

111TH CONGRESS  
1ST SESSION

# H. R. 1866

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

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. PAUL (for himself, Ms. BALDWIN, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. MCCLINTOCK, Mr. GEORGE MILLER of California, Mr. ROHRABACHER, 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Industrial Hemp  
5 Farming Act of 2009”.

1 **SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINI-**  
2 **TION OF MARIHUANA.**

3 Paragraph (16) of section 102 of the Controlled Sub-  
4 stances Act (21 U.S.C. 802(16)) is amended—

5 (1) by striking “(16)” at the beginning and in-  
6 serting “(16)(A)”; and

7 (2) by adding at the end the following new sub-  
8 paragraph:

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

15 **SEC. 3. INDUSTRIAL HEMP DETERMINATION TO BE MADE**  
16 **BY STATES.**

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

20 “(i) **INDUSTRIAL HEMP DETERMINATION TO BE**  
21 **MADE BY STATES.**—In any criminal action, civil action,  
22 or administrative proceeding, a State regulating the grow-  
23 ing and processing of industrial hemp under State law  
24 shall have exclusive authority to determine whether any  
25 such plant meets the concentration limitation set forth in

- 1 subparagraph (B) of paragraph (16) of section 102 and
- 2 such determination shall be conclusive and binding.”.

○