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The Difference between Medical Marijuana and Hemp

People are often confused about how hemp differs from medical marijuana (which is generally referred to in this book as cannabis) and whether hemp is psychoactive. Both medical cannabis and hemp are known by the botanical name *Cannabis sativa*. Medical cannabis may also be of the species *Cannabis indica* or *Cannabis ruderalis*, but this is an area about which botanists cannot agree. In the medical context, what differentiates “industrial hemp” (oilseed and fiber varieties) from “cannabis” (drug varieties) is not botanical classification but chemical makeup. Most industrial hemp has a THC (the primary psychoactive component) content of 0.2 – 0.4 percent or less. (Mahlbert 2013) Since only cannabis material containing over 2 percent THC is said to provide a psychoactive effect, it is clear that hemp is not psychoactive. (Mahlbert 2013) The DEA argues that any amount of THC is dangerous.

Hemp is a versatile plant. It can be grown for food, oil, fiber, fuel, and a wide variety of industrial products. Hemp, unlike drug varieties of cannabis, is a poor producer of cannabinoids and therefore is an inferior source for CBD and other cannabinoids. It is an excellent rotation crop and helps remediate soil health. Hemp was once widely cultivated throughout the United States. In fact, the Declaration of Independence was drafted on hemp paper, and there was a time when it was illegal for farmers not to grow hemp. (Sloman 1979) Some of the most famous American hemp farmers include George Washington and Thomas Jefferson. Towns across the country were named after hemp: Hemphill, Kentucky and Louisiana and Hempstead, New York and Texas for example. Unfortunately, hemp production was outlawed in the United States in 1937 with a brief return of strategic production during World War II.

Until the spring of 2014, anyone wanting to grow hemp in the U.S. had to apply to the DEA for a license because hemp was not recognized as different from medical cannabis under the Controlled Substances Act. While it was theoretically possible to get a DEA license to grow hemp, the requirements to do so were so strict and unreasonable that only one permit for a quarter acre research plot was ever granted. The passage of the 2014 Farm Bill signals a significant change in American hemp policy making hemp production legal in states that have a state law permitting it.

Under Farm Bill Section 7607, the following states have passed laws that allow growing industrial hemp for research, pilot programs, and even for commercial purposes: California, Colorado, Hawaii, Indiana, Kentucky, Maine, Montana, Nebraska, North Dakota, Oregon, Utah, Vermont, Washington, and West Virginia. The Farm Bill mandated that the state department of agriculture or a university be the certifying body nullifying the need for a license from the DEA. Thus, only farmers in the above listed states, who have followed their state’s certification, registration, or license process, can grow hemp in the U.S. The complicating factors are that it is illegal for growers to import seed for sowing hemp and there is no processing infrastructure in place.

Legal Hemp-States

Laws are different in each state. Visit the National Conference of State Legislators website and search State Industrial Hemp Statutes for a complete list of each state’s statutes on this issue. Votehemp.com is another excellent resource for the latest information on this topic.

“This is the first time in American history that industrial hemp has been legally defined by our federal government as distinct from drug varieties of Cannabis,” said Eric Steenstra, president of the advocacy group Vote Hemp. (Vote Hemp 2014)

The folks at www.votehemp.com say industrial cannabis (hemp) is an agricultural commodity crop while medical cannabis is a horticultural crop. Commodity crops are grown outdoors on a larger scale. A horticultural crop may be grown outdoors or indoors but requires more specific feeding and care. Although the two plants look similar, a trained eye can differentiate hemp fields from cannabis gardens, as the growing methods are completely different. Medical cannabis plants are generally grown as single plants more like an orchard whereas industrial hemp is grown en masse with the seeds sown close together. Individual medical cannabis plants are given great care with specific amounts of water, nutrients, light, and space to thrive. Male plants are discarded when growing medical or recreational cannabis but not when growing hemp. Only the female flowers are used in medical and recreational cannabis. Without being pollinated by male plants, female flowers continue flowering and producing resin, thus increasing the potency of the medicine.

Federal law enforcement contends hemp fields can be hiding places for medical or recreation cannabis plants and therefore hemp should be illegal. Medical cannabis growers will tell you this is laughable, as the two crops cannot be grown well together or even near each other. While the presence of high THC containing medical plants will not impact a hemp crop, hemp plants will happily cross pollinate with medical/recreational cannabis resulting in lower quality and lower potency medicine. Such a sneaky tactic would not be worth the time, money, and risk it would entail.