UK Successfully Harvests First Legal Hemp Crop

By: Elyse Watkins, Staff Member

After years of legislative consideration, the University of Kentucky (“UK”) recently harvested its first legal hemp crop under the Industrial Hemp Program. In September, UK yielded ten-foot stalks at Spindletop Farm in Lexington, Kentucky. The harvest marked Kentucky’s first legal hemp harvest in seventy years.

UK planted the hemp in conjunction with the Kentucky Department of Agriculture (“KDA”) under the Industrial Hemp Program (“Program”) established by the Federal Farm Bill. The KDA’s Program is the result of two laws: The Federal Farm Bill and Senate Bill 50. The Farm Bill allows state agricultural departments to administer industrial hemp pilot programs, together with universities, in states that have legalized industrial hemp for the purposes of research and development. Senate Bill 50 removed industrial hemp from Kentucky’s controlled substance act, encouraging trans-disciplinary research pertaining to the cultivation of industrial hemp, while maintaining that Kentucky follow all federal rules and regulations with respect to industrial hemp.

Initially, the KDA is administering five pilot programs in different areas of the state, each with a distinctive research objective and university affiliation. The first pilot program, located in eastern Kentucky, will focus on the cultivation of Kentucky Heirloom hemp in affiliation with Kentucky State University. The second, affiliated with Murray State University, will cultivate European hemp in order to study hemp fiber in Western Kentucky. The third pilot program, affiliated with the University of Louisville, will concentrate on the detoxifying and environmental effects of industrial hemp on an urban brownfield. The fourth, in central Kentucky, is linked with both UK and Eastern Kentucky University, and will focus on the basic agricultural

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issues involved in the production of industrial hemp. Finally, the fifth pilot program is affiliated with UK and will focus on cultivating cannabinoids for medical research purposes in eastern Kentucky. The KDA is seeking to expand the number of growers and is pursuing processors.

Although the purpose of the industrial hemp program is to promote the research and development of markets for Kentucky's industrial hemp and hemp products, the state continues to lack jurisdiction over many factors that hemp producers will face. The abolition of state laws banning industrial hemp conflicts with federal law, which considers any and all cannabis varieties as Schedule I controlled substances under the Controlled Substances Act.

Moving forward, the law remains unclear because the crop is still illegal under federal law, despite Kentucky's legalization of industrial hemp production. In response to this ambiguity, the KDA will work with Kentucky's Attorney General to pursue a blanket waiver from the Drug Enforcement Administration to allow Kentucky producers to grow industrial hemp for commercial purposes.

Considering that the goal of these pilot programs is to move the new hemp industry forward while working to achieve independence for farmers to pursue the production of industrial hemp in a free and open market it is imperative to remove the existing conflict between state and federal law. Currently, there is legislation filed in both houses of Congress to exclude "hemp" from the legal definition of marijuana: House Resolution 525 and Senate Bill 359. Despite the ongoing conflict, Kentucky will continue to harvest hemp through its five pilot programs in an effort to explore its many benefits.

[viii] Industrial Hemp Program, supra note 4.
[ix] Id.
[x] Id.
[xi] Id.
[xii] Id.
[xiii] Id.
[xiv] Industrial Hemp Program, supra note 6.
[xv] Id.
[xvi] Id.
[xvii] Id.
[xviii] Id.