

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 475**

BY SENATORS WOELFEL, BALDWIN, AND BEACH

[Originating in the Committee on Agriculture and  
Rural Development; Reported on February 15, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §19-16-3a, all relating generally to industrial hemp; authorizing the  
3 Commissioner of Agriculture to create and administer an industrial hemp seed certification  
4 program; authorizing the commissioner to obtain and develop seed varieties for industrial  
5 hemp production; authorizing imposition of a fee to be determined by the commissioner;  
6 authorizing emergency rulemaking and requiring legislative rulemaking; and requiring the  
7 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.