

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 336
3 entitled “An act relating to establishing standards for the sale of hemp seed”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 571. HEMP SEED; LABELING; STANDARDS

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

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

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

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

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

20 (b) Hemp seed sold, offered for sale, exposed for sale, transported for sale,
21 or distributed in the State shall have a label attached to the bag or container in

1 which the seed is sold, offered for sale, exposed for sale, transported for sale,
2 or distributed. The label shall contain the following information:

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

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

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

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

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

9 (6) the percentage by weight of feminized seed;

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

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

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

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

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

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

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

9 (f) The Secretary may conduct inspections and otherwise enforce
10 requirements for the sale or distribution of hemp seed established under this
11 chapter according to the Secretary’s general authority to regulate seed under
12 chapter 35 of this title, provided that the Secretary shall issue any penalty for
13 the violation of the requirements of this chapter under the provisions of this
14 chapter or rules adopted under this chapter.

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

16 § 566. RULEMAKING AUTHORITY

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

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

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

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

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

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

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

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

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

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2020.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE