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Kentucky Department of Agriculture

November 25, 2013

Michele M. Leonhart
Administrator, Drug Enforcement Administration
U.S. Department of Justice

Re: Industrial Hemp Laws

Dear Administrator Leonhart,

We write to bring to your attention that the Commonwealth of Kentucky, through the Kentucky Industrial Hemp Commission, intends to move forward with the production of industrial hemp. It is our hope that Kentucky will be a model for the nation in supervising the growth, harvesting and manufacturing of industrial hemp – a sustainable, environmentally-friendly crop that can be used in industries ranging from automobile manufacturing to horse farming.

A Department of Justice memorandum issued on Aug. 29, 2013 provided guidance concerning marijuana enforcement. The memo followed the enactment of state laws that allow for the possession and regulation of marijuana.

Recognizing the intent of the Aug. 29 memo, it would defy common sense to allow states to move forward with marijuana activity, but ignore states that have passed laws allowing for the production of industrial hemp.

In fact, in Colorado, the state law that permits marijuana activity also permits for the production of hemp. That state plans to start issuing hemp licenses in 2014. We expect all states to be treated equally in this process. If Colorado can produce industrial hemp, so can Kentucky.

So, following the recent DOJ guidance and passage of State Senate Bill 50, which set up a regulatory for framework for the production of hemp in Kentucky, we believe there is solid standing to move forward with the reintroduction of industrial hemp.

SB 50 set up a responsible administrative framework for the production of industrial hemp. Further, it drew a clear distinction between industrial hemp and marijuana, which satisfies Kentucky's own Controlled Substances Act. Specifically, industrial hemp is defined in Kentucky as:

> the plant *cannabis sativa*, cultivated or possessed by a licensed grower, whether growing or not, that contain a tetrahydrocannabinol concentration of no more than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 *et seq.*