

## **S.336: An Act Relating to Establishing Standards for the Sale of Hemp Seed**

### **Sec. 1. 6 V.S.A. § 571. Adds a new section on Hemp Seed Labeling and Standards to the Hemp chapter**

- Section 571(a) would prohibit a person from selling or distributing hemp seed that:
  - is not labeled in accordance with the requirements of this section or rules adopted by AAFM;
  - 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;
  - fails to meet certification standards if standards have been adopted by the Secretary by rule; or
  - consists of or contains prohibited noxious weed seeds, as that term is defined in 6 V.S.A. 641.
- Section 571(b) would require hemp seed sold or distributed in the State to have a label attached to the bag or container in which the seed is sold or distributed. The label shall contain:
  - the name and kind of each hemp seed present in excess of 5% of the whole percentage by weight;
  - the origin state or foreign country of the hemp seed;
  - whether the hemp seed was certified by a state or foreign country;
  - the percentage by weight of any weed seeds in the container or bag;
  - the percentage by weight of inert matter in the container or bag;
  - the percentage of feminized seed;
  - the percentage of germination of the seed;
  - the date the seed was packed or packaged; and
  - the name and address of the person who labeled the seed or who sells or distributes the seed.
- Section 571(c) authorizes AAFM to issue stop sale orders for violations of the section.
- Section 571(d) violations of the section are subject to an administrative penalty under 6 V.S.A. § 569.
  - The general penalty under § 569 is up to \$1,000. Section 569 does authorize penalties of up to \$5,000, but only for: failing to follow a corrective action plan after negligently growing hemp over the THC limit; violating the requirements for hemp cultivation 3 times in a 5 year period; or producing hemp in violation of the chapter with a state of mind greater than negligence.
- Section 571(e) authorizes a person injured or damaged by a violation of the hemp seed statute or an AAFM hemp seed rule to bring an action for equitable relief or damages arising from the violation.
- Section 571(f) authorizes AAFM to inspect and use enforcement tools under the Agency's general authority to regulate seed, provided that any penalty must be assessed under the hemp chapter.

### **Sec. 2. 6 V.S.A. § 566. Adds to the AAFM rulemaking authority under the Hemp Chapter.**

- Section 566 authorizes AAFM to:
  - establish certification requirements for hemp seed sold or distributed in the State; and
  - require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

### **Sec. 3. Effective Date**

- This act takes effect on July 1, 2020.