

USDA Provides Long-Awaited Hemp Industry Guidance

PUBLISHED ON

November 1, 2019

Almost one year ago, industrial hemp became legal in the U.S.

But it wasn't until Tuesday that the U.S. Department of Agriculture [released its first draft regulations and guidance](#) for a [very eager hemp industry](#). Since the passing of the Agriculture Improvement Act of 2018 (colloquially called the Farm Bill), constituents have been anticipating this clarity from the federal government.

The 161-page document became effective Thursday, nearly a year (and a growing season) after the nation learned that industrial hemp could be legally cultivated in the U. S. for commercial purposes. In addition to the draft regulations, the USDA also released guidance for testing and sampling procedures. There had only been informal [guidance](#) up to this point.

Some of the highlights:

- Sampling must be conducted by a USDA, federal, state or tribal agent, or another authorized agent with 15 days prior to the harvest of any crop.
- Testing must be done by a federal Drug Enforcement Agency registered lab.
- Licensees under state and tribal plans will be required to submit information to the USDA Farm Service Agency as well.
- The USDA is not proving a seed certification program at this time.
- A state or tribe may still prohibit the production of hemp within its borders.
- Interstate transportation of hemp may not be prohibited.

The release of these draft regulations is significant, because the Farm Bill requires all hemp producers to be in compliance with an approved state or tribal program, or the federal program - but the USDA refused to approve any state programs until it released its own. Now that the USDA program is effective, according to the Farm Bill, the USDA will have 60 days to review the programs that states have submitted. Pennsylvania submitted its own plan on January 22. There is no word yet on whether the USDA will approve Pennsylvania's plan as proposed.

USDA has been clear that it intends for the regulatory framework released this week to be subject to change. The industry and the government will both become more educated about all of the issues surrounding the domestic cultivation of hemp, which had been largely illegal for the greater part of the last century. Comments on the draft regulations [will be accepted up to December 30](#).

Since the passage of the Farm Bill last December, I have been closely monitoring the hemp industry and the developing law surrounding it. If you have any questions about how the new draft regulations and guidance may affect

your facet of the industry, please [contact me](#) or anyone at [Barley Snyder's Food & Agribusiness Industry Group](#).

:



EmmaRose Strohl

Associate

Tel: (484) 318-2494

Email: estrohl@barley.com