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Hemp/CBD Update- Federal and Florida Alert

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The United States Department of Agriculture ("USDA") issued [interim regulations](#) establishing the U.S. Domestic Hemp Production Program on October 31, 2019. The USDA anticipates that the interim regulations will help expand production and sales of domestic hemp, benefiting both U.S. producers and consumers. Under the interim regulations, states and Native American tribes may have primary authority over hemp production within their borders with a USDA-approved plan. Notable within the regulations is the protection of interstate transportation of hemp, a narrow testing window of 15 days before crop harvest followed by the requirement for compliance with 0.3% of Tetrahydrocannabinol ("THC") in hemp without recognizing distinctions between Delta-9 THC — marijuana's psychoactive chemical — and another form called THC-A.

Ten states and ten tribes submitted plans for hemp production to USDA before publication, a number that is now anticipated to grow rapidly. USDA previously indicated it would not review any plans submitted until the interim regulations were published. The USDA is holding a public comment period on the interim regulations until December 30, 2019. Over 600 [comments](#) have been received to date. For those that

desire to grow hemp in states without approved plans, USDA will issue licenses to producers through its own program (provided that the producer is in a state which has not criminalized hemp production).

After the passage of the December 12, 2018 Farm Bill, Florida joined several states in creating a framework for institution of a legalized and regulated hemp industry in the state. Florida is in the process of finalizing its hemp framework. Florida last updated its regulations on October 10, 2019 with a public comment period ending on October 31, 2019. After the release of the USDA's interim regulations, Florida's Department of Agriculture and Consumer Services ("FDAC") has cancelled planned open workshops and is revising its proposed rules for the State Hemp Program for consistency with the USDA regulations. Once the FDAC completes updates to the rules, further town halls are likely to be held with interested stakeholders in preparation for a final submission of its rules to the USDA. FDAC will likely miss its intended fall 2019 roll out of a hemp framework.

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