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## **USDA National Institute of Food and Agriculture**

### **Hemp Research and Extension**

The following information about the USDA Hemp Production Program and USDA NIFA funded hemp research and extension is being provided since the 2018 Farm Bill was signed into law and implementation of 2018 Farm Bill provisions by USDA. The term “hemp” means the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Delta-9 tetrahydrocannabinol, or THC, is the primary intoxicating component of cannabis. Cannabis with a THC level exceeding 0.3 percent is considered marijuana, which remains classified as a schedule I controlled substance regulated by the Drug Enforcement Administration (DEA) under the CSA.

### **USDA Hemp Production Program**

With the 2018 Farm Bill signed into law, the Agricultural Marketing Service (AMS) has been designated as the lead USDA agency to administer the new USDA Hemp Production Program. AMS issued an [interim final rule \(link is external\)](#) on October 31, 2019, to implement the 2018 Farm Bill provisions. USDA cannot help with interpretation and implementation of the laws related to your state permitting and interstate commerce. For those questions, please seek advice from your legal counsel or state.

The AMS has posted information on their website regarding the 2018 Farm Bill hemp program at: <https://www.ams.usda.gov/rules-regulations/hemp>.

The link to AMS Questions/Answers is found at: <https://www.ams.usda.gov/rules-regulations/hemp/questions-and-answers>.

If you have additional needs regarding the Hemp Production Program, please send questions or requests for information to: [farmbill.hemp@usda.gov](mailto:farmbill.hemp@usda.gov) ([link sends e-mail](#)).

### **Hemp Research and Extension**

The National Institute of Food and Agriculture (NIFA) provides leadership and funding for programs that advance agriculture-related sciences. We invest in and support initiatives that ensure the long-term viability of agriculture. Since the passage of the 2014 Farm Bill, and particularly Section 7606 that legitimized industrial hemp research, hemp-related research and associated outreach has become a small but growing part of our extramural funding portfolio.

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Section 7606 of the 2014 Farm Bill remains in effect and should be followed along with any changes to state laws and regulations resulting from updated state, territorial, or tribal hemp production plans.

Researchers should seek their own legal counsel and guidance from their state regulatory agency regarding what is allowable for conducting research in their respective state. The USDA cannot provide advice regarding state specific policies.

### **Frequently Asked Research Questions**

#### **Question 1: What do I need to do now (since passage of the 2018 Farm Bill) if I want to legally conduct an experiment that involves growing industrial hemp?**

Answer: First, the experiment must still be conducted in a state that has legalized hemp. Second, the researcher must (a) be an institution of higher education or state department of agriculture, (b) grow the hemp under the auspices of a state agricultural pilot program, or (c) grow the hemp under the auspices of a USDA approved hemp production plan, or under USDA's plan, if no state plan has been submitted.

#### **Question 2: If I apply for a USDA funded research grant for a hemp experiment, will USDA be permitted to fund my proposal?**

Answer: Yes, provided the criteria in Question 1 above are met. Depending on the funding agency, applicants likely will need to certify compliance with the relevant state program and agree to certain terms and conditions as set by the agency. USDA NIFA presently is funding research projects through both our competitive and capacity grant programs. Industrial hemp otherwise is handled as any other agricultural commodity. NIFA is presently funding industrial hemp competitive research projects.

#### **Question 3: Can universities that receive capacity funding from NIFA utilize these dollars to support hemp research?**

Answer: Yes. Entities eligible to receive capacity funding from NIFA would not lose their eligibility merely because their research involves growing or cultivating industrial hemp, as long as that research is legally conducted (see Question 1). Universities who receive these capacity funds may choose to devote a portion of them to industrial hemp research, consistent with other statutes and regulations governing those funds. NIFA is presently funding industrial hemp capacity research projects.

#### **Question 4: How can I find out what types of industrial hemp activities are legal in my state?**

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Answer: Consult your organization's legal counsel and the state agency responsible for the industrial hemp pilot research program in your state. While organizations like the [National Conference of State Legislatures \(link is external\)](#) maintain websites that summarize State Industrial Hemp Statutes across the country, these websites should not be used to provide advice or assistance to private citizens or organizations regarding industrial hemp laws or other related matters. Please consult your organization's legal counsel, as USDA cannot provide you advice regarding your state's specific policies.

**Question 5: Is there a NIFA program focused exclusively on industrial hemp that I can apply for in FY 2019?**

Answer: No. However, certain industrial hemp-oriented research proposals may be suitable for some existing [NIFA programs](#).

**Question 6: Is it possible for NIFA to support projects focused on post-harvest uses of industrial hemp?**

Answer: Yes. In legitimizing hemp and hemp research, neither the 2014 Farm Bill nor the 2018 Farm Bill made any distinction between pre-harvest and post-harvest industrial hemp. Both laws define hemp to include the plant *Cannabis sativa* L. and its derivatives "whether growing or not." This definition, therefore, covers post-harvest stalks, as well as the fibers and other derivatives of the plant. This includes research on utilization of the hemp plant's essential oils, the most common of which is cannabidiol or CBD.

**Question 7: If the laws of my state permit research with marijuana, can NIFA funds support that activity?**

Answer: No. Any activity supported by NIFA funds must comply with federal law. Even though you are complying with your state law, you are not in compliance with federal law, so NIFA funds cannot be used for research with marijuana. That research activity with marijuana could subject parties to criminal liability under the federal Controlled Substances Act. This includes programs and activities where mixed funding models include federal funds.

**Question 8: Can my institution use federal funds to provide one-on-one technical assistance to industrial hemp researchers or producers who are complying with current state and federal law?**

Answer: Yes, in most cases. You may provide technical assistance to those cultivating industrial hemp under pilot research programs associated with Section 7606 of the 2014 Farm Bill, a

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USDA approved production plan, or the USDA production plan. Consult with your legal counsel regarding compliance with state laws regarding handling of plants and fee-based activities associated with industrial hemp. However, as long as both the university personnel and the hemp researchers or producers are complying with state laws and legally cultivating hemp under the auspices of the 2014 and 2018 Farm Bills, this may include programs such as:

- NIFA funded Cooperative Extension professionals providing advice to commercial hemp producers;
- Identification of plant disease and/or insect damage at plant diagnostic clinics; and
- Pesticide residue analysis of hemp samples submitted to campus based laboratories.

However, only DEA registered laboratories will be permitted to test hemp produced under a USDA-approved production plan, or the USDA production plan for assurance that the cannabis grown and harvested does not exceed acceptable hemp THC levels.

**Question 9: Can we publish the results of our NIFA-funded industrial hemp research on our website? Can industrial hemp researchers communicate their findings from NIFA-sponsored research through publications or professional conferences? Can we use federal funds to pay publication fees, travel to conferences, or prepare and publish extension bulletins that deal with industrial hemp?**

Answer: Yes, if your presentation of research results are targeted to industrial hemp or general audiences, you may use NIFA funds to support communication activities dealing with industrial hemp. Please be sure to properly acknowledge the support you received from NIFA, just as you would for any other research or commodity. See the Web link at:

<https://nifa.usda.gov/acknowledgment-usda-support-nifa> for guidance.

**Question 10: What happens if marijuana growers are a part of the general audience, where marijuana and industrial hemp growers might both be present or have access to the information? Can I present my results?**

Answer: Yes, if your presentation is based on your industrial hemp research activities and you are directing your presentation to industrial hemp production applications, you may present your results as suited for the general audience.

**Question 11: Since industrial hemp and marijuana are both *Cannabis sativa*, can we use NIFA funds to teach marijuana producers in our state how to better grow their crop? Can we prepare educational materials specifically targeting the marijuana producer community?**

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Answer: No. Those activities would not be in compliance with federal law since supported staff would be teaching producers how to conduct an illegal Federal activity. That activity could subject your staff to criminal liability under the federal Controlled Substances Act.

**Question 12: What sort of pesticide or other agricultural chemical recommendations can we make to growers permitted to produce industrial hemp under our state pilot or production program?**

Answer: This is not a NIFA issue. This is a question for your state lead pesticide regulatory agency and the Environmental Protection Agency.

**Question 13: With passage of the 2018 Farm Bill, can U.S. territories use our NIFA funds for industrial hemp research?**

Answer: Yes. The 2018 Farm Bill expanded coverage of Section 7606 of the 2014 Farm Bill to include U.S. territories and also included U.S. territories among the governments that may submit production plans for approval. Therefore, it is now possible for hemp to be legitimately produced and researched in U.S. territories, and for hemp research there to receive NIFA funding. Specifically, to be legitimate, the experiment must be conducted within a territory that has legalized hemp; and the researcher must: (a) be an institution of higher education or territorial department of agriculture, (b) grow the industrial hemp under the auspices of a territorial agricultural pilot program, or (c) grow the hemp under the auspices of a USDA approved hemp production plan or under USDA's plan.

**Question 14: Can Tribal Nations, particularly the 1994 Land Grant Colleges and Universities, use NIFA funds for industrial hemp research?**

Answer: Yes, if the research is conducted (a) within the jurisdiction of a tribal government that has received USDA approval of its plan (or elected to regulate hemp under USDA's plan); or (b) in compliance with section 7606 of the 2014 Farm Bill. With respect to option (b), although section 7606 does not expressly permit Indian tribes to establish agricultural pilot programs, USDA issued the following guidance in May 2019 regarding tribal research under that authority:

Under the 2014 Farm Bill, an Indian tribe can enter into a partnership or contract with an institution of higher education or a State department of agriculture both within or in a different State than the one in which the Indian tribe is located to produce industrial hemp on the tribe's land. For an Indian tribe to be eligible to do so, the State in which the Indian tribe is located and the State in which the institution of higher education or State department of agriculture is located both must allow the production of industrial hemp.

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More details on hemp research by Indian tribes under section 7606 can be found here:  
<https://www.ams.usda.gov/content/usda-clarifies-industrial-hemp-production-indian-tribes>.

**Question 15: I have technology or information developed for a different crop other than industrial hemp. This information or technology could be useful to industrial hemp producers or researchers. Can I extend that information or technology to the industrial hemp community using NIFA funds?**

Answer. Yes, as long as you are complying with current state and federal laws.

**Question 16: There is a current line of research into what causes hemp to exceed the 0.3% THC threshold, with the research objective of containing the THC level below the threshold. Would this work fall into the category that NIFA could fund?**

Answer: For NIFA to fund any research with a known likelihood that non-compliant plants would be involved, the institution would need to provide documentation that the research complies with state laws and follows required plans and procedures for ensuring effective disposal of non-compliant plants.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.