

115TH CONGRESS
1ST SESSION

H. R. 3530

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. COMER (for himself, Mr. GOODLATTE, Mr. POLIS, Mr. MASSIE, Mr. GRIFFITH, Mr. YOUNG of Alaska, Mr. CRAMER, Mr. BLUMENAUER, Mr. PETERSON, Mr. COHEN, Ms. BONAMICI, Ms. GABBARD, Mr. DEFazio, Mr. SCHRADER, Mr. PERLMUTTER, and Mr. BARR) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Industrial Hemp
5 Farming Act of 2017”.

1 **SEC. 2. FINDING.**

2 The Congress finds that industrial hemp is a non-
3 narcotic agricultural commodity that is used in tens of
4 thousands of legal and legitimate products.

5 **SEC. 3. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINI-**
6 **TION OF MARIHUANA.**

7 Section 102 of the Controlled Substances Act (21
8 U.S.C. 802) is amended—

9 (1) in paragraph (16)—

10 (A) by striking “(16) The” and inserting
11 “(16)(A) The”; and

12 (B) by adding at the end the following:

13 “(B) The term ‘marihuana’ does not include in-
14 dustrial hemp or research hemp.”; and

15 (2) by adding at the end the following:

16 “(57) The term ‘industrial hemp’ means the
17 plant *Cannabis sativa* L. and any part or derivative
18 of such plant (including viable seeds), whether grow-
19 ing or not—

20 “(A) no part of which has a delta-9
21 tetrahydrocannabinol concentration of more
22 than 0.3 percent on a dry weight basis;

23 “(B) the production, storage, distribution,
24 or use of which is lawful under the law of the
25 State or of the tribe having jurisdiction over the
26 area of Indian country (as defined in section

1 1151 of title 18, United States Code) such con-
2 duct occurs; and

3 “(C) with regard to the production, stor-
4 age, distribution, or use of which the State in
5 which such conduct occurs or the tribe having
6 jurisdiction over the area of Indian country (as
7 defined in section 1151 of title 18, United
8 States Code) in which such conduct occurs sub-
9 mits to the Attorney General, upon the Attor-
10 ney General’s request—

11 “(i) the name of the person;

12 “(ii) the period of time for which such
13 conduct is authorized; and

14 “(iii) information pertaining to each
15 location, including the specific latitude and
16 longitude, where the conduct is authorized
17 to occur.

18 The term does not include any such plant, or
19 part or derivative thereof, that has been altered
20 so as to increase the delta-9
21 tetrahydrocannabinol concentration above the
22 limits specified in subparagraph (A).

23 “(58) The term ‘research hemp’ means the
24 plant *Cannabis sativa* L. and any part or derivative
25 of such plant (including viable seeds), whether grow-

1 ing or not, that would be industrial hemp except
2 that such, plant, part, or derivative has a delta-9
3 tetrahydrocannabinol concentration of more than 0.3
4 percent on a dry weight basis but less than 0.6 per-
5 cent on a dry weight basis, and that—

6 “(A) is used in scientific, medical or indus-
7 trial research conducted by an institution of
8 higher education (as defined in section 101 of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1001)) or a State department of agriculture;
11 and

12 “(B) may not be introduced into com-
13 merce.”.

14 **SEC. 4. ADMINISTRATIVE INSPECTIONS.**

15 Section 510 of the Controlled Substances Act (21
16 U.S.C. 880) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “and” at
19 the end;

20 (B) in paragraph (2), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (C) by inserting after paragraph (2) the
23 following:

24 “(3) places where industrial hemp or research
25 hemp is produced, stored, distributed, or used.”.

1 (2) in subsection (d), by adding at the end the
2 following:

3 “(5) Any land on which industrial hemp or re-
4 search hemp is produced, stored, distributed, or used
5 shall be subject to inspection, in accordance with the
6 provisions of this section, for compliance with the
7 provisions of this Act.”.

8 **SEC. 5. RULE OF CONSTRUCTION.**

9 Nothing in this Act, or the amendments made by this
10 Act, may be construed—

11 (1) to alter the provisions of the Federal Food,
12 Drug, and Cosmetic Act that pertain to an unap-
13 proved, adulterated, or misbranded drug or food; or

14 (2) to require a retailer or end user of a fin-
15 ished product that contains industrial hemp to com-
16 ply with the reporting requirement under section
17 102(57)(C) of the Controlled Substances Act.

18 **SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.**

19 No additional funds are authorized to carry out the
20 requirements of this Act and the amendments made by
21 this Act. Such requirements shall be carried out using
22 amounts otherwise authorized.

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