

1 S.351

2 Representative Partridge of Windham moves that the House propose to the
3 Senate that the bill be amended by adding Secs. 13a through 13c and their
4 accompanying reader assistance headings to read as follows:

5 * * * Hemp 2020 Growing Season * * *

6 Sec. 13a. 2020 HEMP GROWING SEASON

7 (a) The General Assembly finds that:

8 (1) The federal Agricultural Act of 2014, Pub. L. No. 113-79, Sec. 7606,
9 codified at 7 U.S.C. § 5940, authorizes states subject to certain requirements to
10 implement agricultural pilot programs for the growing, cultivation, and
11 marketing of industrial hemp, notwithstanding restrictions under the federal
12 Controlled Substances Act.

13 (2) In Section 10113 of the Agricultural Improvement Act of 2018,
14 Pub. L. No. 115-334, codified at 7 U.S.C. §§ 1639 (o)–(s), Congress
15 authorized the growing, cultivation, and marketing of industrial hemp under
16 U.S. Department of Agriculture-approved state programs and not as
17 agricultural pilot programs.

18 (3) The Agricultural Improvement Act of 2018, however, authorized
19 states operating an agricultural pilot program for industrial hemp to continue
20 operating the agricultural pilot program until October 31, 2020.

1 (4) Vermont operates an agricultural pilot program for industrial hemp,
2 but 2019 Acts and Resolves No. 44 amended 6 V.S.A. chapter 34 to provide
3 that the State Hemp Program shall operate under the Agricultural Improvement
4 Act of 2018.

5 (5) Vermont’s State Hemp Program has not yet been federally approved
6 for operation under the Agricultural Improvement Act of 2018.

7 (6) To clarify the authority and requirements for the cultivation and
8 processing of industrial hemp during the 2020 growing season, the General
9 Assembly should authorize hemp to be grown in the State under the terms and
10 requirements of the State agricultural pilot program for hemp and not under the
11 requirements of the Agricultural Improvement Act of 2018.

12 (b)(1) Notwithstanding the provisions of 6 V.S.A. chapter 34 that provide
13 that Vermont shall operate the State Hemp Program under the Agricultural
14 Improvement Act of 2018, the Secretary of Agriculture, Food and Markets
15 may, during the 2020 growing season for hemp, continue to operate an
16 agricultural pilot program for hemp as authorized by and in compliance with
17 7 U.S.C. § 5940.

18 (2) If the Secretary of Agriculture, Food and Markets operates an
19 agricultural pilot program for hemp during the 2020 hemp growing season, the
20 program shall not be subject to the terms of Section 10113 of the Agricultural
21 Improvement Act of 2018, Pub. L. No. 115-334, and shall not be subject to any

1 provision of 6 V.S.A. chapter 34 that requires compliance with the Agricultural
2 Improvement Act of 2018. Under an agricultural pilot program, a grower or
3 processor of hemp during the 2020 growing season shall comply with the
4 federal requirements for the cultivation and processing of hemp established by
5 the Agricultural Act of 2014 as codified at 7 U.S.C. § 5940 until the 2020 crop
6 is sold and is no longer in the possession of a grower or processor.

7 (c) Notwithstanding any provision of State law to the contrary and
8 notwithstanding the scheduled repeal of 7 U.S.C. § 5940, on October 31, 2020,
9 a person shall not be in violation of the requirements of 6 V.S.A. chapter 34 if
10 he or she grows or cultivates hemp during the 2020 hemp season or markets
11 hemp grown during the 2020 hemp season in compliance with the terms
12 established by the federal Agricultural Act of 2014.

13 * * * Hemp Seed * * *

14 Sec. 13b. 6 V.S.A. § 571 is added to read:

15 § 571. HEMP SEED; LABELING; STANDARDS

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

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

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

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

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

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

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

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

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

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

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

18 (6) the percentage of feminized seed;

19 (7) the percentage of germination of the seed;

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

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

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

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

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

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

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

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

4 Sec. 13c. 6 V.S.A. § 566 is amended to read:

5 § 566. RULEMAKING AUTHORITY

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

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

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

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

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

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

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

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

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