HOUSE BILL NO. HB0230

Hemp farming.

Sponsored by: Representative(s) Loucks, Allen, Baker, Barlow, Clem, Eklund, Halverson, Laursen, Lindholm, McKim and Pelkey and Senator(s) Driskill, Meier and Rothfuss

A BILL

for

AN ACT relating to food and drugs; authorizing industrial hemp farming as specified; providing for hemp farming for research purposes; providing licensure requirements; providing rulemaking authority; providing an affirmative defense for marihuana prosecutions as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-7-2101 through 35-7-2107 are created to read:

ARTICLE 21

INDUSTRIAL HEMP
35-7-2101. Definitions.

(a) As used in this article:

(i) "Department" means the department of agriculture;

(ii) "Industrial hemp" means all parts and varieties of the plant cannabis sativa l. containing no more than three-tenths of one percent (0.3%) tetrahydrocannabinol;

(iii) "Marihuana" means as defined by W.S. 35-7-1002(a)(xiv), but does not include industrial hemp.

35-7-2102. Industrial hemp authorized as agricultural crop.

Industrial hemp is considered an agricultural crop in this state. Upon meeting the requirements of W.S. 35-7-2103, a person in this state may plant, grow, harvest, possess, process or sell industrial hemp.
35-7-2103. Industrial hemp licensing.

(a) No person shall grow industrial hemp unless the person has obtained a license from the department.

(b) The application for a license shall include the name and address of the applicant, the legal description of the land area to be used for the production of industrial hemp and other information required by the department.

(c) The department shall require each first-time applicant for a license to submit a fingerprint card, prepared by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the division of criminal investigation for state processing and with the federal bureau of investigation for federal processing. All costs associated with the criminal history check are the responsibility of the applicant. Criminal history records provided to the department under this section are confidential.
(d) If the applicant has met the requirements of this section and paid any fee required by this article, the department shall issue the license, which is valid until December 31 of that year. An individual licensed under this section is presumed to be growing industrial hemp for commercial purposes.

(e) The university of Wyoming or the department may grow industrial hemp for research purposes as provided in the Agricultural act of 2014, Public Law 113-79. The licensing requirements of this article shall not apply to industrial hemp grown under this subsection.

35-7-2104. Industrial hemp production reporting requirements.

(a) Each person licensed under this article shall provide to the department:

(i) Documentation showing that all seeds planted by the person are of a type and variety certified by the department to yield industrial hemp with no more than
three-tenths of one percent (0.3%) tetrahydrocannabinol; and

(ii) A copy of any contract to grow, produce or sell industrial hemp.

(b) Each person licensed under this article shall notify the department of the sale or distribution of any industrial hemp grown by the person, including the name and address of the person receiving the industrial hemp.

35-7-2105. Rulemaking authority.

(a) The department shall adopt rules necessary to implement the provisions of this article including:

(i) Requirements for testing hemp seeds and industrial hemp during growth or harvest to determine tetrahydrocannabinol levels;

(ii) Supervision of industrial hemp during its growth and harvest;
(iii) Assessment of a fee that is commensurate with the costs of the department's activities in licensing, testing and supervising industrial hemp production; and

(iv) Any other procedures necessary to carry out this article.

35-7-2106. Disposition of fees.

All fees assessed as provided in W.S. 35-7-2105(a)(iii) shall be deposited with the state treasurer in a separate account which is continuously appropriated for the use of the department to administer and enforce this article.

35-7-2107. Affirmative defense for possession or cultivation of marijuana.

It is an affirmative defense to a prosecution by the state of Wyoming for the possession or cultivation of marihuana that the defendant was licensed to grow industrial hemp pursuant to this article and that the hemp grown by the defendant contained no more than three-tenths of one percent (0.3%) tetrahydrocannabinol.
Section 2. W.S. 35-7-1063(a) by creating a new paragraph (iii) is amended to read:

35-7-1063. Exceptions to provisions.

(a) The provisions and penalties of this chapter shall not apply to:

(iii) Industrial hemp farming in accordance with the provisions of W.S. 35-7-2101 through 35-7-2107, or industrial hemp grown for research purposes by the university or the department of agriculture.

Section 3.

(a) The department of agriculture shall operate the provisions of W.S. 35-7-2101 through 35-7-2107 as an agricultural pilot program in accordance with the Agricultural act of 2014, Public Law 113-79, section 7606. In adopting rules under W.S. 35-7-2105, the department shall include rules necessary to comply with the
Agricultural Act of 2014 in order to operate the program as an agricultural pilot program.

(b) The department of agriculture shall, to the extent possible, obtain a registration with the United States drug enforcement administration to import viable cannabis seeds. Seeds imported under a registration obtained under this subsection shall be limited to industrial hemp seeds which would produce plants containing no more than three-tenths of one percent (0.3%) tetrahydrocannabinol and shall be used to grow industrial hemp in accordance with the provisions of W.S. 35-7-2101 through 35-7-2107.

Section 4. This act is effective July 1, 2017.