.

Vote Hemp and other stakeholders have provided feedback and advice to the California Department of Food and Agriculture (CDFA) and its Industrial Hemp Advisory Board (IHAB) during their rulemaking process. We anticipate that process will conclude soon and look forward to the issuance of State hemp farming regulations that will support family farmers, promote hemp farming, and the rapid expansion of the hemp industry in California.