Support Growing for a Revival of Industrial Hemp in Kentucky

By: Steven Middleton, Staff Member

Over the past year, Kentucky Commissioner of Agriculture Jamie Comer and Kentucky Senator Rand Paul have expressed support for reviving the Kentucky hemp industry, and the two have committed to work to legalize hemp in Kentucky while seeking to obtain federal permission to grow hemp.[1] Currently, a bill allowing Kentucky farmers to grow hemp is awaiting a hearing before the Agricultural Committee in the Kentucky Senate.[2] Bringing hemp back will be a two step process, as the Kentucky General Assembly will first need to legalize the cultivation of hemp, and then the
federal government will need to issue a permit giving Kentucky permission to grow hemp.\[3\] Such permits are subject to extensive regulation by the DEA.\[4\] The issue will ultimately be decided by weighing the two main consequences of industrial hemp, which are providing additional farming and manufacturing jobs in Kentucky and the difficulties law enforcement will face in distinguishing hemp from its more notorious cousin, marijuana.

Kentucky was once the center of hemp production in the United States.\[5\] Now, it is time for Kentucky to assume this position again. Hemp can be used for clothing fibers, paper, cosmetics, and other products.\[6\] While there is uncertainty about how many jobs would result from hemp production, it is clear that with high unemployment rates, government should move out of the way and allow the private market to create as many jobs as possible, even if it is only a handful. Despite these benefits, hemp has met opposition from law enforcement agencies.\[7\] Hemp and marijuana come from the same species of plant but are different genetically, and are distinguished by their levels of tetrahydrocannabinol (THC).\[8\] This has led the Chief of the Kentucky State Police to argue that since it is very difficult to differentiate between hemp and marijuana when they are being grown, it would make law enforcement’s task in distinguishing the two nearly impossible, especially when being observed from a helicopter.\[9\]

While it seems clear that there would be difficulties in regulating hemp and keeping it separate from marijuana, the economic benefits of industrial hemp have to win out in this tough economy. Law enforcement will simply have to adjust. The Kentucky General Assembly should allow for a revival of a crop that Kentucky used to be proud of, and Congress should strongly consider making it easier for states to cultivate hemp in a responsible way.

-----------------------------


[5] Id.

[6] Id.


[9] Schreiner, supra note 7.