

North Carolina Industrial Hemp Commission Resolution Regarding Operating as a Research Pilot Program in 2020

Whereas, The United States Congress through the Agricultural Act of 2014, also known as the 2014 U.S. Farm Bill, Public Law 113-79, authorized state agricultural pilot programs to study the growth, cultivation, and marketing of hemp;

Whereas, The North Carolina General Assembly enacted Session Laws 2015-299 (Senate Bill 313) and 2016-93 (House Bill 992), in 2015 and 2016 respectively, establishing the North Carolina agricultural pilot program for the cultivation of hemp in the state and also the North Carolina Industrial Hemp Commission to develop rules and to administer the North Carolina agricultural pilot program;

Whereas, The North Carolina Industrial Hemp Commission adopted temporary rules for the administration of the North Carolina agricultural pilot program under Title 2, Chapter 62, of the North Carolina Administrative Code;

Whereas, The United States Congress through the Agricultural Improvement Act of 2018, also known as the 2018 U.S. Farm Bill, Public Law 115-334, made significant changes to United States policies regarding hemp production and mandated that the United States Department of Agriculture establish a domestic hemp production program and framework to approve plans submitted by states and Indian tribes for the domestic production of hemp and a federal plan for producers in states or territories or Indian tribes that do not have their own USDA-approved plan;

Whereas, The United States Department of Agriculture, Agriculture Marketing Service, released its Interim Final Rule, 84 FR 58522, effective on October 31, 2019, with request for comments;

Whereas, The 2018 U.S. Farm Bill and the Interim Final Rule specified that state industrial hemp pilot programs allowed under the 2014 U.S. Farm Bill shall continue to be allowed for one year after the United States Department of Agriculture establishes its plan and regulations required under the provisions of the 2018 U.S. Farm Bill;

Whereas, The United States Department of Agriculture has stated that growers could continue to grow hemp under a state industrial hemp pilot program in accordance with the provisions of the 2014 Farm Bill for the 2020 planting season; and

Whereas, If North Carolina Senate Bill 315, Edition 10, 2019-2020 Session, is enacted into law as written and because any state plan submitted under that law by North Carolina will likely be rejected by the United States Department of Agriculture under its Interim Final Rule requirements, there is a great potential that North Carolina will be left without any hemp licensing program and render impossible for hemp growers in the state to comply with state law requiring them to maintain a state issued hemp license; therefore

Resolved, The North Carolina Industrial Hemp Commission respectfully recommends that the North Carolina General Assembly allow the North Carolina industrial hemp pilot program to continue to operate under the provisions of the 2014 U.S. Farm Bill through October 31, 2020, until a viable pathway forward is available to satisfy federal and state requirements.

Resolved by the North Carolina Industrial Hemp Commission on November 22, 2019, by a vote of 7 to 0.