

Opinion	Question	Conclusion
<p>13-1102</p>	<p>1. To what extent has federal law authorized the California Industrial Hemp Farming Act?</p> <p>2. On what date did federal law authorize, and render operative, the relevant portions of the California Industrial Hemp Farming Act?</p> <p>3. What limitations does federal law impose that are inconsistent with the provisions of the California Industrial Hemp Farming Act?</p>	<p>1. Federal law has authorized the California Industrial Hemp Act to the extent that it permits institutions of higher education and the California Department of Food and Agriculture to grow and cultivate industrial hemp, for the purposes of agricultural or academic research, in compliance with the federal definition of industrial hemp. These same entities may also conduct agricultural pilot programs to study the growth, cultivation, or marketing of industrial hemp, provided that such programs are conducted in a manner that (1) ensures that only institutions of higher education and the California Department of Food and Agriculture are used to grow or cultivate industrial hemp; (2) requires that sites used for growing or cultivating industrial hemp in California be certified by, and registered with, the California Department of Food and Agriculture; and (3) authorizes the California Department of Food and Agriculture to promulgate regulations to carry out the pilot program in accordance with the purposes of section 7606 of the federal Agricultural Act of 2014.</p> <p>2. Federal law authorized, and rendered operative, the relevant portions of the California Industrial Hemp Farming Act on February 7, 2014.</p> <p>3. Federal law imposes limitations that are inconsistent with the provisions of the California Industrial Hemp Farming Act in that: (1) it continues to prohibit the cultivation of industrial hemp for purposes other than agricultural or academic research; (2) it restricts those persons or entities who may cultivate industrial hemp for agricultural or academic research to the California Department of Food and Agriculture or an institution of higher education; (3) it prevents even these authorized entities from instituting an agricultural pilot program to study the growth, cultivation, or marketing of industrial hemp, unless the program is conducted in compliance with additional federal requirements set forth in section 7606(b)(1)(B) of the federal Agricultural Act of 2014; and (4) it prohibits, even for research purposes, the cultivation or possession of the parts of the plant <i>Cannabis sativa</i> L. that exceed a 0.3% concentration of tetrahydrocannabinol (THC). In general, provisions of the California Industrial Hemp Farming Act are inoperative to the extent that they apply or pertain to any form of industrial hemp cultivation not authorized by federal law.</p> <p><i>Published on June 6, 2014</i></p>