

Proposed Rules on Hemp Cultivation and Processing in Ohio

By Madison Lisotto Whalen

Ohio Senate Bill 57 (“SB 57”) was signed into law on July 30, 2019 and legalized the cultivation and processing of hemp in the state. This followed the 2018 Farm Bill, signed into law December 20, 2018, which decriminalized hemp on the federal level. Hemp is a desirable crop due to the versatile uses for hemp, potentially high profit margins, and environmentally friendly status when compared to other crops. The Ohio Department of Agriculture (“Department”) has issued proposed rules regarding hemp cultivation and processing.

Among other provisions, the proposed rules:

- Establish a licensure requirement, and required fees
- Establish the application submission process and criteria, including basic identifying information, global position system coordinates, and any other information deemed necessary by the Department
- Describe the criminal background check process required
- Outline land use restrictions for licensed cultivators and processors, including minimum acreage requirements and restrictions on planting near schools, parks, and residential areas
- Establish the sampling procedure used by the Department to verify compliance with the less than or equal to 0.3% THC requirement and sets out procedure to destroy noncompliant hemp
- Outline the reporting and recordkeeping requirements
- Outline the enforcement actions the Department can take for violations
- Establish financial responsibility requirements for licensed processors
- Require that hemp products, prior to being offered for sale, be tested in accordance with the rule. The rule outlines the particular contaminants to be tested for, as well as, cannabinoid potency. The rule provides an exception for hemp products made exclusively from fiber and hemp seed products.

Currently, licenses to grow hemp are not available, but the Department’s goal is to have farmers licensed and able to plant hemp crops by spring 2020. The Department will be accepting comments regarding the proposed hemp rules until October 30, 2019.

If you would like more information on this or other aspects of the hemp or cannabis industries, please contact any of the listed attorneys.

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