

7 U.S.C.

United States Code, 2020 Edition

Title 7 - AGRICULTURE

CHAPTER 88 - RESEARCH

SUBCHAPTER VII - MISCELLANEOUS RESEARCH PROVISIONS

Sec. 5940 - Legitimacy of industrial hemp research

From the U.S. Government Publishing Office, www.gpo.gov.

§5940. Legitimacy of industrial hemp research

(a) Definitions

In this section:

(1) Agricultural pilot program

The term "agricultural pilot program" means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and

(B) in a manner that—

(i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;

(ii) requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and

(iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

(2) Industrial hemp

The term "industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(3) State

The term "State" has the meaning given such term in section 1639o of this title.

(4) State department of agriculture

The term "State department of agriculture" means the agency, commission, or department of a State government responsible for agriculture within the State.

(b) Industrial hemp research

Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

(1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and

(2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

(c) Study and report

(1) In general

The Secretary shall conduct a study of agricultural pilot programs—

(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

(B) that shall include a review of—

(i) each agricultural pilot program; and

(ii) any other agricultural or academic research relating to industrial hemp.

(2) Report

Not later than 12 months after December 20, 2018, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).

(Pub. L. 113–79, title VII, §7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114–95, title IX, §9215(f), Dec. 10, 2015, 129 Stat. 2166; Pub. L. 115–334, title VII, §7605(a), Dec. 20, 2018, 132 Stat. 4828.)

REPEAL OF SECTION

For repeal of section by section 7605(b) of Pub. L. 115–334, see Effective Date of Repeal note below.

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (b), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334, §7605(a)(1), redesignated subsec. (b) as (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3), (4). Pub. L. 115–334, §7605(a)(2), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b). Pub. L. 115–334, §7605(a)(1), (3), redesignated subsec. (a) as (b) and substituted "Industrial hemp research" for "In general" in heading. Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 115–334, §7605(a)(4), added subsec. (c).

2015—Subsec. (a). Pub. L. 114–95 struck out "the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.)," before "chapter 81" in introductory provisions.

EFFECTIVE DATE OF REPEAL

Pub. L. 115–334, title VII, §7605(b), Dec. 20, 2018, 132 Stat. 4829, as amended by Pub. L. 116–159, div. A, §122, Oct. 1, 2020, 134 Stat. 714; Pub. L. 116–260, div. A, title VII, §782, Dec. 27, 2020, 134 Stat. 1230, provided that: "Effective on January 1, 2022, section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed."

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.