



Dear Law Enforcement Agency,

The 2018 Farm Bill legalized hemp at the federal level on December 20, 2018. The purpose of this letter is to explain that is currently legal to ship hemp interstate, regardless of whether the hemp was produced under *either* the 2014 Farm Bill or the 2018 Farm Bill. The applicable statutes and relevant USDA guidance are as follows:

2018 Farm Bill Interstate commerce provision: SEC. 10114. Interstate commerce:

*(b) Transportation of hemp and hemp products.—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.*

Agricultural Marketing Act provision: Subtitle G—Hemp Production. SEC. 297B(f)

*(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—*

*(1) for which the State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 297C or other **Federal laws** (including regulations); and*

*(2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.*

Section 10114(b) of the 2018 Farm Bill requires states to allow the transportation of hemp through State or Tribal territory. According to the memorandum prepared for the Secretary of Agriculture, this section preempts state laws whenever they prohibit the interstate transportation or shipment of hemp that has been produced “in accordance with subtitle G of the Agricultural Marketing Act of 1946 (AMA).”

Under legal guidance released by USDA, issued on May 28, 2019, state laws prohibiting the transportation of hemp produced under the 2014 Farm Bill are also preempted by Section 10114(b) because the 2014 Farm Bill is encompassed in the phrase “other Federal Laws” found section 297B(f) of Subtitle G of the AMA. Therefore, any hemp produced under the 2014 Farm Bill is produced “in accordance with Subtitle G” and protected by the state law preemption created by Section 10114(b).

Additionally, the USPS has issued guidance **expressly permitting the shipment of hemp through the mail** if three acceptance criteria are met. These criteria are the inclusion of (1) a self-certified statement that the supporting documents are accurate and truthful, (2) a copy of the license issued to the hemp producer by the State’s Department of Agriculture, and (3) lab reports showing a delta-9 THC concentration of not more than 0.3%.

Under the authority of the above federal statutes, it is legal under U.S. Federal law for my client to ship hemp interstate.

Sincerely,

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