

**North Carolina Industrial Hemp Commission Resolution  
Regarding the Reclassification of Smokable Hemp  
as a Class Six Controlled Substance, Marijuana**

**Whereas**, The North Carolina General Assembly, House Finance and Judiciary Committees voted on or about July 17, 2019 to classify smokable hemp as a controlled substance, by including smokable hemp in the definition of marijuana;

**Whereas**, the United States Congress with the President's signature, enacted the 2018 Agricultural Improvement Act (Farm Bill), which included provisions to remove hemp and its products from being a Schedule 1 Drug under the Controlled Substances Act;

**Whereas**, The North Carolina Industrial Hemp Commission, previous North Carolina General Assemblies, and the North Carolina Department of Agriculture and Consumer Services have endeavored to comply with Federal Law in all respects;

**Whereas**, The United States Department of Justice has solicited and begun evaluation of field test kits to determine their utility for identifying commonly found illegal marijuana for assistance in establishing probable cause, and has indicated in correspondence that one or more appear to be acceptable for their purposes;

**Whereas**, The State of North Carolina through its establishment of a Hemp Pilot Program in 2015, and the formation of an appointed Industrial Hemp Commission, has established a licensing framework for the cultivation and marketing of hemp and its products;

**Whereas**, The 2019 hemp crop in North Carolina was planted under a statutory and regulatory framework in which all products of hemp legally cultivated in the program have never been previously questioned to be illegal by Federal or State law enforcement;

**Whereas**, A shift in the law now by criminalizing smokable hemp will create market instability and leave North Carolina farmers insufficient time to find new markets for their crops;

**Whereas**, The Industrial Hemp Commission believes that the amendments as made by the House Finance and Judiciary Committees, if passed, would seriously threaten the ability of farmers obtaining crop insurance and financial lending for hemp and limit the opportunities for growth of the industry;

**Whereas**, It is law enforcement's duty to adapt to changes in the law at both the Federal and State level, and;

**Whereas**, A ban on a portion of a crop which has been deemed by the Federal law to be legal in its entirety would likely result in costly litigation against the State of North Carolina to defend its actions by the General Assembly and the taxpayers of North Carolina, therefore;

**Be it Resolved**, The North Carolina Industrial Hemp Commission requests that the General Assembly enact legislation that does not classify hemp or any legally produced hemp product as marijuana; and further

**Be it Resolved**, That the North Carolina Industrial Hemp Commission requests the General Assembly enact legislation which:

1. Directs the North Carolina State Bureau of Investigation, in consultation with the United State Department of Justice, the North Carolina Department of Agriculture and Consumer Services, and the industry to develop and implement a field test kit which can reasonably determine the presence of marijuana;
2. Gives the North Carolina Alcoholic Beverage Control (ABC) Commission authority to seize and test smokable hemp possessed or offered for sale and enforce charges relevant to marijuana laws if tested above the legal tetrahydrocannabinol (THC) limit for hemp;
3. Requires licensure of all retailers selling smokable hemp by the ABC Commission;
4. Allows the ABC Commission to set fees around the licensure requirements and seizures and authorize the expenditure of revenue generated from such fees to purchase equipment for testing THC levels in smokable hemp products and for personnel necessary to implement this program;
5. Establishes an 18-year old minimum age limit to purchase or possess smokable products; and
6. Provides for enforcement of an open container law for smokable hemp in public places and vehicles.

**Be it Resolved**, That the Industrial Hemp Commission will cause this resolution to be brought to the attention of the North Carolina General Assembly and appropriate committees for consideration.

*Resolved by the North Carolina Industrial Hemp Commission on July 23, 2019, by a vote of 5 to 2.*

**N.C. Industrial Hemp Commission**

Dr. Tom Melton, Chair      Dr. Sandy Stewart, Vice-Chair  
Guy Carpenter      Chief Tony Godwin      Billy McLawhorn  
Sherriff Tim Manning      Fen Rascoe      Pat Short      Dr. Guochen Yang