

Urgency Ordinance Establishing Moratorium on Industrial Hemp



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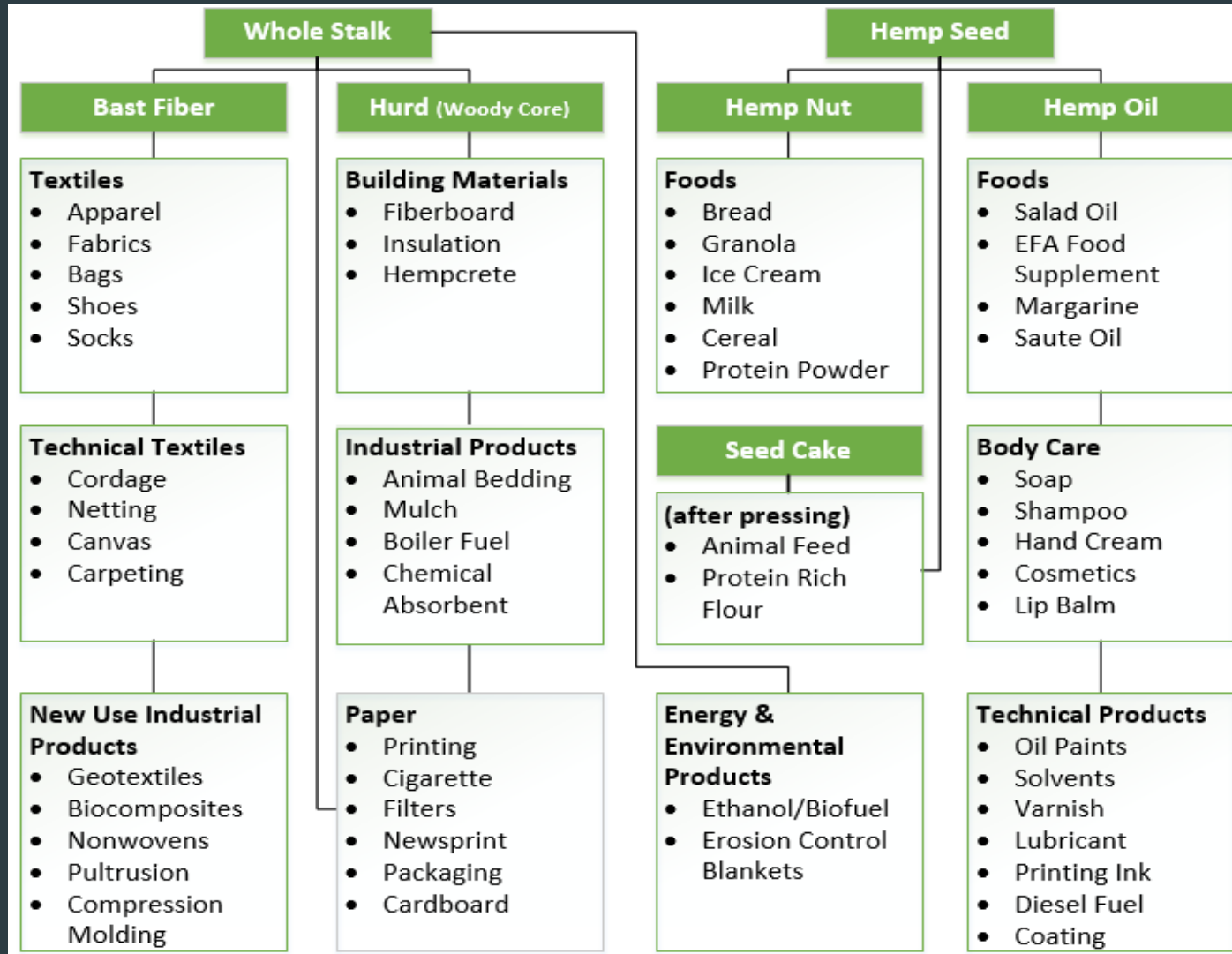
Discussion

- ▶ Industrial hemp definition / uses
- ▶ Legislation: state / federal
- ▶ State regulation / registration
- ▶ Industrial hemp considerations / concerns
- ▶ Recommendation for moratorium

Industrial Hemp Definition

- ▶ Industrial hemp means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three tenths of 1 percent tetrahydrocannabinol (THC) contained in the flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.
- ▶ (Health and Safety Code section 11018.5)

Modern Uses of Industrial Hemp



Industrial Hemp for Cannabidiol (CBD)

- ▶ Cannabidiol (CBD) is a phytocannabinoid discovered in 1940. It is one of some 113 identified cannabinoids in cannabis plants, accounting for up to 40% of the plant's extract. As of 2018, preliminary clinical research on **cannabidiol** included studies of anxiety, cognition, movement disorders, and pain.
- ▶ Industry experts predict that the CBD market could hit \$22 billion by 2022.

Industrial Hemp Farm Producing CBD in Eastern Colorado



Industrial Hemp Grown for Fiber in Kentucky



California Law

- ▶ **2013** California Industrial Hemp Farming Act (SB 566)
- ▶ **2016** The Adult Use of Marijuana Act (Prop 64)
- ▶ **2018** Senate Bill 1409

SB 1409 Overview

- ▶ Signed into law by Governor Brown on September 30, 2018 and went into effect on January 1, 2019.
- ▶ Deleted the requirement that industrial hemp be grown as a fiber or oilseed crop and allowed for hemp cultivation to occur in a manner consistent with the production of hemp for CBD.

SB 1409 Overview, continued

- ▶ Requires the California Department of Food and Agriculture (CDFA) to establish by regulation, a procedure for sampling and testing.
- ▶ Requires Established Agricultural Research Institutions to provide the Global Positioning coordinates to the Agricultural Commissioner prior to cultivation.

Background (federal level)

- ▶ **2014 Farm Bill** created a framework for the legal cultivation of industrial hemp by institutions of higher education or state departments of agriculture.
- ▶ **2018 Farm Bill** Allows for industrial hemp to be grown not just by institutions of higher education but by citizens seeking to enter the industrial hemp industry.
 - Under 2018 Farm Bill, states must create their own regulatory programs for hemp that must include certain elements.

2018 Farm Bill Provisions

- ▶ Industrial Hemp is legally defined as an agricultural commodity, and it will be eligible for crop insurance.
- ▶ States to submit plans to the USDA Secretary for approval to have primary regulatory authority over the growing and production of hemp.
- ▶ The plan must include location information, testing for THC content, and disposal of plants that are out of compliance.

Registration Regulation

- ▶ Applies to commercial growers and seed breeders (not research).
- ▶ Agricultural Commissioners will be legally obligated to register hemp growers once the registration regulation is in effect.
- ▶ This registration is valid for one year from date of issuance by the commissioner.

California Regulations Under Development

- ▶ Sampling Procedures
- ▶ Testing Procedures
- ▶ Established Agricultural Research Institution (clarify notification process)
- ▶ List of Approved Seed Cultivars
- ▶ Methodology/Process to Update List of Approved Seed Cultivars
- ▶ Approved Destruction Methods (may be left to discretion of Ag Commissioner)

Counties that have Enacted Moratoriums

- ▶ Calaveras
- ▶ Glenn
- ▶ Lassen
- ▶ Mendocino
- ▶ Mono
- ▶ Placer
- ▶ Sacramento
- ▶ San Bernardino
- ▶ Shasta
- ▶ Sierra
- ▶ Siskiyou
- ▶ Tehama
- ▶ Tulare
- ▶ Yolo
- ▶ Yuba

*Lake, Mariposa, Modoc, Santa Barbara, and Tuolumne are in the process of establishing a moratorium

Stakeholder Outreach

Outreach with the following groups has occurred:

- ▶ Sonoma County Farm Bureau
- ▶ Community Alliance with Family Farmers (CAFF)
- ▶ Sonoma County Growers Alliance

Considerations/Concerns

- ▶ State regulations are still under development
- ▶ Potential neighborhood compatibility issues
- ▶ Exemption for research may be exploited as a loophole
- ▶ Industrial hemp farms growing male plants and Cannabis grown for flowers are not compatible

Recommended Action

- ▶ The recommendation at this time is to establish a temporary moratorium to allow for:
 - 1) State regulations to become final.
 - 2) Staff to conduct research and outreach and work with counsel to develop proposal for how to regulate hemp at the county level.
 - 3) Staff to determine resources necessary to implement local program.

Questions?

