

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 475

BY SENATORS WOELFEL, BALDWIN, AND BEACH

[Introduced February 2, 2018; Referred
to the Committee on Agriculture and Rural Development]

1 A BILL to amend and reenact §19-12E-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §19-12E-5a, all relating
 3 generally to industrial hemp; authorizing the Commissioner of Agriculture to create and
 4 administer an industrial hemp seed certification program; authorizing the commissioner to
 5 obtain and develop seed varieties for industrial hemp production; authorizing imposition
 6 of a fee to be determined by the commissioner; authorizing emergency rulemaking and
 7 requiring legislative rulemaking; and requiring the program be consistent with federal law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-3. Definitions.

1 As used in this article:

2 (1) “Certified industrial hemp seed” means industrial hemp seed including, but not limited
 3 to, West Virginia landrace cannabis seed that has been certified by the commissioner, or a person
 4 or entity authorized by the commissioner to do so, as having no more than one percent or a delta-
 5 9 tetrahydrocannabinol on a dry weight basis;

6 ~~(1)~~ (2) “Commissioner” means the Commissioner of Agriculture;

7 ~~(2)~~ (3) “Industrial hemp” means all parts and varieties of the plant cannabis sativa L.
 8 containing no greater than one percent tetrahydrocannabinol; ~~and~~

9 ~~(3)~~ (4) “Marijuana” means all plant material from the genus cannabis containing more than
 10 one percent tetrahydrocannabinol or seeds of the genus capable of germination.

11 (5) “West Virginia landrace cannabis seed” means seed from the plant cannabis sativa
 12 that possesses characteristics of a unique and specialized cannabis seed variety that is present
 13 in West Virginia or has been recognized as produced in West Virginia; and

14 (6) West Virginia Department of Agriculture Approved Certified Seed” means cannabis
 15 seed that is approved and certified by the department for cultivating industrial hemp.

§19-12E-5a. Industrial Hemp Seed Certification Program; Requirements; Fees;

Rulemaking.

1 (a) The commissioner may create and administer an industrial hemp seed certification
2 program to obtain and develop varieties of seeds which meet the purposes and provisions of this
3 article. The program shall be consistent with this article and applicable federal law. This program
4 may include West Virginia landrace cannabis seed varieties.

5 (b) Persons or entities, licensed pursuant to this article, may obtain a license for the
6 development of industrial hemp varieties for certification. The commissioner may assess a fee,
7 consistent with the provisions of §19-12E-7 of this code to operate and administer the seed
8 certifications program. The fees shall be deposited in the agricultural fee fund established by
9 §19-1-4c of this code.

10 (c) The commissioner may promulgate emergency rules and shall propose rules for
11 legislative approval pursuant to §29A-3-1 et seq. of this code for the purpose of implementing the
12 provisions of this section.

NOTE: The purpose of this bill is to authorize the Commissioner of Agriculture to create and administer an industrial hemp seed certification program. The commissioner is authorized to obtain and develop seed varieties for industrial hemp production; impose a fee; and propose legislative rules. The bill requires the program be consistent with federal law.

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