



Brian Schweitzer
Governor

303 N Roberts, PO Box 200201
Helena, Montana 59620-0201

Nancy K. Peterson
Director

406.444.3144 • Fax: 406.444.5409 • agr@mt.gov • www.agr.mt.gov

December 5, 2006

Andrea Behunin
President
Montana Hemp Council
PO Box 8431
Missoula MT 59807

Re: Hemp Legislation and Department Efforts

Dear Andrea:

Thank you for your letter on efforts to make cultivation of industrial hemp possible in the State of Montana. On two occasions, dating back to 2001, this department petitioned the U.S. Drug Enforcement Administration, seeking a change in the listing of federally controlled substances to exempt industrial hemp. Twice, the DEA Administrator denied the Montana petition. The DEA has also denied other similar petitions.

North Dakota has been in the news lately, regarding that state's efforts to establish rules for hemp cultivation. Although I have not reviewed the proposed North Dakota rules point by point, several of the basic tenets are similar to those in Montana's Senate Bill 261. As I understand it, the DEA takes the position that the Controlled Substances Act of 1970 requires the agency to include hemp as a controlled substance if it contains any amount of the active ingredient THC, and DEA has not acted favorably on any state's efforts to permit and regulate hemp production.

If new federal legislation or a new interpretation of the Controlled Substances Act leads to a change in the DEA position, Montana can certainly revisit the issue. Until then, it would appear counter-productive to publish rules and implement a state program.

Sincerely,

Nancy K. Peterson
Director