



U. S. Department of Justice
Drug Enforcement Administration
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Cort Jensen
Montana Department of Agriculture
302 North Roberts Street
Helena, Montana 59601-4543

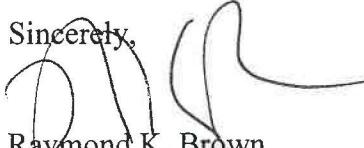
Dear Mr. Jensen:

On December 20, 2018, with the passage of H.R. 2, the Agricultural Improvement Act of 2018 (“the 2018 Farm Bill”), the regulatory status of hemp and hemp products changed. This letter is being sent to advise your department that under the provisions of the 2018 Farm Bill, DEA registration of State Departments of Agriculture, as controlled substance importers, is no longer required for the importation of hemp seeds as part of a State agricultural program governing hemp cultivation.

Section 10113, Hemp Production, Subtitle G, Section 297A Definitions (1), of the 2018 Farm Bill, amends the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), to include a definition of hemp. This definition states in part, “The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

Substances defined as hemp are no longer included in the legal definition of “marijuana”, are no longer subject to control under the Controlled Substances Act of 1970, per Title XII, Subtitle F, Section 12619 of the 2018 Farm Bill, and therefore no longer require a DEA registration to handle. Moreover, materials meeting the above definition of hemp, or products manufactured thereof, no longer require the submission to DEA of a permit application (DEA Form 357, Application For Permit To Import Controlled Substances For Domestic and/or Scientific Purposes) in order to import such substances or products into the United States.

Pursuant to the provisions of the 2018 Farm Bill, regulatory authority over the cultivation and production of hemp is under the purview of the United States Department of Agriculture (USDA), to be administered by way of an approved state, tribal or USDA regulatory plan. Further guidance regarding such matters should be directed to the USDA.

Sincerely,

Raymond K. Brown
Deputy Assistant Administrator
Diversion Control Division