



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

December 20, 2022

Mr. Omar Figueroa
Law Offices of Omar Figueroa
7770 Healdsburg Avenue
Sebastopol, California 95472

Dear Mr. Figueroa:

This is in response to your email from October 4, 2022 in which you request the control status of *Cannabis sativa L.* seeds, tissue culture, and genetic material under the Controlled Substances Act (CSA). The Drug Enforcement Administration (DEA) conducted a review of the CSA and its implementing regulations with regard to this question.

Title 21 of the United States Code (U.S.C.) § 802(16) states that the term “marihuana” means all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.” The provision goes on to exclude from the definition “the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.”

The CSA also excludes “hemp” from the definition of “marijuana.” 21 U.S.C. § 802(16)(B)(i). The term “hemp” is “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.” 7 U.S.C. § 1639o(1).

Therefore, any seed, tissue culture, or other genetic material that has a delta-9-tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis meets the definition of “hemp” and is not controlled under the CSA. However, non-sterilized seed, tissue culture, or other genetic material having a delta-9-tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis does fall within the CSA schedule I listing of marihuana.

If the *Cannabis sativa L.* seed germinates into material that contains delta-9-tetrahydrocannabinol in concentrations of not more than 0.3 percent on a dry weight basis, the material meets the definition of “hemp.” Conversely, if the seed germinates into material having a delta-9-tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis, that material does fall within the CSA schedule I listing of marihuana.

If you have any further questions, please contact the Drug and Chemical Evaluation Section at DPE@dea.gov or (571) 362-3249.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence L. Boos". The signature is fluid and cursive, with the first name being the most prominent.

Terrence L. Boos, Ph.D., Chief
Drug & Chemical Evaluation Section
Diversion Control Division

Cc: San Francisco Division Office