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## 2016 Hemp Update

Version 5 | September 2016





# Congressional Update



# 38

**NEW Industrial Hemp Farming Act cosponsors**

## New Senate Cosponsors

Sen. Gardner (R-CO), Sen. Daines (R-MT), Sen. Franken (D-MN), Sen. Bennett (D-CO), Sen. Tester (D-MT), Sen. Baldwin (D-WI), Sen. Schatz (D-HI), Sen. Gillibrand (D-NY) & Sen. Murphy (D-CT), Sen. Hirono (D-HI), Sen. Casey (D-PA), Sen. Warner (D-VA)

## New House Cosponsors

Rep. Titus (D-NV), Rep. Huffman (D-CA), Rep. Swalwell (D-CA), Rep. Sanford (R-SC), Rep. Whitfield (R-KY), Rep. Benishek (R-MI), Rep. Connolly (D-VA), Rep. Perlmutter (D-CO), Rep. Speier (D-CA), Rep. Walden (R-OR), Rep. Courtney (D-CT), Rep. Lowey (D-NY), Rep. Coffman (R-CO), Rep. Ellmers (R-NC), Rep. Tipton (R-CO), Rep. Davis (R-IL), Rep. Hurt (R-VA), Rep. Scott (D-VA), Rep. Takai (D-HI), Rep. Cardenas (D-CA) & Rep. Tonko (D-NY), Rep. Nolan (D-MN), Rep. Van Hollen (D-MD), Rep. Young (R-IA), Rep. DeSaulnier (D-CA), Rep. Gibson (R-NY), Rep. Lieu (D-CA)



# 74

**H.R. 525 Bipartisan Cosponsors**

## House Cosponsors

**H.R. 525 introduced by Rep. Thomas Massie (R-KY)**

- 47 Democrats
- 27 Republicans



# 16

**S. 134 Bipartisan Cosponsors**

## Senate Cosponsors

**S. 134 introduced by Sen. Ron Wyden (D-OR) & Sen. Mitch McConnell (R-KY)**

- 11 Democrats
- 4 Republicans
- 1 Independent



# 289

**House members support hemp research**

**By way of the Massie hemp amendment to the FY 16 CJS Appropriations Act**, this is a benchmark number of House members who support hemp's progress in the next year.



## Hemp as an Agricultural Commodity

Renée Johnson, Specialist in Agricultural Policy

**CRS RL32725**

January 26, 2016

**Summary:** Industrial hemp is an agricultural commodity that is cultivated for use in the production of a wide range of products, including foods and beverages, cosmetics and personal care products, and nutritional supplements, as well as fabrics and textiles, yarns and spun fibers, paper, construction and insulation materials, and other manufactured goods. Hemp can be grown as a fiber, seed, or other dual-purpose crop. Some estimate that the global market for hemp consists of more than 25,000 products. Precise data are not available on the size of the U.S. market for hemp-based products, but current industry estimates report annual sales at more than \$580 million annually.

# Hemp Amendments included in FY2016 Omnibus Appropriations Bill

## McConnell Amendment to Omnibus

### SEC. 739.

None of the funds made available by this Act or any other Act may be used—(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or (2) to prohibit the transportation, processing, sale, or use of industrial hemp that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

## Massie Amendment to the CJS Appropriations Act

### SEC. 541.

None of the funds made available under this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113-79) by the Department of Justice or the Drug Enforcement Administration.

## USDA Hemp Research Clarification Letter

Congress of the United States  
Washington, DC 20515

November 20, 2015

Tom Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack:

As you know, industrial hemp research pilot programs were authorized under the Agricultural Act of 2014 (P.L. 113-79) when certain conditions are met. Twenty-six states have laws authorizing industrial hemp pilot studies and/or production as made legal by the Agricultural Act of 2014. However, it is our understanding that researchers participating in the industrial hemp pilot programs have received conflicting information from the U.S. Department of Agriculture (USDA) on whether these programs are eligible for federal grant awards from existing USDA funds. Therefore, we are writing to request that you clarify your agency's authority to award federal funds to eligible industrial hemp research programs.

Hemp is prized throughout the world for its array of industrial uses. Currently, 30 countries grow hemp and the U.S. alone imported millions of dollars of hemp products last year. This presents a real opportunity for farmers and researchers throughout the United States. A 2014 report done by the Congressional Research Service documents the growing market for hemp products and its potential to be an economic driver for our country. Our universities and state departments of agriculture are ready to grow and cultivate this agricultural product, according to current federal and state laws.

Since the 1930s, your agency has supported research on industrial uses of commodities. The Critical Agricultural Materials Act of 1984 and various funding bills have supported funding for the research and development of alternative crops in state laboratories and at your agency. Furthermore, the Agricultural Research, Extension and Teaching Policy Act of 1977 (NARETPA; 7 U.S.C. §3319d(c)) authorizes the USDA to award competitive grants for the development of new commercial products derived from natural plant material for industrial, medical, and agricultural applications.

It appears that USDA has the authority to award competitive grants for the development of industrial hemp. Nevertheless, it seems the USDA has provided conflicting information regarding whether the agency is willing to exercise its authority to award existing federal grant dollars for the research of industrial hemp. It is our understanding that some seeking clarity from the USDA on this issue have been told by USDA officials "it is not worth it to apply," while on the other hand, an internal USDA memo dated December 23, 2014 seems to indicate that the USDA is supportive of industrial hemp research and therefore may be willing to award funds for that purpose. The memo from National Institute of Food and Agriculture (NIFA) Director Sonny Ramaswamy to Southern Association of Agriculture Experiment Station Directors Executive

Director Eric Young states: "NIFA supports research on the cultivation of industrial hemp and on cultivated hemp provided such cultivation complies with Section 7606 [of the Agricultural Act]."

Due to this lack of consistency, researchers are reluctant to apply for federal funds because of the large amount of time, effort, and cost that goes into any grant application.

To help provide our constituents with information, we would appreciate answers to the following questions:

1. Does USDA interpret current law as providing the agency with the authority to award existing and competitive federal funds for the research of industrial hemp?
2. If the answer is yes, what steps is USDA taking to disseminate that information and work with interested parties in the competitive grant process?

We look forward to expedient responses to our questions. Thank you in advance for your review of this inquiry.

Sincerely,

  
Mitch McConnell  
U.S. Senator

  
Ron Wyden  
U.S. Senator

  
Jared Polis  
Member of Congress

  
Thomas Massie  
Member of Congress

  
Jeff Merkley  
U.S. Senator

  
Al Franken  
U.S. Senator

  
Michael F. Bennet  
U.S. Senator

  
Rand Paul  
U.S. Senator

  
Lamar Alexander  
U.S. Senator

  
Mark R. Warner  
U.S. Senator

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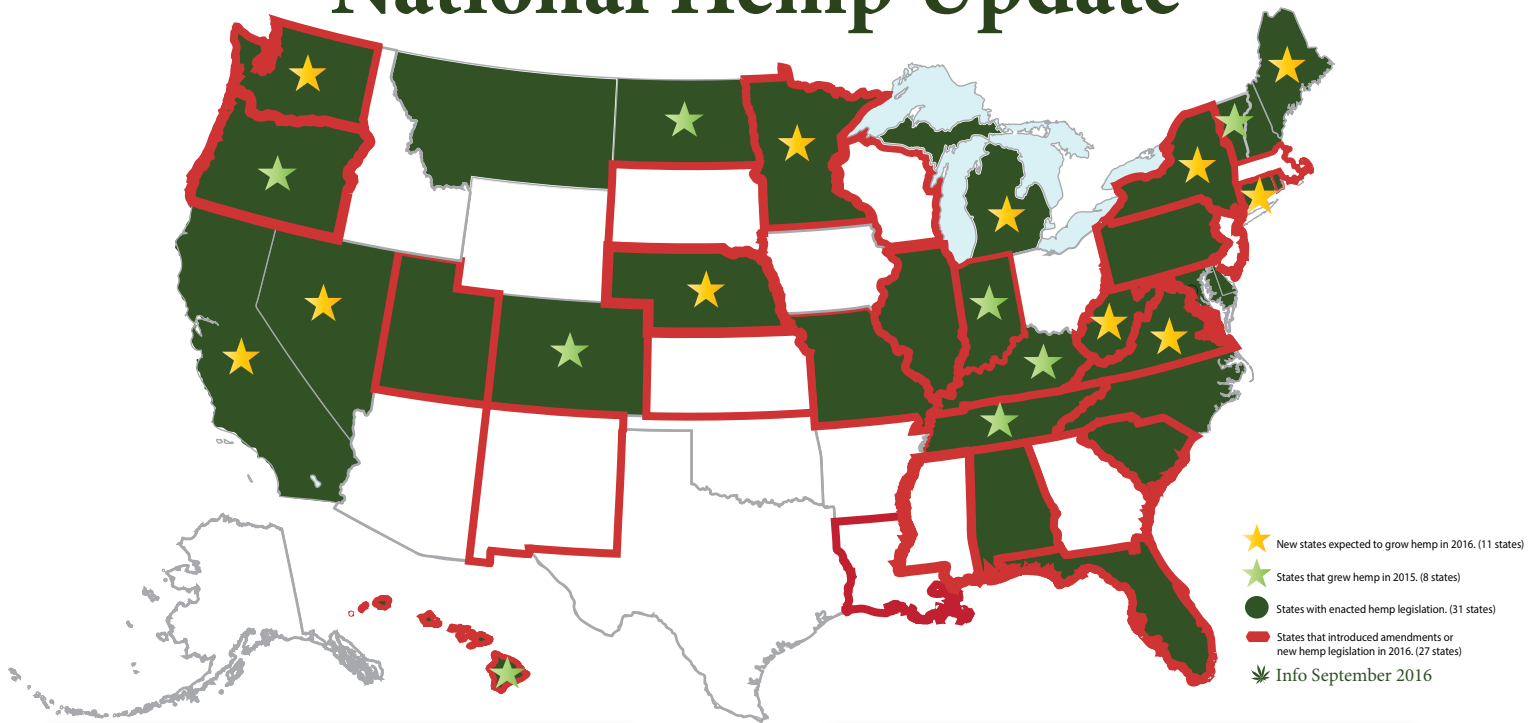
# 48



**Complete list of Signatories:** Sen. Ron Wyden (D-OR), Sen. Mitch McConnell (R-KY), Sen. Lamar Alexander (R-TN), Sen. Michael Bennet (D-CO), Sen. Steve Daines (R-MT), Sen. Al Franken (D-MN), Sen. Cory Gardner (R-CO), Sen. Kirsten Gillibrand (D-NY), Sen. Jeff Merkley (D-OR), Sen. Rand Paul (R-KY), Sen. Brian Schatz (D-HI), Sen. Mark Warner (D-VA), and Reps. Jared Polis (D-CO), Thomas Massie (R-KY), Andy Barr (R-KY), Rod Blum (R-IA), Earl Blumenauer (D-OR), Suzanne Bonamici (D-OR), Steve Cohen (D-TN), Kevin Cramer (R-ND), Rodney Davis (R-IL), Peter DeFazio (D-OR), Diana DeGette (D-CO), Suzan DelBene (D-WA), Sam Farr (D-CA), Morgan Griffith (R-VA), Raúl Grijalva (D-AZ), Brett Guthrie (R-KY), Barbara Lee (D-CA), Ted Lieu (D-CA), Tom McClintock (R-CA), Eleanor Holmes Norton (D-DC), Beto O'Rourke (D-TX), Ed Perlmutter (D-CO), Chellie Pingree (D-ME), Mark Pocan (D-WI), Dana Rohrabacher (R-CA), Tim Ryan (D-OH), Kurt Schrader (D-OR), Marlin Stutzman (R-IN), Eric Swalwell (D-CA), Mark Takai (D-HI), Chris Van Hollen (D-MD), Peter Welch (D-VT), Ed Whitfield (R-KY), John Yarmuth (D-KY), and Ryan Zinke (R-MT).



# National Hemp Update



## Increased Support in Congress for Industrial Hemp

The 2014 Farm Bill included Sec. 7606, *The Legitimacy of Industrial Hemp Research*, defining industrial hemp and allowing for licensed pilot programs; now underway in nineteen (19) states. Since then, Congress has doubled-down with strong bipartisan support for industrial hemp farming in the U.S., passing FY 16 CJS appropriations amendments 289-132 and 282-146 in the House and by a voice vote in the Senate Appropriations Committee to stop the DEA and Dept. of Justice from using funds in the contravention of Sec. 7606 hemp programs. Sen. McConnell (R-KY) added language to FY 16 Omnibus Appropriations bill which expands protection for transportation, processing, sale and use of hemp produced in legal hemp states in accordance with Sec. 7606. McConnell's language was included in the FY16 Omnibus Appropriations bill, which passed on 12/22/15 and prohibits the use of funds by any agency including the DEA in contravention of Sec. 7606.

## States Rights Around the Country

Since the passage of *The Legitimacy of Industrial Hemp Research* in the Farm Bill, many new states have passed hemp legislation. But because of current federal laws, these states must operate in a legal grey area of uncertainty, where importing viable hemp seed still carries risk of interference from the Drug Enforcement Administration (DEA) & U.S. Customs. In June 2014, the DEA seized over 280 pounds of hemp seed purchased by the Kentucky Department of Agriculture. Further federal action, such as the passage of the Industrial Hemp Farming Act (H.R. 525 & S. 134), is still needed to provide certainty to American farmers and businesses, and for investment in this re-emerging industry.

## 2015 Crop Report

### Colorado - State Licensed & Academic Research

166 Registrants  
 3,657 acres approved | 2,300 acres harvested (est. by CDA)  
 570,980 sf. of licensed indoor cultivation (some was replanted outdoors)  
 Participating Universities: Colorado State University

### Hawaii - Academic Research Only

Participating Universities: University of Hawaii

### Kentucky - Pilot Programs & Academic Research

127 Registrants  
 1,742 acres approved | 922.31 acres planted  
 Participating Universities: University of Kentucky, Murray State, Eastern Kentucky University, Western Kentucky University, St. Catharine's College, University of Pikeville

### Indiana - Academic Research Only

4 acres approved | 4 acres planted  
 Participating Universities: Purdue

### North Dakota - Academic Research Only

1 acres approved | 1 acres planted  
 Participating Universities: North Dakota State University

### Oregon - State Licensed & Academic Research

11 Registrants  
 50 acres or less planted  
 Participating Universities: Oregon State University

### Tennessee - Pilot Programs & Academic Research

41 Registrants  
 1,400 acres approved | 700 acres planted  
 Participating Universities: Middle Tennessee State University, University of Tennessee

### Vermont - State Registration & Academic Research

23 Registrants  
 20 acres approved  
 Participating Universities: University of Vermont



*This photo of Red Petiole grown at University of Kentucky's Spindletop Farms is made possible by SEC. 7606 of the Farm Bill.*



# State Hemp Legislation

## ALABAMA

HB 393

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2016

4/12/16 by Rep. Johnson

In accordance with Sec. 7606

Governor signed 5/11/16

## ALASKA

SB 8

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2015

1/21/15 by Sen. Ellis

In accordance with Sec. 7606

Referred to Finance 4/1/16



*Colorado State University*



*University of Hawaii  
60 day old hemp crop - July 2015*

## GEORGIA -

HB704

Introduced:

Summary:

## HEMP LEGISLATION IN 2015

4/2/15 by Rep. Pezold

In accordance with Sec. 7606

## HAWAII

HB 508 SD2

Introduced:

Summary:

## HEMP RESEARCH IS LEGAL

1/26/15 by Rep. Onishi

In accordance with Sec. 7606

## ILLINOIS

## HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## ARIZONA

SB 1225

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2015

1/27/15 by Sen. Pancrazi

Creates study committee

Passed Senate 3/5/15

## CALIFORNIA

## HEMP RESEARCH IS LEGAL

## COLORADO

## HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## CONNECTICUT HEMP STUDY IS LEGAL

HR 5780

Introduced:

Summary:

Status:

1/12/15 by Rep. Ziobron &amp; Rep. Carter

In accordance with Sec. 7606

Governor signed 7/2/15

## DELAWARE

## HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## FLORIDA

SB 554

Introduced:

Summary:

## HEMP RESEARCH IS LEGAL

10/23/15 by Sen. Clemens

In accordance with Sec. 7606

SB 1608 | HB 1257

Introduced:

Summary:

1/8/16 by Sen. Montford &amp; Rep. Dudley

Authorizes FAMU to develop Hemp Research Compliance Program &amp; Rulemaking

HB 307

Introduced:

Summary:

10/7/2015

Authorizes Institutions of Higher Education with an Ag school to conduct cannabis research, including hemp.

Status:

Governor signed 3/25/16

*Purdue University  
hemp field day*

## INDIANA

HB 1181

Introduced:

Summary:

Status:

## HEMP RESEARCH IS LEGAL

1/12/15 by Rep. Lehe

Refines policies &amp; creates study committee for hemp extract.

Governor signed 5/4/15

## IOWA

SSB 1260

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2015

3/4/15 by Sen. Seng

Study legislation

No Action

HF 470

Introduced:

Summary:

Status:

3/4/15 by Rep. Forbes

Hemp production

No Action



## KANSAS

HB 2059

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2016

2/5/2016 by Rep. Dove

Authorizes hemp research within the scope of the Farm Bill  
In Conference Committee

## KENTUCKY

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL



University of Kentucky  
hemp field day

## LOUISIANA

HB 1085

Introduced:

Summary:

Status:

## HEMP LEGISLATION IN 2016

4/5/16 by Rep. Montoucet

Allows Institutions of High Education to conduct academic research in accordance with Sec. 7606.  
Passed the House 4/26 ordered to the Senate

## MAINE

LD 4

Introduced:

Summary:

Status:

## HEMP RESEARCH IS LEGAL

1/7/15 by Rep. Sanderson

Amends MRSA §2231 to promote industrial hemp  
Senate overrides Governor's veto 6/16/15. **Became Law 6/16/15**

## MARYLAND

### HEMP IS ILLEGAL UNTIL INDUSTRIAL HEMP FARMING ACT PASSES

HB 803

Introduced:

Summary:

Status:

2/13/15

Hemp production

**Governor signed 5/12/15**

## MICHIGAN

### HEMP RESEARCH IS LEGAL

## MINNESOTA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

Omnibus Agriculture, Environment & Natural Resources Appropriations Bill  
6/12/15 by Sen. Tomassoni; Representatives McNamara, Hamilton and Davids

Introduced:

Summary:

Status:

In accordance with Sec. 7606

**Governor signed 6/13/15**

HF 14

Introduced:

Summary:

Status:

6/12/15 by Rep. Hamilton

Amends for policy & changes  
Introduced for 2016



University of Minnesota

## MISSOURI

HJR 57

Introduced:

Summary:

## HEMP RESEARCH IS LEGAL

12/1/15 by Rep. Ellington

Constitutional Amendment to enact hemp legislation regarding the cultivation, processing & sale of industrial hemp by 7/1/19

HB 2038

Introduced:

Summary:

1/7/16 by Rep. Curtman

Allows Dept. of Ag to license hemp growers & criminalizes unlicensed hemp growers

## MISSISSIPPI

HB 1359

Introduced:

Summary:

## HEMP LEGISLATION IN 2016

2/17/16 by Rep. Baria

In accordance with Sec. 7606

## MONTANA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## NEBRASKA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## NEVADA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

SB 305

Introduced:

Summary:

Status:

3/16/15 by Segerblom

In accordance with Sec. 7606

**Governor signed 6/4/15**

## NEW HAMPSHIRE

### HEMP STUDY IS LEGAL

## NEW JERSEY

A 2719

Introduced:

Summary:

## HEMP LEGISLATION IN 2016

12/17/16 by Assemblywoman Caride

In accordance with Sec. 7606

## NEW MEXICO

SB 3 | HB 148

Introduced:

Summary:

## HEMP LEGISLATION IN 2016

12/15/15 by Sen. McSorley & Rep. Gomez

Authorizes hemp research within the scope of the Farm Bill

## NEW YORK

A 8334

Introduced:

Summary:

## HEMP RESEARCH IS LEGAL

1/6/16 by Rep. Lupardo

Amends law to allow for hemp cultivation to be within the scope of the Farm Bill

## NORTH CAROLINA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

SB 313

Introduced:

Summary:

3/17/15 by Senator's Bingham; Hise & Waddell

Creates Hemp Commission to establish & oversee a growers licensing program, which must be funded & also decriminalizes the production and use of industrial hemp upon the completion of rulemaking by the Board of Ag.

**Became law without signature 10/31/15**

Status:





North Dakota State University  
hemp field day

## NORTH DAKOTA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

SB 2145

Introduced: 1/8/15 by Senator's Davison; Luick; Oban & Poolman  
Summary: Background check for licensing  
Status: Governor signed 4/1/15

## OREGON

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## PENNSYLVANIA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

HB 967

Introduced: 2/12/15 by Rep. Diamond  
Summary: Est. a board to act in accordance with SEC 7606  
Status: Governor signed 7/20/16

## RHODE ISLAND

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

HB 8232 | SB 2763

Introduced: 5/19/16 by Rep. Melo & others  
3/10/16 by Sen. Sosonowski  
Summary: Authorizes hemp pilot program within the scope of the Farm Bill  
Status: Governor signed 7/12/16

HB 6177 | SB 990

Introduced: 5/7/15 by Rep. Keable & Sosnowski  
Summary: Provides a definition for "CBD-Rich Hemp Oil" to legalize cannabidiol and industrial hemp  
Status: Passed House 6/18/15

## SOUTH CAROLINA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

H 4340

Introduced: 6/4/15 by Rep. Home & Rep. King  
Summary: Amends Chp. 55, Title 46  
Status: Died in committee



Middle Tennessee State University  
hemp field day

## SOUTH DAKOTA

### HEMP LEGISLATION IN 2016

HB 1054

Introduced: 1/15/16 by Rep. Verchio  
Summary: Authorizes the production & sale of hemp  
Status: Passed House Ag & Natural Resources Committee

## TENNESSEE

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

SB 1611

Introduced: 1/13/16 by Sen. Niceley  
Summary: Designates that the Dept. of Ag license processing facilities & any state 4-year university/college to develop foundation hemp seed for Federal Seed Act Certification  
Status: Governor signed 4/27/16

## TEXAS

### HEMP LEGISLATION IN 2015

HB 557

Introduced: 12/19/14 by Rep. Farias  
Summary: Allows academic institutions to participate in accordance with Sec. 7606  
Status: Place on General Calendar - No Action

## UTAH

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## VERMONT

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## VIRGINIA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

HB 1277

Introduced: 7/21/14 by Del. Yost  
Summary: Academic pilot program  
Status: Governor signed 3/17/15

HB 699

Introduced: 1/11/16 by Rep. Pogge  
Summary: Authorizes hemp pilot program within the scope of the Farm Bill  
Status: Governor signed 4/1/16

## WASHINGTON

### HEMP PILOT PROGRAM IS LEGAL

SB 6206

Introduced: 1/12/16 by Sen. Hasegawa  
Summary: Designates Washington State University as the research institution authorized to conduct a full feasibility study  
Status: Governor's veto overridden. Became law 6/28/16

SB 5012

Introduced: 12/15/14 by Sen. Hatfield & Sen. Honeyfield  
Summary: Authorizes the growing of industrial hemp in the state by adding to Title 15 RCW 69.50.204  
Status: By resolution, reintroduced & retained in present status, 6/28/15

## WEST VIRGINIA

### HEMP RESEARCH & PILOT PROGRAM IS LEGAL

## WISCONSIN

### HEMP LEGISLATION IN 2015

AB 215

Introduced: 5/14/15 by Rep. Cosdine  
Summary: In accordance with Sec. 7606  
Status: Referred to State Affairs & Government Operations Committee





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