

113TH CONGRESS
1ST SESSION

S. 359

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. WYDEN (for himself, Mr. PAUL, Mr. McCONNELL, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Industrial Hemp
5 Farming Act of 2013”.

6 **SEC. 2. EXCLUSION OF INDUSTRIAL HEMP FROM DEFINI-**
7 **TION OF MARIHUANA.**

8 Section 102 of the Controlled Substances Act (21
9 U.S.C. 802) is amended—

1 (1) in paragraph (16)—

2 (A) by striking “(16) The” and inserting

3 “(16)(A) The”; and

4 (B) by adding at the end the following:

5 “(B) The term ‘marihuana’ does not include in-
6 dustrial hemp.”; and

7 (2) by adding at the end the following:

8 “(57) The term ‘industrial hemp’ means the
9 plant *Cannabis sativa* L. and any part of such plant,
10 whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than
12 0.3 percent on a dry weight basis.”.

13 **SEC. 3. INDUSTRIAL HEMP DETERMINATION BY STATES.**

14 Section 201 of the Controlled Substances Act (21
15 U.S.C. 811) is amended by adding at the end the fol-
16 lowing:

17 “(i) INDUSTRIAL HEMP DETERMINATION.—If a per-
18 son grows or processes *Cannabis sativa* L. for purposes
19 of making industrial hemp in accordance with State law,
20 the *Cannabis sativa* L. shall be deemed to meet the con-
21 centration limitation under section 102(57), unless the At-
22 torney General determines that the State law is not rea-
23 sonably calculated to comply with section 102(57).”.

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