

2018 Farm Bill And What It Means For Hemp In Kentucky

“When I was elected Commissioner of Agriculture, I promised to make Kentucky the epicenter of hemp production in the United States. Thanks to the historically important language in the 2018 Farm Bill, Kentucky now has the opportunity to solidify its position as the national leader in hemp production.”

- Kentucky Agriculture Commissioner Ryan Quarles

What's in the 2018 Farm Bill?

- **The 2018 Farm Bill devolves power to the states to regulate hemp**, provided that there is a “state plan” in place to monitor and regulate production of the crop.
- **The 2018 Farm Bill removes industrial hemp**, defined as *cannabis sativa*, and all of its extracts (including cannabinoids), with not more than 0.3% THC concentration on a dry weight basis **from the list of controlled substances**.
 - The Drug Enforcement Agency (DEA) has no authority to interfere with the interstate transportation of hemp.
- The state must provide a plan to the United States Department of Agriculture (USDA) demonstrating the state has procedures in place that ensure the following:
 - A record of where hemp is produced in the state;
 - Procedures to ensure hemp produced in the state meets the legal definition of not more than 0.3% THC;
 - Procedures for disposing of materials with a THC concentration exceeding 0.3% THC; and
 - Procedures for handling violations of the 2018 Farm Bill and the proposed state plan.
- **The 2018 Farm Bill makes industrial hemp eligible for federal crop insurance** and other USDA programs.
 - The 2018 Farm Bill does not address pesticide laws and regulations, however, the private sector should respond to passage by developing those products and applying for EPA approval.

What's not in the 2018 Farm Bill?

- The 2018 Farm Bill maintains the Food and Drug Administration's (FDA) regulatory authority over ingestible and topical products, meaning hemp growers and processors must have FDA approval to market products for human consumption or cosmetic use.

What does this mean for Kentucky?

- **In order to grow or process hemp, individuals or businesses must hold a license from KDA.** It remains illegal to grow or process hemp without a license.
- Kentucky's existing hemp program meets and exceeds the minimum requirements of a state plan outlined in the 2018 Farm Bill. **Commissioner Quarles intends to submit the Kentucky state plan to the USDA immediately.**
- **KDA will revise existing hemp rules in the future to alleviate administrative burdens**, but there are no program changes for 2019 applicants.
- The 2019 Grower Application window closed on November 30, 2018. All 2019 Grower Applications will be reviewed and notifications sent by January 15, 2019. Applicants who are accepted will receive full instructions. Applicants who are denied admission into the program will be given an opportunity to appeal.
- Consult www.kyagr.com/hemp for program details. KDA staff is focused on processing 2019 applications.