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**DEA Clarifies Status of Hemp in the Federal Register**

The Drug Enforcement Administration (DEA) today announced rules to clarify the legal status of “hemp” products. “Hemp” is part of the cannabis plant, which is also known as marijuana. The rules published in today’s edition of the Federal Register explain the circumstances under which “hemp” products are subject to control under federal law.



“Hemp” and marijuana are actually separate parts of the species of plant known as cannabis. Under federal law, Congress defined marijuana to focus on those parts of the cannabis plant that are the source of tetrahydrocannabinols (THC). THC is the hallucinogenic substance in marijuana that causes the psychoactive effect or “high.”



The marijuana portions of the cannabis plant include the flowering tops (buds), the leaves, and the resin of the cannabis plant. The remainder of the plant — stalks and sterilized seeds — is what some people refer to as “hemp.” However, “hemp” is not a term that is found in federal law.

DEA Administrator Asa Hutchinson stated that “many Americans do not know that hemp and marijuana are both parts of the same plant and that hemp cannot be produced without producing marijuana.”

While most of the THC in cannabis plants is concentrated in the marijuana, all parts of the plant, including hemp, have been found to contain THC. The existence of THC in hemp is significant because THC, like marijuana, is a schedule I controlled substance. Federal law prohibits human consumption and possession of schedule I controlled substances. In addition, they are not approved by the Food and Drug Administration for medical use.

The rules that DEA is publishing today explain which hemp products are legal and which are not. This will depend on whether the product causes THC to enter the human body. If the product does cause THC to enter the human body, it is an illegal substance that may not be manufactured, sold, or consumed in the United States. Such products include “hemp” foods and beverages that contain THC.

If, however, the product does not cause THC to enter the human body, it is a noncontrolled substance that may lawfully be sold in the United States. Included in the category of lawful hemp products are textiles, such as clothing made using fiber produced from cannabis plant stalks. Also in the lawful category are personal care products that contain oil from sterilized cannabis seeds, such as soaps, lotions, and shampoos.

In recognition of the fact that there may be a small number of

**Illegal Products**

*The following “hemp” products are illegal if they contain THC:*

- beer
- cheese
- coffee
- corn chips
- energy drink
- flour
- ice cream
- snack bars
- salad oil
- soda
- veggie burgers

**Legal Products**

*Based on the information currently available, DEA believes that the following “hemp” products do not cause THC to enter the human body and are therefore legal products:*



manufacturers and retailers who have inventories of hemp food and beverage products or other products containing THC that are intended for human consumption, DEA is providing a grace period. As set forth in the rules, any person who currently possesses illegal THC-containing "hemp" products will have 120 days (until February 6, 2002) to dispose of such products or remove them from the United States. However, during this grace period, no person may manufacture or distribute any such product for human consumption within the United States.

In issuing these rules, DEA has attempted to strike a fair balance between protecting the health and safety of all Americans and accommodating legitimate industry. The public has 60 days to comment on the rules in the manner set forth in the Federal Register. The rules can be accessed through the web site of the National Archives and Records Administration at [www.archives.gov](http://www.archives.gov).

- bird seed mixture containing sterilized cannabis seeds and other ingredients
- clothing, including hats, shirts, and shoes
- cosmetics
- lotion
- paper
- rope, twine, yarn
- shampoo
- soap

### **What to do if you are uncertain whether a "hemp" food or beverage product is illegal:**

- Check the ingredients listed on the product label. If the label indicates that the food or beverage contains THC, it is illegal.
- Ask the manufacturer or distributor of the product if it contains THC. If it does, it is illegal.

### **What if you are unable to determine from reading the label and from asking the manufacturer or distributor whether the product contains THC?**

In such circumstances, if you wish to err on the side of caution, you may freely dispose of the product. As stated in the rules that DEA published on October 9, 2001, anyone who has purchased a food or beverage product that contains THC has 120 days (until February 6, 2002) to dispose of the product without penalty under federal law.

Click here for access to The Federal Register:

[www.archives.gov](http://www.archives.gov)

Click here for a full TEXT ONLY version of the hemp rules as they now appear in the Federal Register:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001\\_register&docid=01-25024-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=01-25024-filed)

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