

1 S.286

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; hemp; pilot program

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 pilot program to study the growth, cultivation, and marketing of industrial
8 hemp in order to conform State laws for the cultivation of industrial hemp with
9 federal requirements for industrial hemp research.

10 An act relating to establishing a federally compliant industrial hemp pilot
11 program

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. PURPOSE

14 The purpose of this act is to amend the laws of Vermont regarding the
15 cultivation of industrial hemp to conform with federal requirements for
16 industrial hemp research set forth in section 7606 of the federal Agricultural
17 Act of 2014, Public Law No. 113-79, codified at 7 U.S.C. § 5940.

18 Sec. 2. 6 V.S.A. chapter 34 is amended to read:

19 CHAPTER 34. HEMP

1 § 561. FINDINGS; INTENT

2 (a) Findings.

3 (1) Hemp has been continuously cultivated for millennia, is accepted
4 and available in the global marketplace, and has numerous beneficial, practical,
5 and economic uses, including: high-strength fiber, textiles, clothing, ~~bio-fuel~~
6 biofuel, paper products, protein-rich food containing essential fatty acids and
7 amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
8 products, construction materials, rope, and value-added crafts.

9 (2) The many agricultural and environmental beneficial uses of hemp
10 include: livestock feed and bedding, stream buffering, erosion control, water
11 and soil purification, and weed control.

12 (3) The hemp plant, an annual herbaceous plant with a long slender stem
13 ranging in height from four to 15 feet and a stem diameter of one-quarter to
14 three-quarters of an inch is morphologically distinctive and readily identifiable
15 as an agricultural crop grown for the cultivation and harvesting of its fiber
16 and seed.

17 (4) Hemp cultivation will enable the State of Vermont to accelerate
18 economic growth and job creation, promote environmental stewardship, and
19 expand export market opportunities.

20 (5) The federal Agricultural Act of 2014, Public Law No. 113-79
21 authorized the growing, cultivation, and marketing of industrial hemp,

1 notwithstanding restrictions under the federal Controlled Substances Act, if
2 certain criteria are satisfied.

3 (b) Purpose. The intent of this chapter is to establish policy and procedures
4 for growing hemp in Vermont that comply with federal law so that farmers and
5 other businesses in the Vermont agricultural industry can take advantage of
6 this market opportunity.

7 § 562. DEFINITIONS

8 As used in this chapter:

9 (1) [Repealed.]

10 (2) “Hemp products” means all products made from hemp, including
11 cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics,
12 seed, seed meal, seed oil, and certified seed for cultivation.

13 (3) “Hemp” or “industrial hemp” means the plant *Cannabis sativa* L. and
14 any part of the plant, whether growing or not, with a delta-9
15 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
16 weight basis.

17 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

18 § 563. HEMP; AN AGRICULTURAL PRODUCT

19 ~~Hemp~~ Industrial hemp is an agricultural product ~~which~~ that may be grown
20 as a crop; produced, possessed, marketed, and commercially traded in Vermont
21 pursuant to the provisions of this chapter. The cultivation of industrial hemp

1 shall be subject to and comply with ~~the requirements of~~ the required
2 agricultural practices adopted under section 4810 of this title.

3 § 564. REGISTRATION; ADMINISTRATION; PILOT PROJECT

4 (a) The Secretary shall establish a pilot program to study the growth,
5 cultivation, and marketing of industrial hemp. Under the pilot program, the
6 Secretary shall certify and register persons who will participate in the pilot
7 program through growing or cultivating industrial hemp. A person who
8 intends to participate in the pilot program and grow industrial hemp shall
9 register with the Secretary and submit on a form provided by the Secretary the
10 following:

11 (1) the name and address of the person;

12 (2) a statement that the seeds obtained for planting are of a type and
13 variety that do not exceed the maximum concentration of tetrahydrocannabinol
14 set forth in subdivision 562(3) of this title; and

15 (3) the location and acreage of all parcels sown and other field reference
16 information as may be required by the Secretary.

17 (b) The form provided by the Secretary pursuant to subsection (a) of this
18 section shall include a notice statement that, ~~until current federal law is~~
19 ~~amended to provide otherwise:~~

20 (1) cultivation and possession of industrial hemp in Vermont is a
21 violation of the federal Controlled Substances Act unless the industrial hemp is

1 grown, cultivated, or marketed under a pilot program authorized by section
2 7606 of the federal Agricultural Act of 2014, Public Law No. 113-79; and

3 (2) federal prosecution for growing hemp in violation of federal law
4 may include criminal penalties, forfeiture of property, and loss of access to
5 federal agricultural benefits, including agricultural loans, conservation
6 programs, and insurance programs.

7 (c) A person registered with the Secretary pursuant to this section shall
8 allow industrial hemp crops, throughout sowing, growing season, harvest,
9 storage, and processing, to be inspected and tested by and at the discretion of
10 the Secretary or ~~his or her~~ designee.

11 (d) The Secretary may assess an annual registration fee of \$25.00 for the
12 performance of his or her duties under this chapter.

13 § 566. RULEMAKING AUTHORITY

14 The Secretary may adopt rules to provide for the implementation of this
15 chapter and the pilot project authorized under this chapter, which may include
16 rules to require hemp to be tested during growth for tetrahydrocannabinol
17 levels and to require inspection and supervision of hemp during sowing,
18 growing season, harvest, storage, and processing. The Secretary shall not
19 adopt under this or any other section a rule that would prohibit a person to
20 grow hemp based on the legal status of hemp under federal law.

1 Sec. 3. TRANSITION; IMPLEMENTATION

2 All persons registered prior to July 1, 2018 with the Secretary of
3 Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate
4 hemp shall be deemed to be registered with the Secretary of Agriculture, Food
5 and Markets as participants in the industrial hemp pilot project established by
6 this act under 6 V.S.A. § 564, and those previously registered persons shall not
7 be required to reregister with the Secretary of Agriculture, Food and Markets.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on July 1, 2018.