

1 Sec. A. 2020 HEMP GROWING SEASON

2 (a) The General Assembly finds that:

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

8 (2) in Section 10113 of the Agricultural Improvement Act of 2018, Pub.  
9 L. No. 115-334, codified at 7 U.S.C. §§ 1639 (o)-(s), Congress authorized the  
10 growing, cultivation, and marketing of industrial hemp under a U.S.  
11 Department of Agriculture approved state programs and not as agricultural  
12 pilot programs;

13 (3) the Agricultural Improvement Act of 2018, however, authorized  
14 states operating an agricultural pilot program for industrial hemp to continue  
15 operating the agricultural pilot program until October 31, 2020;

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

20 (5) Vermont's State Hemp Program has not yet been federally approved  
21 for operation under the Agricultural Improvement Act of 2018; and

1           (6) to clarify the authority and requirements for the cultivation and  
2           processing of industrial hemp during the 2020 growing season, the General  
3           Assembly should authorize hemp to be grown in the State under the terms and  
4           requirements of the State agricultural pilot program for hemp and not under the  
5           requirements of the Agricultural Improvement Act of 2018.

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

12           (2) If the Secretary of Agriculture, Food and Markets operates an  
13           agricultural pilot program for hemp during the 2020 hemp growing season, the  
14           program shall not be subject to the terms of Section 10113 of the Agricultural  
15           Improvement Act of 2018, Pub. L. No. 115-334, and shall not be subject to any  
16           provision of 6 V.S.A. chapter 34 that requires compliance with the Agricultural  
17           Improvement Act of 2018. Under an agricultural pilot program, a grower or  
18           processor of hemp during the 2020 growing season shall comply with the  
19           federal requirements for the cultivation and processing of hemp established by  
20           the Agricultural Act of 2014 as codified at 7 U.S.C. § 5940 until the 2020 crop  
21           is sold and is no longer in the possession of a grower or processor.

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