The latest hemp laws state-by-state: May 2019

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Hemp Legally Speaking

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Hemp growth programs took root in four different states, expanded in two states, and legislation awaits the governor's signature in another state in the month of May. The Transportation Security Administration (TSA) also approved a policy permitting hemp-derived products on airplanes so long as they meet the 2018 Farm Bill's requirements. Still, there were a few setbacks as officials in Georgia, Hawaii, Iowa, and Virginia adhere to onerous FDA guidance. Below is a review of the latest changes in the hemp listed by state.

CONNECTICUT

Established a hemp growth program. The new law explicitly permits the retail sale of hemp, defined by the 2018 Farm Bill, and hemp products. The new law also excludes hemp from Connecticut's definitions of cannabis-type substances and marijuana, but appears to still classify CBD as a controlled substance.

FLORIDA

Passed legislation expanding its hemp growth program to explicitly allow the retail sale of hemp-derived CBD and remove hemp, defined by the 2018 Farm Bill, from the definition of cannabis. The new law will require that hemp-derived CBD products be labeled with QR codes or website URLs. Those labels must link to web-based certificates of analysis which specify several product features, including THC levels. Governor Ron DeSantis is expected to sign the legislation soon.

GEORGIA

Established a hemp growing program. State law defines hemp using the 2018 Farm Bill and exempts hemp and hemp-derived products from scheduled control. Still, a very confusing provision bans "food products infused with THC" unless approved by the U.S. Food and Drug Administration (FDA). Georgia leaders claim this provision only

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applies to high-THC marijuana edibles but have not provided a legislative fix. Additionally, the Georgia Agriculture Commissioner, apparently relying on the FDA's guidance, issued guidance stating including CBD in food or dietary supplements is unlawful.

HAWAII

The Department of Health (HDH) declared the "interstate sale and distribution of cannabis-derived products including products containing CBD is illegal" when sold without a prescription and outside a licensed medical cannabis dispensary. The advisory also states that the HDH intends to regulate cannabis-derived products, including products containing CBD, "consistent with the approach of the [FDA]."

IOWA

Established a hemp growing program. The new law defines hemp using the 2018 Farm Bill and removes hemp and hemp products from the definition of marijuana. The law legalizes the retail sale of hemp products, so long as the hemp in the product complies with federal law, and provides that adding hemp to a cosmetic, personal care, or food product does not cause the product to be adulterated. Nonetheless, Governor Kim Reynolds insisted that the bill does not legalize the retail sale of CBD. According to the governor, because the FDA does not classify CBD as a food or dietary supplement, it would be a violation of federal law to permit CBD to be sold for such purposes.

NEBRASKA

Passed legislation expanding its hemp program and explicitly exempting hemp and hemp products from the state's controlled substances act. However, there are no explicit protections for the retail sale of CBD and there is a considerable concern that law enforcement actions against such products could continue.

NEW JERSEY

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The legislature is considering companion bills – A5322/S3686 – based on the U.S. Hemp Roundtable's Model State Act. They are before committees and, if enacted, would explicitly protect the retail sale of hemp-derived CBD.

OKLAHOMA

Approved the retail sale of hemp-derived CBD. In doing so, it becomes the first state to require CBD product labels declare the cannabidiol's country of origin and whether the cannabidiol is natural or synthetic.

TEXAS

Recently passed a hemp growth program providing robust protection for hemp products like CBD and including labeling and retailer registration requirements. As Texas leads the nation in a number of farms and ranches—248,800, totaling more than 130 million acres—it will undoubtedly be a huge player in the nation's hemp industry.

VIRGINIA

The Department of Agriculture and Consumer Services issued guidance that Virginia's food safety regulations prohibit the introduction in interstate commerce of any food or dietary supplement containing CBD, including hemp-derived CBD.

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