

DEA Recognizes Legality of Hemp

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On August 26, 2019, the U.S. Drug Enforcement Agency (or 'DEA') issued a public notice that formally – and, finally! – expresses the agency's acknowledgment that hemp and hemp-derived substances are legal and are not controlled substances.

The notice itself did not decriminalize hemp. That occurred in December 2018 when the 2018 Farm Bill was signed into law. It merely recognizes that certain forms of cannabis – mainly, hemp – no longer require DEA registration to grow or manufacture. As the notice itself states, "hemp, including hemp plants and cannabidiol ("CBD") preparations at or below the 0.3 percent delta-9 THC threshold, is not a controlled substance, and DEA registration is not required to grow or research it."

While this recognition may seem small at first glance, it is extremely important to the hemp industry as a whole. Especially as states, like North Carolina, struggle to formalize industry-friendly and federal compliant hemp production laws, rules, and regulations. As we have previously stated, all forms of hemp are legal and should be protected and promoted by our legislature. By passing the 2018 Farm Bill, our U.S. Congress spoke clearly and definitively on both the definition of hemp and the reality that it is no longer a controlled substance. The U.S. Department of Agriculture – the primary regulatory agency for hemp in the United States – also affirmed this understanding in a recent opinion issued by the Office of General Counsel. And, now, the DEA itself has publicly agreed and acknowledged the same.

State-level legislatures, regulatory bodies, and law enforcement agencies must accept this reality going forward.

Ward and Smith's Hemp Law attorneys are actively helping individuals and businesses navigate the complex and rapidly changing state and federal regulations governing the hemp industry. If you are serious about growing your hemp-related business, we are serious about helping you.

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