Q: What is the difference between hemp and marijuana?
A: Industrial hemp and marijuana are varieties of the same plant, *Cannabis sativa L.*, that have developed due to selective breeding. The plant family Cannabaceae, that contains both industrial hemp and marijuana, also includes the hops plant which is used in the brewing process. By both federal and state law, hemp must contain less than 0.3% THC (tetrahydrocannabinol) on a dry weight basis.

<table>
<thead>
<tr>
<th>Hemp</th>
<th>Marijuana</th>
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<tbody>
<tr>
<td>- Bred for its fiber and seed oil</td>
<td>- Bred for its psychoactive properties (THC)</td>
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</table>

Q: What is THC?
A: THC is short for tetrahydrocannabinol and is the component of marijuana that has psychoactive properties.

Q: Do hemp and marijuana plants look different?
A: No, hemp and marijuana are the same species of plant. The growth form of the plant is largely determined by growing conditions. Hemp and marijuana look very similar under similar growing conditions and can both be grown indoors or outdoors.

Q: Can hemp get you “high?”
A: No, hemp has very low levels of THC, the psychoactive compound found in marijuana. Hemp is required by law to have less than 0.3% THC. Current marijuana Cannabis varieties are between 10-30% THC.

Q: Can industrial hemp be certified as organic?
A: Yes, guidelines issued by the United States Department of Agriculture (USDA) on August 23, 2016, authorize industrial hemp to be certified as organic. Industrial hemp must follow the same requirements (http://agr.mt.gov/Topics/Organic-Certification) as other crops certified in accordance with the USDA National Organic Program (NOP). More information is available here: https://www.ams.usda.gov/sites/default/files/media/NOP%202040%20Hemp%20Instruction.pdf

Q: Is federal funding available for University researchers to study industrial hemp?
A: Yes, new guidelines issued from the federal government, through USDA’s National Institute of Food and Agriculture (NIFA), clarify how universities and colleges may be able to apply for federal funding to study industrial hemp agriculture. More information on this topic can be found by visiting: https://nifa.usda.gov/industrial-hemp
Q: Do I still need a license now that the president has signed the new Farm Bill to legalize hemp?

A: Yes. The 2018 Farm Bill hemp provisions transferred regulatory authority from the federal Drug Enforcement Administration (DEA) to the United States Department of Agriculture (USDA). The USDA guidelines still require licensing of hemp growers and hemp growing locations by USDA, Tribal Sovereign Nation, State Department of Agriculture or University. In Montana, the State Department of Agriculture issues licenses for growing hemp under the authority in 80-18-101 through 80-18-111, MCA.

Q: Where can I get an application or license to grow industrial hemp?

A: An application to apply for a license to grow industrial hemp is available on the department website at: https://agr.mt.gov/Industrial-Hemp.

Q: Do I need to be a Montana resident to apply for a hemp license?

A: No, applicants are not required to be residents of Montana.

Q: Do I need to submit fingerprints?

A: Yes, Montana State Law 80-18-103 (3), MCA requires first-time applicants to submit a copy of a civil fingerprint card (e.g. FD-258) from a law enforcement agency.

Q: I have a concealed carry permit. Can I use the same fingerprints for a hemp license?

A: No, the Department of Agriculture is not a law enforcement agency and does not have access to other law enforcement records. First-time applications must submit a hard copy of their fingerprints (e.g. FD-258) from a law enforcement agency.

Q: Where can I get my fingerprints taken?

A: Most local law enforcement offices, County Sherriff offices, and detention facilities provide fingerprinting services. Please have the law enforcement office send the card directly to the address on the application.

Q: Can law enforcement in another state take my fingerprints and send them for the application?

A: Yes. The physical hard copy fingerprint card (e.g. FD-258) must be sent to the address on the application. The Department of Agriculture is not a law enforcement agency and does not have access to any digital fingerprint record databases.
HEMP FAQ:

Growing Industrial Hemp:

Q: Will I need security to grow industrial hemp outdoors?
A: No, crop security is the responsibility of each individual grower. The Montana Department of Agriculture does not require fences or security cameras for industrial hemp cultivation. Due to the minimal THC content (0.3% or less), industrial hemp is an agricultural product, not a drug.

Q: Can I plant hemp clones?
A: Yes, the approval process for clones of hemp plants is the same as for seed of new hemp varieties. Additionally, approval of clones may be subject to standards like those of other National Clean Plant Network (NCPN) crops propagated from plant cutting, grafting, or division.

Q: Can I grow hemp on land that I lease?
A: Yes, but the landowner’s signature is required under the field information portion of the application.

Q: Are there any limits on the number of growers that can participate or acres that can be grown?
A: No minimum or maximum field sizes are being considered at this time. Before determining the size of your hemp crop, you may consider researching hemp processors and markets to avoid growing more hemp than can be sold.

CBD:

Q: Can I sell CBD oil in Montana?
A: The Montana Department of Agriculture does not regulate the production or sale of food, drugs, health supplements, or cosmetics. A recent FDA Statement, from December 20, 2018, on Cannabis products can be found here: https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm.

Q: Why do I see CBD oil for sale in Montana retail stores?
A: The Montana Department of Agriculture does not regulate the production or sale of food, drugs, health supplements, or cosmetics. The FDA states, “When a product is in violation of the FD&C Act, FDA considers many factors in deciding whether or not to initiate an enforcement action. Those factors include, among other things, agency resources and the threat to the public health. FDA also may consult with its federal and state partners in making decisions about whether to initiate a federal enforcement action.” A recent FDA statement, from December 20, 2018, on Cannabis products can be found here: https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm.
**HEMP FAQ:**

**Hemp Seed:**

**Q: Where can I purchase hemp seed?**

A: There are several international and US-based seed companies that sell certified hemp seed. Montana Department of Agriculture does not have a list of all current hemp seed companies in the world.

**Q: Do I need a different license to sell hemp seed in Montana?**

A: Yes, all entities that sell agricultural seed in Montana are required to follow the requirements of the Montana Seed Act. At a minimum, hemp seed sellers must have a Montana Seed Labeler license. More information about the seed program and licensing requirements are available here: [https://agr.mt.gov/Topics/Seed](https://agr.mt.gov/Topics/Seed).

**Q: Where have Montana growers purchased hemp seed?**

A: In 2017 and 2018, Montana hemp pilot program growers purchased seed from these companies:


**Q: What hemp varieties have Montana growers planted?**

A: Montana hemp pilot program growers planted the following varieties in 2017 and 2018: Canda, Carmagnola, Carmagnola Select (CS), CFX-1, CFX-2, CRS-1, Fedora 17, Grandi, Joey, Katani, and Picolo.

**Q: Can I plant seeds from another US state?**

A: Yes, but all hemp varieties must be approved by Montana Department of Agriculture. Approved hemp seed varieties must be certified by the Association of Official Seed Certifying Agencies (AOSCA) and the Organization for Economic Cooperation and Development (OECD) standards and recognized by the department as being true to variety and less than 0.3% THC on a dry weight basis. A list of approved varieties for planting in the current license season will be published on the department’s website by March 1 each year: [https://agr.mt.gov/Industrial-Hemp](https://agr.mt.gov/Industrial-Hemp).
Q: Can I feed hemp to my animals? / Can I make hemp pet treats and sell them at the farmers market?

A: No, hemp is not an approved commercial feed ingredient under the Association of American Feed Control Officials’ (AAFCO) regulations. Hemp cannot be manufactured into any commercial animal feed including pet foods and specialty pet foods, including complete feed, treats, and snacks. Unprocessed hemp seed and other plant parts may be fed to animals as forage. Contact the Montana Department of Agriculture Feed Program with questions about feeding hemp products to animals: https://agr.mt.gov/Topics/Feed.

Q: Can I make hemp food products and sell them for human consumption in Montana?

A: The Montana Department of Agriculture does not regulate the production or sale of food, drugs, health supplements, or cosmetics. Hulled hemp seeds, hemp seed protein, and hemp seed oil have been granted Generally Recognized as Safe (GRAS) status by the FDA and are widely available in products at retail stores across Montana. A recent FDA statement, from December 20, 2018, on Cannabis products can be found here: https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm.

Q: Do I need a license to process hemp products?

A: The Montana Department of Agriculture licenses hemp growers only. Hemp processors may be required to license with another state or federal agency, such as Montana Department of Health and Human Services (DPHHS) or the US Food and Drug Administration (FDA). Some general requirements for processing products for supplements and cosmetics for human consumption can be found on the FDA website for Current Good Manufacturing Practices (CGMPs): https://www.fda.gov/Drugs/DevelopmentApprovalProcess/Manufacturing/ucm090016.htm.