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The DEA Plans to Sneak in Hemp Ban Over Holidays and Play Scrooge to Ontario's Hemp Farmers

Another U.S. hemp ban?? After U.S. Attorney General Janet Reno declared that it wasn't hemp products, but rather previous U.S. bans on hemp products which were illegal, the Canadian hemp industry thought it could finally put its efforts into building this new and promising industry, rather than wasting time and resources fighting misguided U.S. governmental policies.

Not so, it seems. This time, the U.S. DEA (Drug Enforcement Agency) has decided to play even dirtier. Instead of recognizing hemp as separate and distinct from its illicit cousin marijuana, the DEA has introduced new legislation which would effectively ban all hemp seed products. Worse, they are trying to sneak in these unprecedented regulations over the holiday season, and before the new U.S. administration takes its place. According to Cynthia Thielen, Assistant Republican Floor Leader, Hawaii House of Representatives "the DEA chose the time when people are celebrating the holidays and when Congress will be in recess to do this."

Thielen contends that "the regulations will seriously impact or actually kill products made with industrial hemp which are intended for human consumption. This will include hemp lip balm, any hemp products that could be used to soothe nose/sinus, or anything that DEA claims could be "ingested." The regulations will put a cloud over hemp body care products, saying if the shampoo or lotion user tests positive for THC, and then the products will be outlawed. "

"IF the DEA proceeds with this action it will of course be a blow to the farmers that have been hoping would make hemp a go in Ontario" says Claude Pinsonneault a Principal with Kenex Ltd. and Vice President of the Ontario Hemp Alliance (OHA).

“The DEA is taking the position that the ingestion of products made with hemp seed or hemp seed oil can lead to positive drug tests, and so should be banned. This is simply not so.” Says David Marcus, President of the OHA. “Canada is the principal exporter of hemp seed products to the United States, and all Canadian hemp seed or derivative products must test at less than 10 parts per million THC [the psychoactive ingredient in marijuana] before they can be approved for export. At these infinitesimal levels it has been repeatedly shown that the ingestion or topical use of hemp seed products does not result in positive testing for THC.”

One of hemp’s principal uses is as a highly nutritious seed that can be pressed for oil. Health Canada’s Industrial Hemp Office requires testing and analysis to certify that all hemp oil and seed sold in Canada or exported to America tests below 10 parts per million (PPM) of THC. The Dept. of Foreign Affairs and International Trade has put its full support behind the Canadian hemp industry in the face of past U.S. embargoes and has advised Canadian exporters to claim that their legal hemp oil contains 0% THC in their shipping documents.

Canada's hemp industry is developing the highest value added quality hemp products in the world. It is recognized that our tough regulatory standards contribute to these high standards. Yet, the United States, our principal market, continues to demonize hemp products and is the only major industrialized country in the world which hasn’t re-legalized hemp cultivation over the past decade.

“One begins to really lose their temper with the puerile way the US is dealing with a commodity “ fumes Louise Hollingsworth, Executive Director of the OHA “– hemp has proven economic, nutritional and environmental benefits. Many OHA members depend on the US market and if this happens you can be sure to see the acreage drop.”

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appended the actual proposed changes, cut and pasted below

1985. USE OF MARIJUANA FOR INDUSTRIAL PURPOSES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b)

CFR Citation: 21 CFR 1308

Legal Deadline: None

Abstract: DEA is planning to publish three rules simultaneously in the Federal Register regarding the status of products manufactured from the cannabis plant. It is anticipated that the three rules will be as follows.

The first rule will be an interpretive rule, which will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. [Please see ``Additional Information'' for further details].

The second rule will be a proposed rule which will propose to revise the wording of the DEA regulations to more clearly reflect DEA's interpretation of the law as set forth in the interpretive rule. The proposed rule would make clear that the listing of THC in Schedule I includes both natural and synthetic THC and that any substance

containing any amount of THC is a Schedule I controlled substance—even if such substance is made from ``hemp.''

The third rule will be an interim rule, which will exempt from application of the CSA and DEA regulations certain industrial ``hemp'' products. DEA would be issuing this rule to allow the continuation of what have historically been considered legitimate industrial uses of ``hemp.'' Under this rule, industrial ``hemp'' products such as paper, rope, and clothing may continue to be marketed in the United States without being subject to the CSA. At the same time, in order to protect the public health and safety, the interim rule will not allow ``hemp'' products that result in THC entering the human body. In this manner, it will

remain clear that the only lawful way THC may enter the human body is when a person is using a federally approved drug or when the person is the subject of federally approved research.

Timetable:

Clarification of Listing of Tetrahydrocannabinols NPRM 11/00/00

Exemption from Control of Certain Industrial Products and Material
Derived From the Cannabis Plant Interim Final Rule 11/00/00

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: While agencies are not required to include information regarding interpretive rules in the Unified Agenda, DEA is providing a description of this interpretive rule for informational purposes. The interpretive rule will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. The rule will further provide DEA's interpretation of the current legal status of products containing THC. In recent months, DEA has received numerous inquiries from members of the public about the legal status of products made from "hemp" (portions of the cannabis plant excluded from the CSA definition of marijuana). As stated in this rule, DEA interprets the CSA such that any substance containing any amount of THC is a Schedule I containing any amount of THC is a Schedule I controlled substance--even if such substance is made from "hemp."

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