

NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS

RESOLUTION REGARDING THE USE OF INDUSTRIAL HEMP

The National Caucus of Native American State Legislators (NCNASL) is made up of American Indian, Alaska Native and Native Hawaiian State Legislators from 18 states and is organized to provide a forum for discussion, education and increased communication. Additionally, the NCNASL identifies and proposes legislation and administrative actions to eliminate barriers to achievement of a better quality of life for Native people.

WHEREAS Industrial hemp refers to varieties of *Cannabis* that contain less than 0.3% tetrahydrocannabinol (THC), are genetically distinct from drug varieties of *Cannabis* (marijuana), and are cultivated exclusively for fiber, stalk, and seed; and

WHEREAS Industrial hemp should not be confused with varieties of *Cannabis* that contain high concentrations of THC and that are commonly referred to as marijuana; and

WHEREAS Congress never intended to prohibit the production of industrial hemp when restricting the production, possession, and use of marijuana; and

WHEREAS The legislative history of the "Marijuana Tax Act of 1937", in which the current federal definition of marijuana first appeared, indicates that the concerns expressed at the time by industrial hemp farmers and manufacturers of industrial hemp products, including Sherwin-Williams Paint Company, were assuaged by Federal Bureau of Narcotics Commissioner Harry J. Anslinger, who promised that the proposed legislation bore no threat to them, stating, "They are not only amply protected under this act, but they can go ahead and raise hemp just as they have always done it"; and

WHEREAS The United States Court of Appeals for the Ninth Circuit ruled in *Hemp Industries v. Drug Enforcement Administration*, 357 F.3d 1012, 9th Cir. 2004, that the federal "Controlled Substances Act", enacted in 1970, 21 U.S.C. sec. 812 (b), explicitly excludes non-psychoactive industrial hemp from the definition of marijuana, and the federal government declined to appeal that decision; and

WHEREAS The "Controlled Substances Act", enacted in 1970, specifies the criteria for classifying a substance as a Schedule I drug, which include a high potential for abuse, no accepted medical use, and a lack of accepted safety for use, none of which apply to industrial hemp; and

WHEREAS Section 2 of article 28 of the United Nations' Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, states, "This Convention shall not apply

to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes"; and

WHEREAS H.R. 1866, the "Industrial Hemp Farming Act of 2009", sponsored by U.S. Representative Ron Paul, is currently assigned to the Crime, Terrorism, and Homeland Security subcommittee and would require the definition of hemp to be distinct from that of marijuana, in addition to making industrial hemp a states' rights issue; and

WHEREAS Industrial hemp is commercially produced in more than 30 nations, including Canada, Great Britain, France, Germany, Romania, Australia, and China; and

WHEREAS The states of Hawaii, Kentucky, Maine, Minnesota, Missouri, Montana, New Hampshire, New Mexico, North Dakota, Oregon, Vermont, and Wisconsin introduced bills favoring industrial hemp in 2009, and Montana, Maine, Oregon, Vermont, New Mexico, and North Dakota passed legislation with broad bipartisan support, and North Dakota is issuing licenses to grow under state law; and

WHEREAS The National Farmers Union, American Farm Bureau and National Association of State Departments of Agriculture have all adopted strong written policies in support of industrial hemp cultivation; and

WHEREAS The president of the National Farmers Union, Roger Johnson, is currently in talks with the DEA about modifying its enforcement policy to make the clear distinction between high-THC content marijuana and non-psychoactive hemp; and

WHEREAS Many farmers view industrial hemp as a versatile and valuable agricultural commodity that will have long-term economic benefits to both the farmers who produce the hemp and the persons who utilize hemp in the production of twine, rope, textiles, paper products, animal bedding, automobile parts, plastics, cosmetics, food, nutritional supplements, body care products, fuels such as biodiesel, ethanol, and butanol, and building materials including plywood, concrete, insulation, and roofing; and

WHEREAS The production of industrial hemp would provide new jobs and promote new industries, in addition to supporting agriculture and agricultural communities, increasing the sustainability of various manufacturers and producers, and improving nutritional content in foods and feed; and

WHEREAS States should support a coordinated approach that includes universities, colleges, and research institutions, law enforcement agencies, and the U.S. Department of Agriculture; and

WHEREAS U.S. sales of hemp food are growing by 50 percent per year; industrial hemp seed prices are good, as conventional seed is priced at \$0.39 to \$0.52 per pound and organic seed at \$0.72 to \$0.87 per pound; and yields are high, such as in Canada, where the average yield is 800 to 1,000 pounds of seed per acre without irrigation and 1,600 to 2,000 pounds per acre with irrigation; and

WHEREAS Industrial hemp is a high-value, low-input crop that is not genetically modified, requires no pesticides, can be dry land-farmed, and uses less fertilizer than wheat and corn; and

WHEREAS Industrial hemp helps meet the demands of a market increasingly concerned about environmental impact by providing nitrogen to the soil, sequestering carbon, and growing without the use of toxic chemicals; and

WHEREAS Industrial hemp provides a practical transition to sustainable agricultural practices and the conservation of precious groundwater resources in the state.

THEREFORE BE IT RESOLVED BY THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS that the inherent sovereignty of Tribes as recognized through historical treaties and legal relationships that exist between Tribal Nations and the United States of America is undeniable; and

BE IT FURTHER RESOLVED THAT THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS urges the United States Congress to:
(1) Recognize industrial hemp as a valuable agricultural commodity; (2) Define industrial hemp in federal law as a non-psychoactive and genetically identifiable species of the genus *Cannabis*; (3) Acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and (4) Assist U.S. producers by removing barriers to state regulation of the commercial production of industrial hemp.

Sponsored by: Sen. Suzanne Williams (CO)

Approved date is: June 25, 2010

Committee of Jurisdiction:

Certified by Committee Chair:

Certified by Caucus Chair: Rep. John McCoy (WA)

Ratified certified by: The NCNASL, June 25, 2010

Distribution List: President
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