

109TH CONGRESS  
1ST SESSION

# H. R. 3037

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2005

Mr. PAUL (for himself, Mr. FARR, Mr. McDERMOTT, Mr. STARK, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Industrial Hemp  
5 Farming Act of 2005”.

1 **SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINI-**  
2 **TION OF MARIHUANA.**

3 Paragraph (16) of section 102 of the Controlled Sub-  
4 stances Act (21 U.S.C. 802(16)) is amended—

5 (1) by striking “(16)” at the beginning and in-  
6 serting “(16)(A)”; and

7 (2) by adding at the end the following new sub-  
8 paragraph:

9 “(B) The term ‘marihuana’ does not include indus-  
10 trial hemp. As used in the preceding sentence, the term  
11 ‘industrial hemp’ means the plant *Cannabis sativa* L. and  
12 any part of such plant, whether growing or not, with a  
13 delta-9 tetrahydrocannabinol concentration that does not  
14 exceed 0.3 percent on a dry weight basis.”.

15 **SEC. 3. INDUSTRIAL HEMP DETERMINATION TO BE MADE**  
16 **BY STATES.**

17 Section 201 of the Controlled Substances Act (21  
18 U.S.C. 811) is amended by adding at the end the following  
19 new subsection:

20 “(i) **INDUSTRIAL HEMP DETERMINATION TO BE**  
21 **MADE BY STATES.**—In any criminal action, civil action,  
22 or administrative proceeding, a State regulating the grow-  
23 ing and processing of industrial hemp under State law  
24 shall have exclusive authority to determine whether any  
25 such plant meets the concentration limitation set forth in

- 1 subparagraph (B) of paragraph (16) of section 102 and
- 2 such determination shall be conclusive and binding.”.

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