

To the Members of the California State Assembly:

I am returning Assembly Bill 1147 without my signature.

I appreciate and applaud the Legislature's interest in actually expanding California's economy; however, I am concerned about the impact of the particular type of expansion that is being proposed. I recognize and am proud of that fact that California is a national and world leader in the production of high-quality agricultural commodities. Our state has a rich agricultural environment and we must strive to protect and promote farming, ranching and agri-business in California, while preserving natural resources and protecting consumers.

Given these facts, I would like to support the expansion of a new agricultural commodity in this State. Unfortunately, I am very concerned that this bill would give legitimate growers a false sense of security and a belief that production of "industrial hemp" is somehow a legal activity under federal law.

Under current federal statutes there is no definition of "industrial hemp" nor is there a distinction between cannabis plants based on Tetrahydrocannabinols (THC) content as delineated in AB 1147. In fact, under federal law, all cannabis plants, regardless of variety or THC content, are simply considered to be "marihuana", which is a federally regulated schedule I controlled substance. Any person in the United States that wishes to grow cannabis plants for any purpose, including industrial purposes, must first obtain permission and register with the U.S. Drug Enforcement Administration (DEA). Failure to do so would be a violation of federal law and could subject an individual to criminal penalties.

I understand there are several court decisions that may cloud this issue such as *Hemp Industries Association v. DEA*, 357 F.3d 1012, 1018 (9th Cir.2004) and *United States v. White Plume*, 447 F.3d 1067 (8th Cir. 2006). Yet, no court has specifically ruled that a live cannabis plant is a non-controlled substance or that farming these plants is not a regulated activity. As a result, it would be improper to approve a measure that directly conflicts with current federal statutes and court decisions. This only serves to cause confusion and reduce public confidence in our government system.

Finally, California law enforcement has expressed concerns that implementation of this measure could place a drain on their resources and cause significant problems with drug enforcement activities. This is troubling given the needs in this state for the eradication and prevention of drug production.

In the future, I would encourage the Legislature to work with state and federal law enforcement agencies to craft a measure that would reduce the burden on law enforcement agencies and would comply with federal law in order to avoid the unnecessary prosecution of unwitting individuals in this state.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger