

# USDA Proposed Hemp Rules

**By Madison Lisotto Whalen**

Today, the U.S. Department of Agriculture (“USDA”) released the much-anticipated proposed hemp regulations for public comment. The establishment of a U.S. Domestic Hemp Production Program was mandated by Congress in the 2018 Farm Bill, passed in December 2018. An interim final rule formalizing this program will be published in the Federal Register later this week which will become effective upon publication, with a 60 day public comment period to follow.

Included in the [USDA hemp rulemaking documents](#) are a draft of the Interim Final Rule, Sampling Guidelines for Hemp Growing Facilities and Testing Guidelines for Identifying Delta-9 Tetrahydrocannabinol (“THC”) Concentration in Hemp. These documents have been released now in order to provide producers appropriate time to make planning decisions for 2020. The materials set out licensing requirements and testing protocols geared to ensure that hemp is being grown, not marijuana.

Licensed growers will now have access to loans and risk management products, such as crop insurance and protection against state interference of interstate commerce, which are available for other crops. The Agricultural Marketing Service will be providing additional information, resources and educational opportunities regarding participation in the new program.

According to U.S. Secretary of Agriculture Sonny Perdue, these rules provide a “regulatory framework that meets Congressional intent while seeking to provide a fair, consistent and science-based process for state tribes and individual producers who want to participate in this program.”

If you are interested in cultivating or processing hemp, or hemp-derived products, or have questions regarding hemp or cannabis law, please contact anyone on the Roetzel team listed below.

**Sean M. Ellis**  
239.338.4245 | [sellis@ralaw.com](mailto:sellis@ralaw.com)

**Ashley D. Lupo**  
239.649.2736 | [alupo@ralaw.com](mailto:alupo@ralaw.com)

**Nathan Pangrace**  
216.615.4825 | [npangrace@ralaw.com](mailto:npangrace@ralaw.com)

**Daniel G. Rohletter**  
614.723.2003 | [drohletter@ralaw.com](mailto:drohletter@ralaw.com)

**Alex Thomas**  
614.723.2038 | [athomas@ralaw.com](mailto:athomas@ralaw.com)

**Madison Lisotto Whalen**  
614.723.2025 | [mwhalen@ralaw.com](mailto:mwhalen@ralaw.com)

**Michael S. Yashko**  
239.338.4249 | [myashko@ralaw.com](mailto:myashko@ralaw.com)

This alert is informational only and should not be construed as legal advice. ©2019 Roetzel & Andress LPA. All rights reserved. For more information, please contact Roetzel’s Marketing Department at 330.762.7725