

HOUSE BILL NO. HB0230

Hemp farming.

Sponsored by: Representative(s) Loucks, Allen, Baker, Barlow, Clem, Eklund, Halverson, Laursen, Lindholm, McKim and Pelkey and Senator(s) Driskill, Meier and Rothfuss

A BILL

for

1 AN ACT relating to food and drugs; authorizing industrial
2 hemp farming as specified; providing for hemp farming for
3 research purposes; providing licensure requirements;
4 providing rulemaking authority; providing an affirmative
5 defense for marihuana prosecutions as specified; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 35-7-2101 through 35-7-2107 are
11 created to read:

12

13

ARTICLE 21

14

INDUSTRIAL HEMP

1

2 **35-7-2101. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Department" means the department of
7 agriculture;

8

9 (ii) "Industrial hemp" means all parts and
10 varieties of the plant cannabis sativa L. containing no
11 more than three-tenths of one percent (0.3%)
12 tetrahydrocannabinol;

13

14 (iii) "Marihuana" means as defined by W.S.
15 35-7-1002(a)(xiv), but does not include industrial hemp.

16

17 **35-7-2102. Industrial hemp authorized as agricultural**
18 **crop.**

19

20 Industrial hemp is considered an agricultural crop in this
21 state. Upon meeting the requirements of W.S. 35-7-2103, a
22 person in this state may plant, grow, harvest, possess,
23 process or sell industrial hemp.

1

2 **35-7-2103. Industrial hemp licensing.**

3

4 (a) No person shall grow industrial hemp unless the
5 person has obtained a license from the department.

6

7 (b) The application for a license shall include the
8 name and address of the applicant, the legal description of
9 the land area to be used for the production of industrial
10 hemp and other information required by the department.

11

12 (c) The department shall require each first-time
13 applicant for a license to submit a fingerprint card,
14 prepared by a law enforcement officer, and any other
15 information necessary to complete a statewide and
16 nationwide criminal history check with the division of
17 criminal investigation for state processing and with the
18 federal bureau of investigation for federal processing. All
19 costs associated with the criminal history check are the
20 responsibility of the applicant. Criminal history records
21 provided to the department under this section are
22 confidential.

23

1 (d) If the applicant has met the requirements of this
2 section and paid any fee required by this article, the
3 department shall issue the license, which is valid until
4 December 31 of that year. An individual licensed under this
5 section is presumed to be growing industrial hemp for
6 commercial purposes.

7
8 (e) The university of Wyoming or the department may
9 grow industrial hemp for research purposes as provided in
10 the Agricultural act of 2014, Public Law 113-79. The
11 licensing requirements of this article shall not apply to
12 industrial hemp grown under this subsection.

13

14 **35-7-2104. Industrial hemp production reporting**
15 **requirements.**

16

17 (a) Each person licensed under this article shall
18 provide to the department:

19

20 (i) Documentation showing that all seeds planted
21 by the person are of a type and variety certified by the
22 department to yield industrial hemp with no more than

1 three-tenths of one percent (0.3%) tetrahydrocannabinol;
2 and

3

4 (ii) A copy of any contract to grow, produce or
5 sell industrial hemp.

6

7 (b) Each person licensed under this article shall
8 notify the department of the sale or distribution of any
9 industrial hemp grown by the person, including the name and
10 address of the person receiving the industrial hemp.

11

12 **35-7-2105. Rulemaking authority.**

13

14 (a) The department shall adopt rules necessary to
15 implement the provisions of this article including:

16

17 (i) Requirements for testing hemp seeds and
18 industrial hemp during growth or harvest to determine
19 tetrahydrocannabinol levels;

20

21 (ii) Supervision of industrial hemp during its
22 growth and harvest;

23

1 (iii) Assessment of a fee that is commensurate
2 with the costs of the department's activities in licensing,
3 testing and supervising industrial hemp production; and
4

5 (iv) Any other procedures necessary to carry out
6 this article.
7

8 **35-7-2106. Disposition of fees.**
9

10 All fees assessed as provided in W.S. 35-7-2105(a)(iii)
11 shall be deposited with the state treasurer in a separate
12 account which is continuously appropriated for the use of
13 the department to administer and enforce this article.
14

15 **35-7-2107. Affirmative defense for possession or**
16 **cultivation of marijuana.**
17

18 It is an affirmative defense to a prosecution by the state
19 of Wyoming for the possession or cultivation of marihuana
20 that the defendant was licensed to grow industrial hemp
21 pursuant to this article and that the hemp grown by the
22 defendant contained no more than three-tenths of one
23 percent (0.3%) tetrahydrocannabinol.

1

2 **Section 2.** W.S. 35-7-1063(a) by creating a new
3 paragraph (iii) is amended to read:

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5 **35-7-1063. Exceptions to provisions.**

6

7 (a) The provisions and penalties of this chapter
8 shall not apply to:

9

10 (iii) Industrial hemp farming in accordance with
11 the provisions of W.S. 35-7-2101 through 35-7-2107, or
12 industrial hemp grown for research purposes by the
13 university or the department of agriculture.

14

15 **Section 3.**

16

17 (a) The department of agriculture shall operate the
18 provisions of W.S. 35-7-2101 through 35-7-2107 as an
19 agricultural pilot program in accordance with the
20 Agricultural act of 2014, Public Law 113-79, section 7606.
21 In adopting rules under W.S. 35-7-2105, the department
22 shall include rules necessary to comply with the

1 Agricultural Act of 2014 in order to operate the program as
2 an agricultural pilot program.

3

4 (b) The department of agriculture shall, to the
5 extent possible, obtain a registration with the United
6 States drug enforcement administration to import viable
7 cannabis seeds. Seeds imported under a registration
8 obtained under this subsection shall be limited to
9 industrial hemp seeds which would produce plants containing
10 no more than three-tenths of one percent (0.3%)
11 tetrahydrocannabinol and shall be used to grow industrial
12 hemp in accordance with the provisions of W.S. 35-7-2101
13 through 35-7-2107.

14

15 **Section 4.** This act is effective July 1, 2017.

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17

(END)