

## GENERAL INFORMATION ON INDUSTRIAL HEMP FOR ARKANSAS

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### The Basics

- In recent years, Congress has enacted laws that broaden the ability to lawfully produce and process industrial hemp. However, in order lawfully produce or process industrial hemp in Arkansas, a producer or processor of industrial hemp must apply for and obtain a license from the Arkansas State Plant Board. It is not possible to lawfully produce or process industrial hemp without first obtaining and complying with the required license from the Arkansas State Plant Board.
- Individuals with questions regarding the permit process, permit requirements, hemp rules and regulations, and related issues should be directed to the Arkansas State Plant Board. Individuals may contact the Arkansas State Plant Board directly, but necessary information can be accessed free of charge via the Arkansas Agriculture Department website at <https://www.agriculture.arkansas.gov/industrial-hemp>.
- The University of Arkansas System Division of Agriculture's National Agricultural Law Center ([www.nationalaglawcenter.org](http://www.nationalaglawcenter.org)) is a resource for interested parties. The Center staff can be contacted at [nataglaw@uark.edu](mailto:nataglaw@uark.edu) or (479) 575-7646. The Center has published an Industrial Hemp Reading Room that contains many important resources, which is available free-of-charge at <https://nationalaglawcenter.org/research-by-topic/industrialhemp/>.

### Industrial Hemp vs. Marijuana: Very Different Plants

- To avoid confusion, it is important to use proper terminology when discussing industrial hemp with media and other stakeholders. The proper terminology for discussing industrial hemp is to specifically use the term "industrial hemp". For example, it is typically incorrect to refer to industrial hemp as "marijuana", "cannabis", or similar terminology.
- Industrial hemp is not marijuana, although both are the same species, *Cannabis sativa*. Make certain to distinguish the difference between industrial hemp and marijuana when addressing questions from the press or stakeholders.
- There are several **cannabinoids** present in industrial hemp, but the two major relevant compounds are: THC ([tetrahydrocannabinol](#)) and CBD ([cannabidiol](#)). The known psychoactive compound in marijuana is THC. Many believe CBD to have therapeutic properties for certain ailments, but there is very little to no research available that substantiate many of these types of claims. Any *Cannabis sativa* that has a THC concentration above 0.3% is defined as marijuana,

and is still considered a Class 1 controlled substance. If *Cannabis sativa* has a THC concentration below 0.3%, it qualifies as industrial hemp. The THC concentration is the primary distinction between marijuana and hemp.

### **Industrial Hemp vs. Medical Marijuana**

- Industrial hemp and medical marijuana are very different, and each has a separate legal meaning. We cannot provide production recommendations to medical marijuana producers. Merely because the state has made it legal does not mean that it is legal under federal law. We receive federal funds and working with a federally controlled substance can put those funds at risk.
- We can only give limited guidance and recommendations to producers of industrial hemp.
- Possession of viable hemp seeds and live plants or plant parts may require a current license.

### **Division of Agriculture Research: Current Status**

1. We do not have any Arkansas-based research. The University of Kentucky has probably the best information that would apply to Arkansas. The University of Kentucky website is available at <https://hemp.ca.uky.edu/>
2. The Division has not received any funding to conduct public research on industrial hemp. We are looking for funding before starting a comprehensive program.
3. The Division of Agriculture has obtained a 2019 state license to conduct research in four specific project areas, under the direction of specified Principal Investigators, and only at certain designated locations. No research is to be conducted outside the scope of these projects and locations this year. Unless and until the license is updated or expanded, Division of Agriculture employees are not authorized to be in possession of live hemp seeds or plant parts.
4. Soil samples may be collected and sent to the Soil Testing Laboratory. There is a code for industrial hemp.

### **Other Considerations**

Industrial hemp varieties normally contain low THC levels, but certain environmental conditions can elevate affect THC levels. Too much or too little nitrogen fertilization, moisture stress, or any plant stress can increase THC levels. The AAD will monitor field THC levels, and all samples testing above 0.3% THC concentration requires the area sampled to be disposed of according to ASPB instructions.

- Hemp that produces high CBD is a high value crop. Seed and plants are expensive and the market demands that the crop be produced organically. There are several planned CBD oil

processing facilities that will be opened in the state. Most of the work will be hand labor and plasticulture.

- Hemp used for fiber and seed are generally the same varieties. Oil produced from hemp seed does not have CBD or THC and is similar to soybean oil. The seed can be used for feed. The fiber can be used for a multitude of purposes. There are currently no seed or fiber facilities in Arkansas.
- There are no pesticides registered for hemp.
- Deer and feral hogs like hemp.