

March 23, 2020

The first step toward legalizing hemp in Ohio has been taken. The USDA [recently approved](#) the State of [Ohio's hemp production plan](#). Senate Bill 57 was signed into law, decriminalizing hemp and paving the way for the development of a new industry in our state. The rules went into effect on Wednesday, January 29, 2020. The Ohio Department of Agriculture (ODA) regulations and requirements can be found at:

<https://agri.ohio.gov/wps/portal/gov/oda/divisions/hemp-program/resources/hemp-program>
<http://codes.ohio.gov/oac/901%3A14-1>

The following information, provided in question and answer style, is meant to assist campus researchers and administrators in understanding the requirements for conducting research with hemp and hemp derivatives and for research purposes. Explicit guidelines are outlined in the [ODA State Hemp Production Plan](#) that OSU-CFAES must adhere to.

Who should researchers consult prior to conducting research with industrial hemp?

The CFAES Office for Research and Graduate Education will serve as the point of contact for hemp-related research questions. Research projects will need registered with kaser.37@osu.edu prior to initiation with ODA. In addition, researchers may wish to seek practical advice from the CFAES Office of Environmental Health and Safety and OSU Office of Research (e.g., Office of Research Compliance, Office of Sponsored Programs, etc.).

How do I register through the university in order to participate in the state program?

To register through CFAES, email your intent and contact information to kaser.37@osu.edu. Provide a brief description of the research project, a designation of the location hemp, and designation of the source of the hemp. Once this is reviewed you will receive a letter of support to include with your ODA application.

ODA Application requirements:

The Ohio Department of Agriculture began accepting applications from potential hemp cultivators, processors, and researchers on March 3, 2020. ODA will work as quickly as possible to process applications. The application process can be accessed online. The response time will depend on:

- the completeness of the application
- the number of applications received - they will be reviewed in the order received
- the completion and return time of a background check

To apply for a research license, you must first:

- [Create an OH|ID account](#) - When applying for a hemp license, the OH|ID account created must be in the name, email, and phone number of the: individual applicant, principal researcher, and/or the individual who is authorized to sign on behalf of the business
- If you need assistance, detailed [instructions for creating a new OH|ID log-in](#) are available online
- Once your account has been created, sign into your new OH|ID account
- After you have signed into your OH|ID account, close that tab, then return to this page
- [Then click here to apply](#)

Send a PDF document of the completed application to the CFAES Office for Research & Graduate Education
To the attention of Lori Kaser, kaser.37@osu.edu

An inspection of the site may be required to complete the application. ODA anticipates this will take a few weeks and will make every effort to perform these inspections in a timely manner. If you have any questions, please reach out to the Ohio Department of Agriculture Hemp Program at 614.728.2101 or email to hemp@agri.ohio.gov.

Questions about Industrial Hemp Research

The 2018 Farm Bill prohibits participation in hemp cultivation by anyone with a felony conviction related to controlled substances within the last 10 years. What does this mean for CFAES researchers?

The 2018 Farm Bill prohibits any person convicted of a felony related to a controlled substance under State or Federal law to participate in a hemp cultivation program for 10 years following the date of conviction. Researchers and their lab members are required to complete a BCI Background check to ensure that individuals who will participate in the cultivation aspect of a University research protocol, on or off campus, do not have such felony convictions.

How to do I get a background check completed?



The BCI background checks can be performed at OSU through Human Resources (HR) at their main office at 1590 N. High (Suite 300), by appointment. Their website details what is required, which includes a fingerprint consent. This fingerprint consent form does allow for the payment of the \$37.70 fee to be charged through an eRequest and departmental billing.

<https://hr.osu.edu/services/background-checks/>

<https://hr.osu.edu/wp-content/uploads/form-background-check-fingerprint-consent.pdf>

Background check fees are the responsibility of the department or may be included per the contract of a grant or business/industry contract.

Can I grow or process hemp, or engage in manufacturing with hemp at OSU-CFAES without registering?

No. Growing hemp, processing hemp, or engaging in manufacturing with hemp by an individual as part of their University responsibilities or position, as part of a University program, or in University facilities or on University land must register with the through state of Ohio and the University.

ODA must approve all growing sites. With prior approval hemp can be cultivated all over Ohio. For specific rules on where hemp can be grown, [click here](#).

Hemp can be cultivated through clones or seeds. Clones can be obtained from a licensed greenhouse or processor. Seeds can be purchased from agricultural businesses. (All purchases are to be initiated by the CFAES Office for Research and Graduate Education.)

Can OSU-CFAES researchers grow industrial hemp for research purposes?

Yes, but this requires registering through CFAES, and receiving prior approval from the Ohio Department of Agriculture.

How do I obtain hemp seed or clones for growing?

Seeds and clones are available from multiple domestic and international sources. You can order seed or clones after you receive your license. You must transport and store seeds and clones in a secure manner. [Click here for general information on the importation of hemp seeds and plants.](#)

Companies distributing seed in Ohio must be licensed as a Seed Labeler in Ohio and ensure compliance with the seed labeling rules. Seedlings or clones should be sourced from a reliable grower that is licensed to produce hemp under the USDA plan or a state-approved plan. (Check with R&GE for a list of seed labels.)

All requests for purchases must be pre-approved and processed by the CFAES Office for Research and Graduate Education.

Are there any shipping requirements for mailing hemp and hemp-derived CBD products?

Yes. The United States Postal Service (USPS) recently issued an updated policy for mailing hemp and hemp-derived CBD products. The USPS says that to comply, products made from industrial hemp may be mailed if they are grown in accordance with the requirements of the 2014 Farm Bill, including that the THC concentration is not higher than 0.3%. The USPS notes that once the 2018 Farm Bill is fully implemented, they expect to further modify the conditions under which hemp and hemp-based products may be transported. [Additional information about this USPS update can be found in Postal Bulletin 22521.](#)

Do researchers need a Schedule I DEA registration to conduct research with industrial hemp?

No. The 2018 Farm Bill makes it clear that hemp and hemp derivatives are no longer categorized as a Schedule I Controlled Substance, so conducting research with hemp and hemp derivatives does not require a DEA Schedule I registration or State of Ohio Board of Pharmacy Terminal Distributor of Dangerous Drugs license.

Are there any prohibited hemp varieties?

The Ohio Department of Agriculture (ODA) is providing publicly available information from our neighboring states to help cultivators in Ohio make informed decisions when selecting hemp varieties for 2020. For the 2020 growing season there are no prohibited hemp varieties in Ohio. ODA encourages cultivators to do their research to ensure that the variety that they select is equal to or below 0.3% Total THC.

ODA encourages cultivators to review the prohibited variety lists from [Kentucky](#) and [Pennsylvania](#) and the Official Sample Results from [Indiana](#) and [Michigan](#). Although currently there isn't any prohibited hemp varieties, it is likely that Ohio will soon adopt a similar prohibited variety list.

Entering into an agreement for purchase or hemp work

Individual CFAES researchers are not authorized to enter into agreements on behalf of the University and must work with their appropriate authorized campus office if they are contemplating agreements with hemp companies.

Industrial Hemp - Regulatory and Statutory Background

Industrial hemp is a variety of the *Cannabis sativa* L. plant that contains no more than 0.3 percent concentration (on a dry weight basis) of the psychoactive compound delta-9-tetrahydrocannabinol (THC). Traditionally, industrial hemp has been used for manufacturing purposes rather than any psychoactive or therapeutic effects.

In December 2018, [Congress passed the Agricultural Improvement Act of 2018](#) (commonly known as the 2018 Farm Bill), legalizing hemp production pursuant to [United States Department of Agriculture \(USDA\)](#) regulations. Prior to the 2018 Farm Bill, industrial hemp was included within the federal Controlled Substances Act definition of marijuana as a Schedule I drug and under the purview of the Drug Enforcement Administration (DEA). The 2018 Farm Bill amended the federal [Controlled Substances Act](#) to exclude hemp and hemp derivatives from the definition of marijuana. Thus, industrial hemp is no longer a Schedule I Controlled Substance. Nevertheless, hemp research must be conducted in compliance with both federal and State of Ohio law and regulations.

Applicable federal law currently includes the [2014 Farm Bill](#) (which, under Section 7606, allows research cultivation of hemp by a state Department of Agriculture that has established a research Pilot Program or a University), the 2018 Farm Bill (which allows for hemp cultivation pursuant to USDA regulations), FDA regulations (applicable to products intended for human or animal consumption and to interstate commerce of such products) and USDA regulations. Note that Section 7606 of the 2014 Farm Bill will be repealed one year after the date on which USDA establishes a plan to monitor and regulate hemp production under Section 297C of the Agricultural Marketing Act of 1946. Once Section 7606 is repealed, university production of hemp will be governed by the 2018 Farm Bill.

Specific to USDA regulations, hemp may only be cultivated by entities operating in a state that has received USDA approval for its state plan, or, in the absence of such a state plan, by a grower that has applied for and obtained a license directly from the federal USDA. USDA has approved a few state regulatory plans now including Ohio, Louisiana and New Jersey.