

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 475

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2018 MAR 27 A 9:32

FILED

SENATORS WOELFEL, BALDWIN, AND BEACH, *original*

sponsors

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

SB475

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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.

Ed Turner
Member — Chairman, Senate Committee

Ray Holow
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Joe Barr
Clerk of the Senate

Stephe D. Morrison
Clerk of the House of Delegates

North B. Combs
President of the Senate

Paul Post
Speaker of the House of Delegates

FILED
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SECRETARY OF STATE

The within *is approved* this the *27th*
Day of *March* 2018.

Jim Justice
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2018

Time 3:03 pm