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SESSION

# H. R. 1009

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2007

Mr. PAUL (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. KUCINICH, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. STARK, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Industrial Hemp Farming Act of 2007”.

### SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINITION OF MARIHUANA.

Paragraph (16) of section 102 of the Controlled Substances Act ([21 U.S.C. 802\(16\)](#)) is amended—

(1)

by striking “(16)” at the beginning and inserting “(16)(A)”; and

(2)

by adding at the end the following new subparagraph:

“(B)

“The term ‘marihuana’ does not include industrial hemp. As used in the preceding sentence, the term ‘industrial hemp’ means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.”.

### **3. INDUSTRIAL HEMP DETERMINATION TO BE MADE BY STATES.**

Section 201 of the Controlled Substances Act ([21 U.S.C. 811](#)) is amended by adding at the end the following new subsection:

“(i) **INDUSTRIAL HEMP DETERMINATION TO BE MADE BY STATES.**—

“In any criminal action, civil action, or administrative proceeding, a State regulating the growing and processing of industrial hemp under State law shall have exclusive authority to determine whether any such plant meets the concentration limitation set forth in subparagraph (B) of paragraph (16) of section 102 and such determination shall be conclusive and binding.”.

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