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S.336

Introduced by Committee on Agriculture

Date: January 31, 2020

Subject: Agriculture; hemp; hemp seed; standards

Statement of purpose of bill as introduced: This bill proposes to establish standards for the sale, offer for sale, exposure for sale, or distribution of hemp seed in the State.

An act relating to establishing standards for the sale of hemp seed

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

~~Sec. 1. 6 V.S.A. § 571 is added to read:~~

~~§ 571. HEMP SEED; LABELING; STANDARDS~~

~~(a) A person shall not sell, offer for sale, expose for sale, transport for sale, or distribute in the State hemp seed that:~~

~~(1) is not labeled in accordance with the requirements of this section or rules adopted by the Secretary;~~

~~(2) has false or misleading labeling or advertisement;~~

~~(3) fails to meet certification or germination standards if standards have been adopted by the Secretary by rule; or~~

1 ~~(1) consists of or contains prohibited noxious weed seeds, as that term is~~  
2 ~~defined in section 641 of this title.~~

3 (b) Hemp seed sold, offered for sale, exposed for sale, transported for sale,  
4 or distributed in the State shall have a label attached to the bag or container in  
5 which the seed is sold, offered for sale, exposed for sale, transported for sale,  
6 or distributed. The label shall contain the following information:

7 (1) the name and kinds of each hemp seed present in excess of five  
8 percent of the whole percentage by weight;

9 (2) the origin state or foreign country of the hemp seed;

10 (3) whether the hemp seed was certified by a state or foreign country;

11 (4) the percentage by weight of any weed seeds in the container or bag;

12 (5) the percentage by weight of inert matter in the container or bag;

13 (6) the percentage of germination of the seed;

14 (7) the date the seed was packed or packaged; and

15 (8) the name and address of the person who labeled the hemp seed or  
16 who sells, offers for sale, exposes for sale, or distributes the hemp seed in the  
17 State.

18 (c) The Secretary may issue a stop sale order for the violation of the  
19 requirements of this section or rules adopted by the Secretary under this  
20 chapter. The sale, processing, and movement of any seed subject to a stop sale  
21 order is prohibited until the Secretary issues a release from the stop sale order.

1 ~~(d) A violation of this section or rules adopted by the Secretary under this~~  
2 ~~chapter shall be subject to an administrative penalty under section 569 of this~~  
3 ~~title.~~

4 (e)(1) A person injured or damaged by a violation of this section or a rule  
5 adopted by the Secretary under this chapter regarding the sale, offer for sale,  
6 exposure for sale, transport for sale, or distribution of hemp seed in the State  
7 may bring an action for equitable relief or damages arising from the violation.

8 (2) The cause of action authorized under this section is in addition to  
9 any common law or statutory remedies otherwise available and does not  
10 amend or conflict with the powers and authority of the Agency of Agriculture,  
11 Food and Markets.

12 Sec. 2. 6 V.S.A. § 566 is amended to read:

13 § 566. RULEMAKING AUTHORITY

14 (a) The Secretary may adopt rules to provide for the implementation of this  
15 chapter and the Program authorized under this chapter, which may include  
16 rules to:

17 (1) require hemp to be tested during growth for tetrahydrocannabinol  
18 levels;

19 (2) authorize or specify the method or methods of testing hemp,  
20 including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol  
21 ~~levels or a taxonomic determination using genetic testing;~~

1 ~~(3) require inspection and supervision of hemp during sowing, growing,~~  
2 season, harvest, storage, and processing; and

3 (4) require labels or label information for hemp products in order to  
4 provide consumers with product content or source information or to conform  
5 with federal requirements.

6 (b) The Secretary shall adopt rules establishing how the Agency of  
7 Agriculture, Food and Markets will conduct research within the Program for  
8 industrial hemp.

9 (c) The Secretary shall adopt rules establishing requirements for the  
10 registration of processors of hemp and hemp-infused products.

11 (d) The Secretary shall adopt by rule requirements for the certification,  
12 germination, and sale or distribution of hemp seed in the State.

13 Sec. 3. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2020.~~

*Sec. 1. 6 V.S.A. § 571 is added to read:*

*§ 571. HEMP SEED; LABELING; STANDARDS*

*(a) A person shall not sell, offer for sale, expose for sale, transport for sale, or distribute in the State hemp seed that:*

*(1) is not labeled in accordance with the requirements of this section or rules adopted by the Secretary;*

*(2) fails to meet germination standards, feminized seed claims, or other claims made on the label or in an advertisement or provides false or misleading information on a label or in an advertisement;*

*(3) fails to meet certification standards if standards have been adopted by the Secretary by rule; or*

(4) consists of or contains prohibited noxious weed seeds, as that term is defined in section 641 of this title.

(b) Hemp seed sold, offered for sale, exposed for sale, transported for sale, or distributed in the State shall have a label attached to the bag or container in which the seed is sold, offered for sale, exposed for sale, transported for sale, or distributed. The label shall contain the following information:

(1) the name and kind of each hemp seed present in excess of five percent of the whole percentage by weight;

(2) the origin state or foreign country of the hemp seed;

(3) whether the hemp seed was certified by a state or foreign country;

(4) the percentage by weight of any weed seeds in the container or bag;

(5) the percentage by weight of inert matter in the container or bag;

(6) the percentage of feminized seed;

(7) the percentage of germination of the seed;

(8) the date the seed was packed or packaged; and

(9) the name and address of the person who labeled the hemp seed or who sells, offers for sale, exposes for sale, or distributes the hemp seed in the State.

(c) The Secretary may issue a stop sale order for the violation of the requirements of this section or rules adopted by the Secretary under this chapter. The sale, processing, and movement of any seed subject to a stop sale order is prohibited until the Secretary issues a release from the stop sale order.

(d) A violation of this section or rules adopted by the Secretary under this chapter shall be subject to an administrative penalty under section 569 of this title.

(e)(1) A person injured or damaged by a violation of this section or a rule adopted by the Secretary under this chapter regarding the sale, offer for sale, exposure for sale, transport for sale, or distribution of hemp seed in the State may bring an action for equitable relief or damages arising from the violation.

(2) The cause of action authorized under this section is in addition to any common law or statutory remedies otherwise available and does not amend or conflict with the powers and authority of the Agency of Agriculture, Food and Markets.

(f) The Secretary may conduct inspections and otherwise enforce requirements for the sale or distribution of hemp seed established under this chapter according to the Secretary's general authority to regulate seed under

chapter 35 of this title, provided that the Secretary shall issue any penalty for the violation of the requirements of this chapter under the provisions of this chapter or rules adopted under this chapter.

Sec. 2. 6 V.S.A. § 566 is amended to read:

§ 566. RULEMAKING AUTHORITY

(a) The Secretary may adopt rules to provide for the implementation of this chapter and the Program authorized under this chapter, which may include rules to:

(1) require hemp to be tested during growth for tetrahydrocannabinol levels;

(2) authorize or specify the method or methods of testing hemp, including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol levels or a taxonomic determination using genetic testing;

(3) require inspection and supervision of hemp during sowing, growing season, harvest, storage, and processing; ~~and~~

(4) require labels or label information for hemp products in order to provide consumers with product content or source information or to conform with federal requirements;

(5) establish certification requirements for hemp seed sold or distributed in the State; and

(6) require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

(b) The Secretary shall adopt rules establishing how the Agency of Agriculture, Food and Markets will conduct research within the Program for industrial hemp.

(c) The Secretary shall adopt rules establishing requirements for the registration of processors of hemp and hemp-infused products.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.