

I have three very important items this week. First, we need an ASCLD member to serve on the ABC certification examination committee. Second, we wanted to provide you with some information on the Agricultural Improvement Act of 2018 which has some implications for controlled substance labs dealing with marijuana and hemp. We are hearing that the Governor's Offices and others are reaching out to labs to determine how to best implement this legislation and the ASCLD Board wanted you to have some information as you create your briefing packets and have discussions. We also are looking at webinars and other ways to get information to you on this important topic. More information will be forthcoming. Finally, we wanted you to be aware of the "Train the Director" webinar series presentation this week on digital evidence. It will be another excellent presentation by ASCLD members.

### *ABC Examination Committee Opening for ASCLD Member*

ASCLD thanks Marie Samples for representing us on the ABC Examination Committee since 2013, most recently as Chair of the Committee. As Marie moves on to new opportunities, we are looking for members who are interested in representing ASCLD on the Examination Committee. The ABC Examination Committee prefers candidates to have a wide breadth of knowledge; this would be someone who has working in more than one discipline during his or her career. Participation in this committee is volunteer and would require approximately 5 hours of work per week and a monthly one hour teleconference. Those interested in being considered as the ASCLD Representative to the ABC Examination Committee should contact [office@asclد.org](mailto:office@asclد.org).

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### *Federal Farm Bill of 2018 and Impact on Forensic Science Laboratories*

#### Industrial Hemp and its Impact to Forensic Laboratories

The Agricultural Improvement Act of 2018 was signed into law by President Trump on December 20, 2018. Among other items, it established a legal framework for the legal production of hemp in the United States.

"Hemp" in the Act is defined in Section 297A(1) as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis." Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) was amended to exclude hemp from the term "marihuana" and the tetrahydrocannabinols in hemp from the definition of "tetrahydrocannabinols" in Schedule I of the Controlled Substances Act (21 U.S.C. 812(c)). (Sec. 12619)

States that wish to permit the production of hemp can obtain primary regulatory authority by submitting their regulatory plan to the Secretary of Agriculture. The regulatory plan would be submitted through the state department of agriculture, after consultation with the Governor and chief law enforcement officer for the state. A state plan to regulate the production of industrial hemp must be approved within 60 days of receipt. If disapproved, the state can submit an amended plan to bring it into compliance with the law's requirements.

A state can further restrict the cultivation of industrial hemp, or it may prohibit its cultivation altogether. Sections 297B(a)(3) and 297B(f)(2). However, a state cannot prohibit the transportation of legally cultivated hemp through the state in interstate commerce. (Section 10114)

If those states that do not submit a plan for approval and do not prohibit the cultivation of hemp altogether, the Department of Agriculture (FDA) will develop a plan to permit the production of hemp. The FDA will promulgate regulations to establish the process to license hemp producers in those states. It would be unlawful to produce hemp in those states unless the producer has a license issued by the Secretary of Agriculture.

#### Impact:

With these new definitions, the potential exists where in order to prove that a material is in fact “marihuana,” a quantitative determination of the percentage of delta-9-tetrahydrocannabinol would be required to differentiate it from hemp. This would add significant time to the analysis of suspected marihuana and have a drastic impact on laboratory seized drug sections.

Some states that currently have statutes in place permitting the production of hemp continue to include hemp in the definition of marijuana, unless it is possessed by a licensed or registered individual. If an individual who does not have a license or registration possesses plant material from the cannabis sativa L. plant, that plant material would then meet the statutory definition of marijuana without determining the level of tetrahydrocannabinols in the plant material. Some states have also created affirmative defenses that shift the burden to the individual to prove that he or she is a licensed individual and the plant material meets the definition of industrial hemp through a quantitative analysis of the tetrahydrocannabinols.

Each laboratory should discuss the Agricultural Improvement Act of 2018 and the relevant hemp state code provisions with their Attorney General’s Office.

Resources:

- [Agricultural Improvement Act of 2018](#)
- [National Conference of State Legislatures](#) (This has not been updated with the Agricultural Improvement Act of 2018, but it is helpful to see the different approaches of the states.)
- <https://www.ocj.com/2019/01/the-2018-farm-bill-industrial-hemp-and-what-it-means-for-ohio/>
- <https://www.brookings.edu/blog/fixgov/2018/12/14/the-farm-bill-hemp-and-cbd-explainer/>



***TRAIN THE DIRECTOR WEBINAR SERIES—CONTINUES THIS WEEK***

Due to the overwhelming response to the first season, the FTCoe and ASCLD are pleased to bring you the latest collaborative installment in the *Train the Director Webinar Series*. This expansive series will highlight five different forensic disciplines: Digital Forensics, Fire Debris Analysis, Trace Analysis, Quality Assurance, and Crime Gun Intelligence. The subject matter experts that will be presenting on these topics are champions in their respective fields and will bring valuable information to the forensic community through their detailed and thorough research.

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**Digital Forensics: An Overview for the Laboratory Manager**

**Thursday, January 31, 2019 2:00:00 PM ET – 3:00:00 PM ET**

Speakers: Timothy Scanlan & Stephen Villerie

[Click here to learn more about this webinar and register.](#)

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**Fire Debris Analysis is Not Black Magic!**

**Thursday, February 7, 2019 2:00:00 PM ET – 3:00:00 PM ET**

**Speaker: Carl Chasteen**

[Click here to learn more about this webinar and register.](#)

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**Trace Evidence for the Crime Laboratory**

**Thursday, February 14, 2019 2:00:00 PM ET – 3:00:00 PM ET**

**Speaker: Susan Gross, MSFS**

[Click here to learn more about this webinar and register.](#)

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