The Wyoming Department of Agriculture (WDA) submitted their state plan to the United States Department of Agriculture (USDA) for delegated authority to regulate the hemp industry in Wyoming on April 4, 2019.

With the passage of the Agriculture Improvement Act of 2018 (2018 Farm Bill) and HB 171/HEA 110 during the 65th Wyoming State Legislature legalization of hemp in Wyoming is changing. In compliance with W.S. § 11-51-101-107 and HEA 110, the WDA had 30 days to develop and submit a plan to USDA to request delegated authority for hemp regulation in Wyoming. In consultation with the Wyoming Attorney General and Governor, the WDA completed the WDA Hemp Regulatory Program Proposal and submitted it to the USDA for review.

“This is the first step in the process toward the legal growing and processing of regulated hemp in the state of Wyoming under the WDA,” said Doug Miyamoto, Director of the WDA. “Even though USDA has stated they won’t review plans until the fall of this year, we hope they approve our plan quickly so we can move forward with a hemp program in Wyoming.”

In February, the USDA stated that they will not promulgate rules until the fall of 2019 and will not review state plans until their rules are in place. The WDA has been working with the Wyoming Attorney General’s Office to determine legal authority to authorize the production or processing of hemp in Wyoming before the USDA enacts federal hemp regulations or delegates primary regulatory authority over hemp in Wyoming.

“After a comprehensive legal review of all existing federal and state laws, it was determined that it is not legal to produce or process hemp in Wyoming before the USDA promulgates federal regulations or Wyoming promulgates hemp regulations after receiving delegated authority from the USDA,” said Miyamoto. “While we don’t have the legal authority to implement a hemp program prior to receiving approval from the USDA, we will continue to develop the program so we are ready to start licensing and testing as soon as it’s legal to do so in Wyoming.”

In preparation of the legal ability to implement a hemp program in Wyoming, the WDA will continue to move forward with the rulemaking process, purchase and install testing equipment at the WDA Analytical Services Lab, and train staff on the sampling and testing of hemp.