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H. B. 2807

(By Delegates Eldridge, Williams, Skinner, Butler, Marcum,
and Perdue)

[Introduced February 18, 2015; referred to the
Committee on Agriculture and Natural Resources then the Judiciary.]

A BILL to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating
to expanding the list of persons the Commissioner of Agriculture may license to grow or
cultivate industrial hemp.

Be it enacted by the Legislature of West Virginia:

That §19-12E-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-5. Industrial hemp - licensing.

(a) A person growing industrial hemp for commercial purposes shall apply to the
commissioner for license on a form prescribed by the commissioner.

(b) The application for a license must include the name and address of the applicant and the
legal description of the land area to be used for the production of industrial hemp.

(c) The commissioner shall require each first-time applicant for a license to file a set of the
applicant’s fingerprints, taken by a law-enforcement officer, and any other information necessary to

1 complete a statewide and nationwide criminal history check with the criminal investigation bureau
2 of the department of justice for state processing and with the Federal Bureau of Investigation for
3 federal processing. All of the costs associated with the criminal history check are the responsibility
4 of the applicant. Criminal history records provided to the department under this section are
5 confidential. The commissioner may use the records only to determine if an applicant is eligible to
6 receive a license for the production of industrial hemp.

7 (d) If the applicant has completed the application process to the satisfaction of the
8 commissioner, the commissioner shall issue the license which is valid until December 31, of the year
9 of application. An individual licensed under this section is presumed to be growing industrial hemp
10 for commercial purposes.

11 (e) Notwithstanding any provision of this article, rule or the provisions of chapter sixty-a of
12 this code to the contrary, ~~only~~ in addition to other persons qualified under this article to be licensed,
13 the commissioner may authorize the Department of Agriculture, and state institutions of higher
14 learning ~~licensed and authorized by the commissioner to do so may~~ to lawfully grow or cultivate
15 industrial hemp in this state.

NOTE: The purpose of this bill is to expand the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.