

BILL AS INTRODUCED S.286 2018 Page 1 thru 6

VT LEG #328309 v.1

[With suggested changes submitted by Netaka White, 01-17-2018](#)

S.286

Introduced by Senator Rodgers

Referred to Committee on

Date:

Subject: Agriculture; hemp; pilot program

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

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

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

Sec. 1. PURPOSE

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

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

CHAPTER 34.

§ 561. FINDINGS; INTENT

(a) Findings.

(1) Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, biofuel, paper products, protein-rich food and oil containing essential fatty acids and

amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

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

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

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

(5) The federal Agricultural Act of 2014, Public Law No. 113-79, Sec. 7606 authorized the growing, cultivation, and marketing of industrial hemp, notwithstanding restrictions under the federal Controlled Substances Act, if certain criteria are satisfied.

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

§ 562. DEFINITIONS

As used in this chapter:

(1) [Repealed.]

(2) "Hemp products" means hemp and all products made from hemp.

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

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

§ 563. HEMP; AN AGRICULTURAL PRODUCT

Industrial hemp is an agricultural product ~~which that~~ may be grown as a crop, produced, possessed, marketed, and commercially traded in Vermont pursuant to the provisions of this chapter. The cultivation of industrial hemp shall be subject to and comply with the requirements of the required agricultural practices adopted under section 4810 of this title.

§ 564. REGISTRATION; ADMINISTRATION; PILOT PROJECT

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

(1) the name and address of the person or business;

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

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

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

(1) It is the responsibility of the pilot program participant to understand and comply with all regulations pertaining to their products and to seek approval(s) from any applicable regulating authorities. The Secretary is not responsible for ensuring product quality or product compliance with other regulating authorities, such as the federal Food and Drug Administration (FDA), the Drug Enforcement Administration (DEA), or the Vermont Department of Health.

Comment [NW1]: This Suggested Wording uses language from the Kentucky Dept. of Agriculture's hemp pilot project application to make clear the responsibility for compliance is solely with the registrant, while at the same time releasing the Secretary from that responsibility.

(1) cultivation and possession of industrial hemp in Vermont is a violation of the federal Controlled Substances Act unless the industrial hemp is grown, cultivated, or marketed under a pilot program authorized by section 7606 of the federal Agricultural Act of 2014, Public Law No. 113-79; and

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

Comment [NW2]: As Introduced, the wording for this Section 564(b)(1) (deleted below) contravenes current federal law so far as the possession and marketing of hemp go.

For instance, Currently federal law only prohibits hemp ("Marijuana") cultivation and the importation or possession of viable seeds. However, a large variety of hemp products have been marketed legally in the USA for decades, and are not in violation of the CSA

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

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

§ 566. RULEMAKING AUTHORITY

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

Sec. 3. TRANSITION; IMPLEMENTATION

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

Sec. 4. EFFECTIVE DATE 8

This act shall take effect on July 1, 2018.