

Hemp Industry Priorities For The 2023 Farm Bill

ENDORSED BY INDUSTRY LEADERS



Regulate CBD Now

The continuing absence of FDA regulation for CBD and other hemp derivatives has resulted in a more than 90% collapse of commodity prices and unregulated products posing health and safety concerns. Legislation requiring FDA to regulate hemp extracts allowed in dietary supplements and food and beverage additives would boost farming opportunities and protect consumers.

Hemp As A Specialty Crop

Hemp remains on some lists as an ineligible commodity, for example in the USDA Specialty Crops Block Grant. The hemp definition should be in a manner consistent with the federal definition of a specialty crop. Hemp should be permanently and fully dual-designated as both a commodity and specialty crop, depending on the purpose for which it is grown, availing all hemp producers of the same benefits and support programs as those available to producers of other commodities and specialty crops domestically and internationally.

Bolster The USDA Hemp Program

USDA staff has done a great job with limited resources in the development of the new domestic hemp industry. To further build the industry, the agency needs additional funding: to be prepared for administering hemp production in additional states and tribes; to properly staff a USDA-led interdepartmental hemp working group; to include hemp in biofuels support and R&D programming; and to create a USDA hemp research center. Funding should also be increased for tribes and states that continue to administer their own hemp programs.

Repeal The Hemp Felon Ban

The 2018 Farm Bill prohibits convicted drug felons who have completed their sentences from participating in hemp production. The Free to Grow Act of 2023 removes language banning any persons convicted of a drug felony from obtaining a license to grow or process hemp. Individuals that have paid their time should be able to grow a perfectly legal crop.

Promote Hemp Research At HBCUs, Tribal Colleges And Hispanic Serving Institutions

The hemp industry benefits from research by such institutions, yet much more research is needed. We also strongly support the goal of increasing resources and opportunities for underserved communities. By increasing the nation's Centers of Excellence at Historically Black Colleges and Universities (HBCUs), from six to ten, and by supporting research at Tribal Colleges, and Hispanic Serving Institutions, these critical institutions can partner with the hemp industry to promote expanded hemp research and development toward that goal.

Remove The Requirement For DEA Registration of Hemp Testing Labs

The USDA currently requires laboratories that test THC levels in hemp to be certified by the DEA. While USDA has suspended this rule twice – for good reason – a permanent requirement would create a bottleneck for producers, creating delays that can result in lost profits. There are many labs certified by trusted international agencies that are equipped and capable of THC testing.

Permit Hemp Grain For Animal Feed

Remove the requirement for hemp seed ingredients to obtain premarket approval for companion, exotic, equine and other non-production animals would help launch a profitable hemp animal feed industry, while ensuring end-product testing to verify consistency and compliance with existing jurisdictional manufacturing licensing and product registration requirements.

Addressing THC Levels for Hemp

While the current legal benchmark for hemp – 0.3% delta-9 THC on a dry weight basis – has posed challenges, minor adjustments to statute can reduce risk for farmers, provide certainty to processors and protect consumers, all without altering that basic definition:

- **Hemp Crops:** Too often, as a result of climate and soil conditions or due to errors in sampling and testing, farmers are unduly forced to destroy hemp that is believed to exceed the federal THC threshold. *Congress should mandate that crops shall be deemed compliant unless they exceed 1% total THC, as defined by USDA.*
- **In-Process Hemp Extract:** THC levels in hemp naturally spike during processing – including trimming, milling, and extracting – creating a gray area in the supply chain, increasing risk to processors and farmers alike. *Congress should create a safe harbor for the storage, transportation, and sale of in-process hemp extract between properly licensed businesses so long as it is not marketed or sold to consumers.*
- **Finished Products:** Due to FDA inaction, hemp products today are often under-regulated for safety and transparency. *Congress should develop a framework to preempt state laws that criminalize hemp products, while working with hemp industry stakeholders, scientists, and laboratories to determine uniform labeling requirements, age restrictions where appropriate, and other safety guidelines.*

Ease Regulatory Burdens on Hemp Farmers

Current THC testing and sampling requirements are burdensome to farmers, particularly those growing for fiber, grain and seed. We support the objective of the Industrial Hemp Act of 2023 to reduce regulatory barriers for farmers and provide them with the certainty needed to continue to invest their time and treasure into meeting the growing demand for hemp grain and fiber crops across the country. We will work as a unified industry with the National Association of State Departments of Agriculture, Congress, and USDA to address the needs and concerns of regulators and stakeholders toward reaching this objective.

Endorsed By

American Herbal Products Association
California Hemp Council
Colorado Hemp Association
Georgia Hemp Association
Global Hemp Association
Hemp Alliance of Tennessee
Hemp Industries Association
iHemp Michigan
Indigenous Cannabis Industry Association
Kentucky Hemp Association
Meristem Institute
Midwest Hemp Council
National Animal Supplement Council
National Cannabis Industry Association
National Hemp Growers Association
National Industrial Hemp Council
Native Health Matters
North Carolina Cannabis Business Commission
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South Dakota Industrial Hemp Association
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