

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2453**

BY DELEGATES ELDRIDGE, BUTLER AND SUMMERS

[Originating in the Committee on the Judiciary;

March 24, 2017]



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

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.**

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

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

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

5 (c) The commissioner shall require each first-time applicant for a license to file a set of the  
6 applicant's fingerprints, taken by a law-enforcement officer, and any other information necessary  
7 to complete a statewide and nationwide criminal history check with the criminal investigation  
8 bureau of the department of justice for state processing and with the Federal Bureau of  
9 Investigation for federal processing. All of the costs associated with the criminal history check  
10 are the responsibility of the applicant. Criminal history records provided to the department under  
11 this section are confidential. The commissioner may use the records only to determine if an  
12 applicant is eligible to receive a license for the production of industrial hemp.

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

17 (e) Notwithstanding any provision of this article, rule or the provisions of chapter sixty-a of  
18 this code to the contrary, ~~only the Department of Agriculture and state institutions of higher learning~~

19 ~~licensed and authorized by the commissioner to do so may lawfully grow or cultivate industrial~~  
20 ~~hemp in this state~~ Commissioner of Agriculture may license qualified persons and state  
21 institutions of higher learning to lawfully grow or cultivate industrial hemp in this state, but  
22 institutions of higher learning may only lawfully grow industrial hemp for research and educational  
23 purposes.

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 a heading or the present law and underscoring indicates new language that would be added.