

Hemp Farming Act of 2018

Section-by-Section Summary

Section 1: Short Title – “Hemp Farming Act of 2018”

Section 2: Hemp Production

This section would amend the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) to let states build off investments made through the successful pilots established under the 2014 Farm Bill by authorizing them to regulate hemp growth and production by submitting a plan to the U.S. Department of Agriculture (USDA). These plans must demonstrate how states and tribes plan to maintain relevant information regarding locations of hemp production, testing hemp for THC concentration, dispose of plants and products that are out of compliance with this act, and account for negligent and other violations of the state or tribal plan. Hemp production in states and tribes that do not have USDA approved plans must continue to following federal laws and regulations that are promulgated by the USDA.

Section 3: Funding for Hemp Research

This section would make hemp research eligible for competitive grant funding under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(3)(E)) and the Critical Agricultural Materials Act (7 U.S.C. 178c(b)(9)).

Section 4: Legitimacy of Industrial Hemp Research

Within 120 days of enactment, the Secretary of Agriculture would be required to submit a report to Congress reviewing the hemp pilot programs established under the 2014 Farm Bill to determine the economic viability of domestic production and sale of hemp. The authority for hemp pilot projects set forth in the last farm bill would expire within a year.

Section 5: Federal Crop Insurance

Adds hemp as an eligible commodity for the purposes of crop insurance on both a pre- and post-harvest basis. This allows farmers to access capital for cultivation and production of hemp and hemp products.

Section 6: Exclusion of hemp from controlled substances schedules

Currently, hemp is considered a schedule I substance under the Controlled Substances Act (21 U.S.C. 802). This section would remove hemp with a concentration of not more than 0.3 percent delta-9 tetrahydrocannabinol (THC) from the controlled substances list. This includes the de-scheduling of all derivatives, extracts, and seeds of hemp as long as those portions of the plant remain below the THC threshold.

Section 7: Rule of Construction

This section contains language to clarify that nothing in this act authorizes interference with the interstate transportation or commerce of hemp or hemp products.