

# **FAQs Regarding Alaska's Industrial Hemp Pilot Program**

**June 15, 2018**

In April 2018, Governor Walker signed into law Senate Bill 6, regarding the establishment of an industrial hemp program in Alaska ([Chapter 5, SLA 2018](#)). Additional requirements still need to be met before industrial hemp may be grown, marketed, or sold in Alaska.

## **What is the purpose of the State of Alaska Industrial Hemp Pilot Program?**

The new law authorizes the Alaska Department of Natural Resources (DNR), through the Division of Agriculture, to create an Industrial Hemp Pilot Program to research the growth, cultivation, and marketing of industrial hemp. The purpose of the pilot program is to increase the knowledge of how industrial hemp production, cultivation, and marketing may increase agricultural production in Alaska and contribute to our economy.

## **What is the status of the pilot program?**

With the enactment of the new law, [Ch. 5, SLA 2018](#), DNR is authorized to create and administer an industrial hemp pilot program to study the growth, cultivation, and marketing of industrial hemp in Alaska. DNR is working with the Alaska Department of Law to develop regulations necessary to implement this program. Until the final regulations are adopted, the pilot program will not be in place and any growth, production, cultivation, marketing, or sale of industrial hemp remains illegal.

## **Will interested parties get to participate in the regulation process?**

Yes. Once regulations for the pilot program are drafted, they will be published on the [State of Alaska Online Public Notices website](#) and the [Division of Agriculture's Public Notices](#) webpage and will be made available for public comment. Interested parties will have time to review and comment on the draft regulations prior to implementation. If you think this new program will affect you, you should read the proposed regulations and submit comments and questions to the contact listed in the public notice, within the time provided.

## **Can I grow industrial hemp in Alaska now?**

No. Industrial hemp cannot be grown, cultivated, or marketed legally in the State of Alaska until regulations to implement the new law are adopted and effective.

## **What is industrial hemp?**

The new law, [Ch. 5, SLA 2018](#), defines industrial hemp as all parts and varieties of the plant *Cannabis sativa* L. containing not more than 0.3 percent of delta-9 tetrahydrocannabinol (THC).

## **What are some commercial uses of industrial hemp?**

According to the Congressional Research Service publication, [Hemp as an Agricultural Commodity](#), published March 10, 2017, hemp is found in 25,000 products in nine submarkets: agriculture, textiles, recycling, automotive, furniture, food and beverages, paper, construction materials, and personal care. Its uses are numerous. Hemp is used in fabrics and textiles, home furnishings, construction and insulation materials, auto parts, and composites. Hemp is used in animal bedding, material inputs, papermaking, and oil absorbents. Hemp can be an alternative food and feed protein source. Oil from the crushed hemp seed is used in soap, shampoo, lotions, bath gels, and cosmetics. Hemp is also being used in nutritional supplements and in medicinal and therapeutic products. Hemp has also been promoted as a potential biodiesel feedstock and cover crop.

## **Is industrial hemp the same plant as recreational cannabis?**

By biological classification, industrial hemp and recreational cannabis are the same plant. They differ from each other only in their content of THC. For the *Cannabis sativa* L. to be considered industrial hemp, it cannot contain more than 0.3 percent THC.

## **What is THC?**

THC is the commonly-used abbreviation for delta-9 tetrahydrocannabinol, one of more than a hundred terpenophenolic, or smell and taste producing compounds, found in cannabis plants. It is the one that is most often associated with producing psychoactive effects – the “high” often associated with cannabis. THC occurs in the vast majority of cannabis strains, although typically it occurs in small amounts in plants cultivated for industrial hemp. Recent testing in other states showed industrial hemp without any identifiable quantity of THC.

## **How do I apply for participation in the Industrial Hemp Program?**

Once regulations for the Industrial Hemp Pilot Program regulations are adopted, interested parties will be able to apply to participate as registrants in the pilot program. Applications will be reviewed and approved by the Division of Agriculture in compliance with statutory and regulatory standards.

## **What types of registrations will be available under the Industrial Hemp Pilot Program?**

An individual registered to participate in the Industrial Hemp Pilot Program may produce industrial hemp. Production is defined at [Ch. 5, SLA 2018](#) as the growing, harvesting, possessing, transporting, processing, selling, and buying of industrial hemp. Currently no determination has been made regarding the types of registration that will be offered under the pilot program, but it is expected multiple types of registration will be offered to coincide with the definition of production.

**Can my registration be renewed?**

Yes. Under the new law, [Ch. 5, SLA 2018](#), registrations are valid for one year. Regulations will address whether registrations follow a calendar year or any other time unit, as well as any requirements for renewal of registration.

**Will there be fees associated with the industrial hemp pilot program?**

Yes. All applicants for registration must pay a fee. The new law, [Ch. 5, SLA 2018](#), requires that the cost of regulating industrial hemp in Alaska be completely covered by those fees. The regulations will address fee amounts.

**May pilot program registrants produce and sell CBD oil extracted from industrial hemp?**

CBD is short for cannabidiol, one of the compounds found in cannabis plants. It can be processed in many different kinds of applications including oils. We expect that so long as CBD is processed from industrial hemp produced by registrants participating in the pilot program, it will be legal for program registrants to sell. However, DNR and the Department of Law will continue to address how changing federal law might restrict legal production of CBD-containing products, even under a pilot program.

**As a registrant of the program, will I be able to grow industrial hemp outdoors, or in a greenhouse?**

Both are contemplated, but where or how industrial hemp may be grown are just two of the many variables of this new industry that DNR will consider while drafting regulations. If you have experience or ideas that you believe may be important to share, you should contact DNR at [industrialhemp@alaska.gov](mailto:industrialhemp@alaska.gov), and once draft regulations are published, participate in the public comment period.

**As a registrant of the pilot program, will I be required to have my industrial hemp or hemp products tested?**

Yes. All industrial hemp grown, harvested, or processed will require testing, paid for by the registrant, to validate compliance with the requirement that it not exceed the 0.3 percent THC threshold.

**Will I have to let State and local law enforcement know I am a registrant of the pilot program?**

A person will be required to show proof of registration upon request; however, the pilot program will provide registrant information annually to the Department of Public Safety and the Alaska Marijuana Control Board.

**Will the production of industrial hemp require fencing, signs, or additional security measures at my farm or production facility?**

Currently we do not envision such measures because industrial hemp is an agricultural product, no different than other agricultural products such as potatoes or carrots. If you believe these kinds of measures are warranted, please share your experience or ideas with DNR via [industrialhemp@alaska.gov](mailto:industrialhemp@alaska.gov). Should these measures be identified as appropriate in proposed regulations, we encourage interested parties to comment during the public comment period.

**Will producing industrial hemp affect my other crop insurance or federal program participation?**

It is the responsibility of prospective industrial hemp producers to check with their federal partners to evaluate if production of industrial hemp will affect their participation, insurance, or involvement with any other programs.

**How may I transport industrial hemp?**

Registrants will be responsible for securing their own methods of transportation. The pilot program will require a transportation certificate prior to any “off farm” transportation of industrial hemp to protect the registrant and provide evidence to law enforcement that the plant is not recreational cannabis and the product was produced under the guidelines applicable to the pilot program.

**May I import industrial hemp at this time?**

DNR will need to apply to the federal Drug Enforcement Agency for approval to import industrial hemp seed. Once DNR has this approval, DNR can provide industrial hemp seed to registrants in the pilot program. There are conflicting federal laws, various interpretations of federal laws, and active lawsuits related to interstate movement of the industrial hemp plant and industrial hemp products at this time. Registration in the pilot program will be required to import industrial hemp. However, even under the pilot program, importation may be restricted.

**Will registrants of the pilot program be eligible for the Division of Agriculture’s Alaska Grown certification program and use of the Alaska Grown logo?**

Yes. Registrants of the pilot program may apply to participate in the Alaska Grown program. Registrants will need to meet the requirements set for by that program.

**Will Industrial Hemp be able to be grown, cultivated, or marketed as “Certified” USDA Organic?**

We believe so. Under guidelines issued by the U.S. Department of Agriculture ([NOP2040](#)) on August 23, 2016, industrial hemp grown under a legal state industrial hemp pilot program may be certified as Organic. Any industrial hemp crop grown organically must follow all the same rules and requirements as any other crop certified in accordance with the USDA National Organic Program.

**Do you have additional questions regarding industrial hemp or the pilot program?**

Please contact the Alaska Industrial Hemp Pilot Program at [industrialhemp@alaska.gov](mailto:industrialhemp@alaska.gov). We intend to update these FAQs as necessary and post them to <http://plants.alaska.gov/industrialhempFAQs.htm>.