

- What is hemp?
 -
 - 2014 Farm Bill
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 - Virginia Industrial Hemp Law (2015)
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 - Virginia Industrial Hemp Law (2018)
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 - Frequently Asked Questions Regarding the Grower and Processor Registration Programs
 -
 - 2018 Farm Bill
 -
 - Hemp legislation currently pending before the VA General Assembly

Cannabis sativa

Industrial Hemp

- ▶ Not more than 0.3% THC
- ▶ Grain, fiber, and flower cultivars
- ▶ Grown for its stalk or seed for use in textiles, foods, papers, body care products, plastics, building materials
- ▶ Flowers grown for cannabidiol (CBD) for use in nutraceuticals, supplements

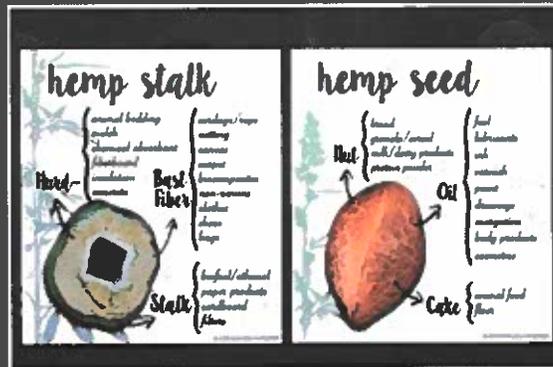
Marijuana

- ▶ Over 0.3% THC (by law)
- ▶ Cultivars intended for medicinal or recreational use
- ▶ Grown for its flowering tops

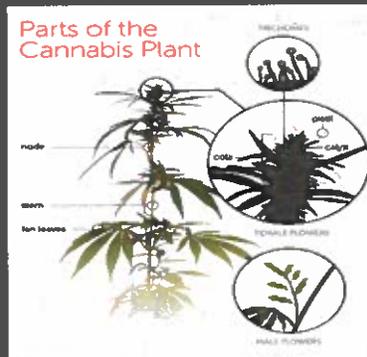
FIBER VARIETY VS. FLORAL VARIETY



FIBER AND SEED USES



CBD IS EXTRACTED FROM THE RESIN OF THE TRICHOMES OF FEMALE PLANTS



2014 Farm Bill

Section 7606. Legitimacy of Industrial Hemp Research.

“Industrial Hemp” means the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.

2014 Farm Bill

Section 7606. Legitimacy of Industrial Hemp Research.

Notwithstanding the Controlled Substances Act...an institution of higher education or a State department of agriculture may grow or cultivate industrial hemp if...

2014 Farm Bill

- (1) The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; AND
- (2) The growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located...

Virginia Industrial Hemp Law Va. Code § 3.2-4112 *et seq.*

- ▶ Enacted by the 2015 Session of the Virginia General Assembly
- ▶ Created the Virginia Industrial Hemp Research Program
 - ▶ Overseen by the Commissioner
 - ▶ Managed by public institutions of higher education
- ▶ Allowed an individual to possess industrial hemp if the person was licensed to grow for research purposes

Virginia Industrial Hemp Law 2018 Amendments

- ▶ Created a second hemp research program that is directly managed by VDACS
- ▶ Replaced the hemp grower license with a hemp grower registration and added a hemp processor registration

Virginia Industrial Hemp Law 2018 Amendments

- ▶ Eliminated the background check requirement
- ▶ Allow a registered grower or his agent to grow or a registered processor or his agent to process industrial hemp for any lawful purpose

Virginia Industrial Hemp Law 2018 Amendments

- ▶ Capped registration application fee at \$50
- ▶ Allow VDACS to set minimum acreage
 - ▶ VDACS is not going to set a minimum acreage at this time

Frequently Asked Questions...

- ▶ Application deadline?
 - ▶ None. VDACS accepts applications and issues registrations on a rolling basis.
 - ▶ It is currently taking approximately 75 days to process registration applications.
- ▶ Minimum or maximum acreage?
 - ▶ Neither
- ▶ How many registrations is VDACS allowed to issue?
 - ▶ The Law does not establish a registration limit.

Frequently Asked Questions...

- ▶ Fencing requirement?
 - ▶ No

- ▶ Is VDACS going to give planting seed to growers?
 - ▶ VDACS does not have any seed to distribute.

- ▶ Can I sell my crop?
 - ▶ You can conduct market research. The Grower and Processor Registration Guide (available at www.vdacs.virginia.gov) outlines what can be sold.

THC Testing

- ▶ Law allows VDACS to conduct random THC testing

- ▶ Risk and Random system to identify fields that VDACS will sample

- ▶ Pre-harvest testing is not required by VDACS

- ▶ No testing fee

- ▶ If your sample is over 0.3 percent THC, VDACS will require that you destroy the crop from which the sample was collected

Cannabidiol (CBD) Oil

- ▶ Under the current cannabis-related laws in Virginia, it is unclear whether a registered grower or processor can sell a hemp extract containing CBD.
- ▶ As such, VDACS is not engaging in research regarding the marketing of any hemp extract containing CBD or hemp-derived CBD oil at this time.
- ▶ VDACS is not issuing a processor registration to any person planning to market a hemp extract containing CBD or hemp-derived CBD oil to a person who is not registered to participate in a hemp research program in Virginia.

2018 Farm Bill

- ▶ Establishes a new definition of “hemp”
- ▶ Removes “hemp” from the definition of “marihuana” in the federal Controlled Substances Act.
- ▶ Establishes a regulatory framework for the commercial production of hemp
 - ▶ State plan approved by USDA
 - OR
 - ▶ Federal plan established by USDA
- ▶ Makes crop insurance and certain USDA programs and grants available to hemp farmers

2018 Farm Bill

What does it mean for Virginia?

Until such time as the 2019 hemp-related amendments to the Code of Virginia are enacted and implemented, the existing Virginia Industrial Hemp Research Program and the Virginia Higher Education Industrial Hemp Research Programs as well as the existing Industrial Hemp Grower and Processor Registration Programs remain in effect.

Hemp-related legislation currently pending before the 2019 Virginia General Assembly

- ▶ House Bill 1839 (Marshall)
- ▶ Senate Bill 1692 (Ruff)

HB 1839 / SB 1692

- ▶ Emergency Clause
- ▶ Eliminates the existing Virginia Industrial Hemp Research Program and the requirement that hemp be grown for research purposes
- ▶ Retains Industrial Hemp Grower Registration and Industrial Hemp Processor Registration; Creates Industrial Hemp Dealer Registration
- ▶ Provides authority for Commissioner to enter into corrective action plans to address negligent violations of the Industrial Hemp Law

HB 1839 / SB 1692

- ▶ Provides that the Commissioner may require the destruction of any Cannabis that has a THC concentration greater than **0.6 percent**, thereby allowing for a tolerance of 0.3 percent over the federal limit of 0.3 percent THC
- ▶ A grower, dealer, or processor may request a resample and retest if the Commissioner's initial test determines that the Cannabis has a THC concentration greater than 0.6 percent but less than one percent
- ▶ Provides that these THC-related provisions only become effective if they are included in a regulatory plan the agency submits to the U.S Secretary of Agriculture pursuant to the 2018 federal Farm Bill and the plan is approved by the Secretary

HB 1839 / SB 1692

- ▶ Retains requirement that, in order for industrial hemp to be excluded from the definition of “marijuana” in the Drug Control Act and the Criminal Code, the industrial hemp must be possessed by a someone registered pursuant to the Industrial Hemp Law or his agent
- ▶ Provides that a “hemp product” containing no more than 0.3 percent tetrahydrocannabinol that is derived from industrial hemp, as defined in the Industrial Hemp Law, that is grown, dealt, or processed in compliance with state or federal law is not “marijuana” as defined in the Drug Control Act and the Criminal Code

HB 1839 / SB 1692

- ▶ Provides that an oil containing no more than 0.3 percent tetrahydrocannabinol that is derived from industrial hemp, as defined in the Industrial Hemp Law, that is grown, dealt, or processed in compliance with state or federal law is not “cannabidiol oil” as defined in the Drug Control Act, regardless of who possesses said oil

HB 1839 / SB 1692

Once the hemp-related amendments to the Code of Virginia become effective, VDACS will modify the existing industrial hemp program. The revised the registration application forms as well as the application for an Industrial Hemp Dealer registration will be available on VDACS hemp webpage.

Virginia Industrial Hemp Research Program

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