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

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The U.S. Department of Agriculture (USDA) released its interim final rule for the U.S. Domestic Hemp Program on Oct. 29, 2019, sending a signal to financial institutions that hemp and CBD markets are legal and open for business. The rule affirmed that hemp and hemp products may freely enter the stream of interstate commerce and created flexibility in the hemp testing process through its "measurement of uncertainty." However, the rule also provided some cause for concern by promulgating restrictions that could harm the industry. For example, the rule requires "hot hemp" to be destroyed, as opposed to being reused on the farm, and places drastic limitations on the eligibility of testing labs while setting an arbitrary 0.5% THC threshold for negligent violations. Thankfully, the USDA is open to improving the rule and is accepting formal comments until Dec. 30, 2019. Frost Brown Todd's Hemp Industry Team Chair Jonathan Miller explains the interim final rule in more detail in this webinar.

Arkansas

Arkansas passed final rules that explicitly authorize the retail sale of hemp-derived CBD, making it the first state to do so through regulations.

Florida

Florida published its draft rules for the state hemp program.

Idaho

The Idaho Board of Pharmacy issued a statement in October 2019 cautioning pharmacies against possessing or selling hemp-derived CBD products. The board warned that manufacturers' claims that products are 100% THC free may not protect licensees from criminal, civil, or administrative penalties.

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On November 19, 2019, Governor Brad Little issued an executive order authorizing the transportation of hemp through Idaho if transporters follow certain procedures.

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