

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 475

SENATORS WOELFEL, BALDWIN, AND BEACH, *original*

sponsors

[Passed March 7, 2018; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §19-16-3a, relating generally to industrial hemp; authorizing the Commissioner
3 of Agriculture to create and administer an industrial hemp seed certification program;
4 authorizing the commissioner to obtain and develop seed varieties for industrial hemp
5 production; permitting holders of an industrial hemp license to obtain a license for the
6 development of industrial hemp varieties for certification; authorizing imposition of a fee to
7 be determined by the commissioner; authorizing emergency rulemaking and requiring
8 legislative rulemaking; and requiring the program be consistent with state and federal law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. WEST VIRGINIA SEED LAW.

§19-16-3a. 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 §19-
3 12E-1 *et seq.* of this code. The program shall be consistent with this article and applicable federal
4 law. This program may include West Virginia landrace cannabis seed varieties. For the purposes
5 of this article, “West Virginia landrace cannabis seed” means seed from the plant *cannabis sativa*
6 that possesses characteristics of a unique and specialized cannabis seed variety that is present
7 in West Virginia or has been recognized as produced in West Virginia.

8 (b) Persons or entities, licensed pursuant to §19-12E-1 *et seq.* of this code, may obtain a
9 license for the development of industrial hemp varieties for certification. The commissioner may
10 assess a fee, consistent with the provisions of §19-12E-7 of this code, to operate and administer
11 the seed certification program. The fees shall be deposited in the Agricultural Fees Fund
12 established by §19-1-4c of this code.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor