

INDUSTRIAL HEMP & MARIJUANA RESEARCH FREQUENTLY ASKED QUESTIONS (FAQs) & GUIDELINES

(July 2017)

Vice President for Research (VPR)

The purpose of this document is to provide answers to frequently asked questions to support WSU administrators, researchers, and employees, as well as communication to the greater (public) community. For any additional questions not answered below, please contact Dan Nordquist, Associate Vice President for Research, at nordquist@wsu.edu.

FAQs:

INDUSTRIAL HEMP RESEARCH

1. Can a WSU researcher perform industrial hemp research in WSU facilities?

Yes. The Federal Agricultural Act (Farm Bill) of 2014 provides for research on industrial hemp **if** that research is approved by the state government. The Washington State Department of Agriculture (WSDA) published [Washington Administrative Code 16-305](#) to enact this program in Washington.

The following conditions **MUST** be met:

- The WSU researcher **must** submit an application and the required fees to participate in the WSDA research pilot program and receive a license before commencing research, including planting of industrial hemp.
- The WSU researcher **must** comply with [RCW 15.120](#), [WAC 16-305](#), [WAC 16-302](#), and [WAC 16-303](#) in conducting this research.
- The WSU researcher **must** include a letter of support from the Office of Research Support and Operations Associate Vice President, Dan Nordquist. To obtain this letter, submit the draft WSDA License Application via the eRex form two weeks in advance of submission to WSDA.
- Note to researchers: [RCW 15.120.020](#) provides that "Processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin, or other preparation for topical use, oral consumption, or inhalation by humans is prohibited."

2. Can a WSU researcher participate in industrial hemp research that is sanctioned by the WSDA outside the internal WSU approval process?

Yes, only **if** the following conditions are met, **and** the WSU researcher assumes the potential risks described below:

- WSU researchers are allowed under WSU policy to participate in WSDA-sanctioned research as long as the WSDA project director (PD) is employed by that agency **and** is doing work authorized

by Washington state law. Possession of cannabis that does not meet the definition of industrial hemp (see FAQ #5), however, even in an agency with a legitimate reason for research, may violate federal law and the researcher must assume that risk.

3. What hemp-based research can be performed at WSU?

Pursuant to a WSDA license, WSU researchers can perform research covered by the WSDA research program goals, including growing industrial hemp grain and fiber, developing a seed certification program, and conducting crop production research. See [WAC 16-305-020](#) for more research possibilities.

4. Are there steps I have to take before engaging in research using actual industrial hemp or industrial hemp-derived materials?

Since research that involves the actual possession of industrial hemp or industrial hemp-derived materials is still relatively new to our university, please contact Dan Nordquist (contact information is provided at the end of this document) before undertaking such research. They can alert you to any issues that may exist. This will also allow WSU to keep track of industrial hemp research being conducted at WSU for our own analysis as well as to respond to frequent inquiries from elected officials and others about research of this nature.

5. What is industrial hemp?

Industrial hemp, as defined by the state of Washington, means all parts and varieties of the genera Cannabis, cultivated or possessed by a grower, whether growing or not, that contain a THC concentration of 0.3 percent or less by dry weight. Industrial hemp does not include plants of the genera Cannabis that meet the definition of *marijuana* as defined in [RCW 69.50.101.2\(4\)](#).

6. Does the Drug Enforcement Administration (DEA) address industrial hemp any differently than marijuana?

The DEA does not make a distinction between hemp and marijuana; all cannabis is considered a Schedule 1 controlled substance at the present time. That said, given the differentiation set forth in the Farm Bill of 2014, the DEA has acknowledged that states such as Washington can establish processes to foster industrial hemp research, and the production, processing and development of industrial hemp products ([SB 6206](#)).

7. What entities can perform research on industrial hemp?

Universities and state departments of agriculture in states such as Washington that have laws in place allowing industrial hemp research are permitted by the federal government to perform such research. The term “State department of agriculture” is defined in the [Agricultural Act of 2014](#) as the agency, commission, or department of a state government responsible for agriculture within the state.

8. Can one grow industrial hemp in Washington?

Currently, anyone can grow/cultivate hemp in Washington, provided they have been approved for such activity by, and paid the appropriate fees to, the WSDA (See FAQ #1).

9. Can WSU researchers and/or extension agents provide advice and/or assistance to non-university

industrial hemp growers inside (and outside) the state of Washington?

WSU extension agents and faculty may provide advice to Washington farmers who are cultivating industrial hemp under the WSDA registration program. WSU extension agents and faculty, however, may NOT assist cultivators of marijuana, or any entity or individual growing industrial hemp outside of the WSDA registration program.

10. Can WSU researchers perform industrial hemp research in a paid or unpaid sabbatical situation in a foreign country whose laws permit industrial hemp research in any capacity?

Yes.

11. Can WSU researchers use non-WSU subcontractors to grow industrial hemp for research purposes?

Typically, this would not be allowed under the Farm Bill. However, the DEA has represented that if an industrial hemp grower is properly registered with the WSDA and otherwise in compliance with the WSDA requirements, they will be considered as working under the WSDA's authorization and will not face criminal prosecution.

12. Can WSU researchers obtain industrial hemp products from third parties for research or analytical service purposes?

Yes, PROCESSED industrial hemp materials and products that contain a THC concentration of less than 0.3% on a dry weight basis are considered "non-psychoactive hemp," are not subject to the Controlled Substances Act (CSA). Thus, a researcher is permitted to receive and perform research on such processed materials and products from third parties. Check with WSU and WSDA for guidelines on raw industrial hemp material hemp transfers (a fit for commerce certificate issued by the WSDA under [WAC 16-305-130](#) must be obtained by a grower prior to transporting any industrial hemp from the grower's registered land area).

13. Can a WSU grower obtain viable industrial hemp seed from any source?

No. At this time, viable industrial hemp seed should be obtained from the WSDA or a WSDA-approved source.

14. Can WSU researchers perform market/agronomic studies or literature searches about industrial hemp under an externally funded sponsored project?

Yes. Further, if the researcher is dealing with only data collected and is not engaged in research that deals directly with growing plants, pieces, or parts, a WSDA industrial hemp research license is generally not needed.

15. Can WSU researchers perform industrial hemp research funded by industry?

Yes, subject to WSU and WSDA approvals. However, WSU cannot accept funding arising out of the marijuana industry due to federal banking regulations.

16. Are WSU researchers who perform research on industrial hemp or industrial hemp products free to provide those results to the sponsor?

Intellectual assets, including publications, knowledge and licensed rights to resulting intellectual property, may always be provided as it is standard operating procedure for research universities. Industrial hemp and associated materials, other than viable seed at this time, may be provided to the sponsor under most circumstances. Check with WSU and the WSDA for guidelines on raw industrial hemp material transfer regulations.

17. Can WSU license intellectual property rights resulting from industrial hemp research?

Yes, WSU can license out intellectual property rights from industrial hemp research; see FAQ #15 above.

18. Can a WSU researcher who maintains a DEA Schedule 1 registration handle industrial hemp materials falling under the DEA definitions and/or the Farm Bill in the same facility?

Yes, provided that all Schedule 1 rules and protocols are followed for those materials categorized as Schedule 1 controlled substances.

19. Who is the primary WSU Point of Contact (POC) for external relations issues and requests related to industrial hemp and marijuana?

For initial contact, you may reach out to Associate Vice President for Research Dan Nordquist at nordquist@wsu.edu.

MARIJUANA RESEARCH

1. Since the possession and use of marijuana is prohibited by federal law, can a WSU researcher perform research involving the direct use of marijuana in WSU-owned or operated facilities?

Yes, **if** the following conditions are met:

- The possession is for research exclusively **and** the researcher has the appropriate DEA approval for Schedule 1 controlled substances research (Schedule 1 Registration), **and** the researcher follows all relevant state and federal regulations and guidelines (see the [Controlled Substances Act](#) schedule information).
 - Approvals are required from the Washington State Department of Health (DoH)
 - Marijuana must be obtained through the National Institute on Drug Abuse (NIDA) Drug Supply Program
- Researchers **must** ensure that they have obtained any required WSU *Biosafety Committee* approval as well.

2. Can a WSU researcher perform research involving the direct use of marijuana in non-WSU facilities, since the possession and use of marijuana is prohibited by federal law?

Yes, **if** the following conditions are met:

- The possession is for research exclusively **and** the non-WSU facility has the appropriate DEA approval for Schedule 1 research, **and the researcher** follows all relevant state and federal regulations and guidelines (including the need for a Schedule 1 license).

- The WSU researcher must be officially approved by the non-WSU facility, as subject to state and federal rules. Documentation of this approval must be kept by the WSU researcher. Any activity must be consistent with the mission of WSU.

3. Can a WSU researcher participate in research that is sanctioned by the Washington State Liquor & Cannabis Board (WSLCB)?

Yes, **if** the following conditions are met, **and** the WSU researcher assumes the potential risks described below:

- WSU researchers are allowed under WSU policy to participate in WSLCB-sanctioned research as long as the WSLCB project director (PD) is employed by WSLCB **and** is doing work authorized by Washington state law. Possession of marijuana, however, even in an agency with a legitimate reason for research, may violate federal law and the researcher must assume that risk.

4. Can a WSU researcher perform consulting work for businesses or agricultural entities either growing or selling marijuana?

Yes, **if** the WSU researcher assumes the potential risks described below:

- Subject to the [WSU Faculty Manual](#), WSU researchers may do scholarly and academic consultation. Consultation for business and agricultural entities growing or selling marijuana may violate federal law, and the individual should obtain private legal advice prior to doing so. Such consultation may not be done as either a part of the WSU researcher's duties or as a representative of Washington State University.

5. Can WSU researchers provide marijuana samples, extracts, derivatives, or DNA materials to other labs at WSU or entities external to the university?

No, unless such transfer is to an individual approved for Schedule 1 controlled substance research (see FAQ #1), documented in adherence with current DEA procedures, and is otherwise permissible under state and federal rules.

6. How can a WSU researcher apply for Schedule 1 Registration?

Researchers may contact Dan Nordquist at the Office of Research regarding questions about DEA Schedule 1 Registration.

7. How long does it take to obtain DEA approval for research on Schedule 1 controlled substances?

According to reports from WSU researchers and other institutions, the approval process is a lengthy one that can take on average six to twelve months. WSU researchers interested in performing marijuana research should take this into account when planning to apply for a Schedule 1 Registration. Grants awarded for marijuana research could be declined or placed on hold if the Schedule 1 Registration is not in place at the time of award.

8. Can WSU researchers perform research related to marijuana that does not require the handling of marijuana material?

Yes, research or analysis on data, including economic analyses, human and animal clinical trials, and literature searches in which marijuana does not come into the possession of the researcher are allowable without a Schedule 1 Registration.

9. Can WSU accept philanthropic or research funding from the marijuana industry?

No. WSU cannot accept any forms of funding arising out of the marijuana industry due to current federal banking regulations. For additional details, please contact the WSU Foundation.

10. Can WSU license intellectual property rights resulting from marijuana research?

Yes, WSU can out-license intellectual property rights subject to the restrictions on accepting funding from the marijuana industry.

For additional questions not covered by this set of FAQs, please contact:

Dan Nordquist, Associate Vice President for Research
nordquist@wsu.edu