

USDA Releases First Guidance Related to Cultivation of Industrial Hemp

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The litany of questions regarding the cultivation, harvesting, processing and sale of hemp - the United States' newest cash crop - is ever-growing, and the answers are much harder to come by. Some of the first answers have been released, and it appears now that the U.S. Department of Agriculture is starting from the seed.

The USDA recently released its first [guidance article](#) regarding importing hemp seeds. Sourcing seeds is a critical endeavor, especially for cultivators and their investors, who risk destruction of entire crops if those seeds produce plants that test above the regulatory limit of 0.3% tetrahydrocannabinol (THC) on a dry weight basis. One of the primary concerns has been obtaining seeds on a commercial scale, considering that commercial cultivation of industrial hemp had been unlawful in the U.S. for approximately 80 years.

The provisions regarding the cultivation of industrial hemp in the 2018 Farm Bill, which brought about the legalization of cultivating industrial hemp, is silent on whether seeds may or may not be imported from outside of the country. The USDA's guidance clarified that the Drug Enforcement Agency no longer requires import permits for industrial hemp seeds that are intended to produce plants with less than 0.3% THC.

Cultivators in the United States can import seed from Canada if that seed is accompanied by either of the following documents:

- Phytosanitary certification from Canada's plant protection organization verifying the origin of the seed and that no plant pests have been detected
- Federal Seed Analysis Certificate for Canadian-grown hemp seeds

Hemp seeds can be imported from other countries only if they are accompanied by a phytosanitary certificate from the country of origin's plant protection organization verifying the origin of the seed and that no plant pests have been detected. Importers will also need to comply with other rules related to hemp and importation of seeds as well.

If you have any questions regarding importing hemp seeds or the hemp industry generally, please contact me at eboyle@barley.com.

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