

Posted on Thu, May 04, 2006

N.D. AGRICULTURE: Plan would allow hemp
State would be first to issue industrial hemp licenses if feds end ban
By Mike Brue
Herald Staff Report

Proposed changes in North Dakota law have been formally submitted that would license state farmers to grow industrial hemp, but require them to consent to criminal background checks - fingerprints included.

North Dakota would be the first state in the nation to draft regulations overseeing state-sanctioned production of industrial hemp - a crop not grown without threat of criminal prosecution in the United States in half a century.

Canada has grown industrial hemp for nine years, as have about 30 other countries, according to industrial hemp supporters. It's used to manufacture paper, rope, textiles, even animal bedding. The seed is used for food and feed. Oil derived from the plant is used in paints, cosmetics and medicinal compounds. Industrial hemp enters this country legally, in raw materials and in finished products.

Since the federal Drug Enforcement Agency continues to categorize industrial hemp with its cannabis sibling, marijuana, as an illegal crop, hemp farming in North Dakota - or anywhere else in the nation - is prohibited. Industrial forms of hemp contain trace amounts of the drug THC, the key component that, in far greater amounts, makes marijuana a psychoactive drug.

'Uphill battle'

As proposed in state rules, the North Dakota licenses would take effect only if DEA gives its blessing. State Agriculture Commissioner Roger Johnson says Congress is not likely to help soon, even though legislation was introduced last year and congressional action very likely is needed to bring about a major federal policy change.

"It's a real uphill battle to get Congress to pay attention to changing the law for industrial hemp," Johnson said Wednesday. "Even getting their attention is a battle. If

DEA is going to come in to oppose it, you're kind of beat before it starts."

So, Johnson says, the strategy is to try and get DEA to change its interpretation of the law.

Like the criminal background checks, the proposed state regulations are intended to try to alleviate DEA concerns about growing industrial hemp.

"We know that people want to grow this stuff," Johnson said, "and we know that virtually every other industrialized country in the world allows the growing of industrial hemp This has a miniscule amount of THC. If people try to use this plant as a drug, they would find it absolutely worthless."

The next step

Johnson and agriculture commissioner counterparts from West Virginia, Massachusetts and Wisconsin met with top DEA officials earlier this year to discuss what the states were required to do in order to allow industrial hemp production.

"They argue that the law does not allow them to differentiate" from marijuana, Johnson said.

While the DEA offered little, if any, indication it would change its thinking, it was a first step.

North Dakota and West Virginia are among seven states that already have passed pre-hemp farming laws. The regulations are the next step.

Some highlights of North Dakota's proposed hemp farming rules include:

- Buyers and the amount of harvested hemp sold must be documented within 30 days of sale.
- The location of hemp fields must be provided using geopositioning instrumentation.
- Planted hemp seed must contain less than three-tenths of 1 percent THC.

Johnson said a Hawaii law allowed a researcher to obtain permits to study industrial hemp from 1999 to 2003.

A public hearing on the proposed regulations is set for June 15 in Bismarck. The rules will be published later this year.

Going to court?

Once North Dakota farmers start seeking DEA permission as part of the state license

process, industrial hemp supporters say, the federal government's position will get its biggest test.

"This could lead to (a lawsuit) if DEA does not cooperate this year or early next year," said Adam Eldinger, a spokesman for Vote Hemp, a national group that lobbies for legal industrial hemp production. The organization, which claims about 10,000 members, is prepared to tap its legal fund to help such a fight, he said.

"The DEA's legal standing ... we think is very weak, and it needs to be challenged," Eldinger said.

Vote Hemp's president, Eric Steenstra, credited North Dakota with pursuing "a common sense hemp policy."

"How can a raw material that's legal to import, to sell, to eat and to use in all kinds of everyday products not be legal for farmers in America to grow?" Steenstra said in a statement issued Wednesday. "No other agricultural commodity is restricted to just importation."

"Our organization does not have a problem with marijuana prohibition," Eldinger said. "We have a problem with hemp prohibition."

The rules

The proposed rules for hemp production in North Dakota are available at the state Department of Agriculture offices in Bismarck or on the department's Web site at www.agdepartment.com.

Written copies are available. Write the department at 600 E. Boulevard Ave., Dept. 602, Bismarck, ND 58505-0020; phone (800) 242-7535; or e-mail ndda@state.nd.us. Written testimony on the proposed rules must be received at the same address by July 20.

Reach Brue at (701) 780-1267, (800) 477-6572, ext. 267; or mbrue@gfherald.com.

© 2006 Grand Forks Herald and wire service sources. All Rights Reserved.
<http://www.grandforks.com>