



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

DATE: May 1, 2019

TO: Office of the Code Reviser

FROM: Derek I. Sandison *DIS*

SUBJECT: Policy Statement CI-19-0001 – Changes to Industrial Hemp Research Pilot Program

On May 1, 2019, a policy statement on the transition from the Industrial Hemp Research Pilot Program (IHRP) to implementation of a commercial “Hemp” program under both the Agriculture Improvement Act of 2018 (2018 Farm Bill) and Engrossed Second Substitute Senate Bill 5276 (E2SSB 5276) was signed. E2SSB 5276 was signed by Governor Inslee on April 26, 2019 and took effect immediately on that date. Most sections of E2SSB 5276 authorize WSDA to develop a new “Hemp plan” to replace the current Industrial Hemp Research Pilot Program (IHRP) upon approval of the new Hemp plan by USDA and its adoption by WSDA using expedited rule-making.

E2SSB 5276 at Sec. 3(4) provides that “immediately... and before the adoption of rules implementing this chapter, persons licensed to grow hemp under chapter 15.120 RCW may produce hemp in a manner otherwise consistent with the provisions of this chapter and the Agriculture Improvement Act of 2018.” This policy statement interprets how WSDA intends to implement those sections of E2SSB 5276 that make immediate changes to the IHRP.

A copy of the policy statement may be obtained by accessing our website or by contacting:

Gloriann Robinson, Agency Rules Coordinator
1111 Washington Street SE
PO Box 42560
Olympia, WA 98504-2560
Phone: 360-902-1802
Email: wsdarulescomments@agr.wa.gov



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800


POLICY STATEMENT

Number: CI-19-0001

Subject: Changes to Industrial Hemp Research Pilot Program

Supersedes: Not Applicable

Contact: Jessica Allenton, Assistant Director, Commodity Inspection Division
Email: jallenton@agr.wa.gov Phone: (360) 902-1828

Approved By: 
Derek I. Sandison, Director

Date Approved: May 1, 2019

To provide clarity for the transition from the Industrial Hemp Research Pilot Program to implementation of a commercial "Hemp" program under both the Agriculture Improvement Act of 2018 (2018 Farm Bill) and Engrossed Second Substitute Senate Bill 5276 (E2SSB 5276), the Washington State Department of Agriculture (WSDA) issues this policy statement pursuant to RCW 34.05.230.

Description: E2SSB 5276 was signed by Governor Inslee on April 26, 2019 and took effect immediately on that date. Most sections of E2SSB 5276 authorize WSDA to develop a new "Hemp plan" to replace the current Industrial Hemp Research Pilot Program (IHRP) upon approval of the new Hemp plan by USDA and its adoption by WSDA using expedited rule-making. This policy statement interprets how WSDA intends to implement those sections of E2SSB 5276 that make immediate changes to the IHRP.

E2SSB 5276 at Sec. 3(4) provides that "immediately...and before the adoption of rules implementing this chapter, persons licensed to grow hemp under chapter 15.120 RCW may produce hemp in a manner otherwise consistent with the provisions of this chapter and the Agriculture Improvement Act of 2018."

Immediate Changes to the IHRP and Repeal of the IHRP

In order to carry out the legislative directive and purpose stated in E2SSB 5276 at Sec. 3(4), the following changes to the IHRP take effective immediately. The term "licensed growers" refers to persons currently licensed or subsequently licensed under the IHRP as the IHRP has been amended under E2SSB 5276. The IHRP is repealed under Sec. 15 of E2SSB 5276 "effective January 1, 2020." When the new Hemp plan is adopted in rule, licensed growers under the IHRP may transfer into the new Hemp program as provided under E2SSB 5276 at Sec. 1(2) and Sec. 3(3).

1. Licensed growers are solely responsible to procure hemp seed and must notify the IHRP of the source of the seed.

See, E2SSB 5276 at Sec. 7 and Sec. 16(1). Licensed growers are not required to obtain seed from the two sources identified under WAC 16-305-150(2).

Reason: E2SSB Sec. 16 states, “no law or rule related to certified or interstate hemp seeds applies to or may be enforced against a person with a license to produce or process hemp issued under this chapter or chapter 15.120 RCW.” Additionally, the Drug Enforcement Agency (DEA) has announced that it will no longer issue Schedule 1 permits for hemp importation because hemp is exempted from regulation under federal controlled substance laws under sections of the 2018 Farm Bill.

2. Licensed growers are not required to maintain a buffer from a licensed marijuana producer.

Reason: E2SSB 5276 Sec. 16(2) states “no department or other state agency rule may establish or enforce a buffer zone or distance requirement between a person with a license or authorization to produce or process hemp under this chapter or chapter 15.120 RCW and a person with a license to produce or process marijuana issued under chapter 69.50 RCW. The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.” See also, E2SSB 5276 at Sec. 10.

The four mile buffer under WAC 16-305-060(6) is no longer applicable to a current or subsequently licensed grower and is effectively repealed under Sec. 3(4), Sec. 16(2), and Sec. 10.

3. IHRP grower license requirements are simplified to align with new Hemp plan requirements

The IHRP will not implement or enforce parts of chapter 16-305 WAC inconsistent with the implementation of Sec. 3(4) of E2SSB 5276. WSDA is revising the IHRP grower license application form to require information consistent with license requirements for growers under E2SSB 5276 at Sec. 4(2)(a) and Sec. 6(1) and (2). Grower license “research” goals will no longer be required.

Grower license requirements under chapter 16-305 WAC that are otherwise inconsistent with sections of E2SSB 5276 under Sec. 3(4) are considered inapplicable for current and prospective IHRP grower licensees. To illustrate this interpretation, the requirements for identifying the land upon which a licensed grower grows or will grow hemp is provided under Sec. 4(2)(a) of E2SSB 5276 which supersedes any additional requirements under WAC 16-305-060 related to identification of such land.

4. IHRP licensed growers may grow hemp under RCW 15.120.020 as amended under Sec. 14 of E2SSB 5276

Reason: E2SSB 5276 Sec. 14 amends RCW 15.120.020 to remove “processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin or other preparation for topical use, oral consumption or inhalation by humans is prohibited.” This section effectively repeals the second sentence under WAC 16-305-180 which repeats this now repealed prohibition.

Additionally, under E2SSB Sec. 4(5), the “whole hemp plant may be used as food. The department [WSDA] shall regulate the processing of hemp for food products that are allowable under federal law...”

Summary and Resources

This policy statement is intended to take effect “immediately” consistent with the above-referenced E2SSB 5276 sections applicable to the IHRP during the interim period it remains in effect until its repeal on January 1, 2020.

WSDA will post this policy statement on its IHRP website with links to E2SSB 5276 and the revised grower license application (when completed). See:
<https://agr.wa.gov/Inspection/Hemp/>