

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1611

S.P. 567

In Senate, May 16, 2017

An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative SANDERSON of Chelsea and
Senators: DILL of Penobscot, SAVIELLO of Franklin, Representatives: ACKLEY of
Monmouth, BLACK of Wilton, CASÁS of Rockport, HARVELL of Farmington, HICKMAN
of Winthrop, O'NEIL of Saco.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** academic research partnerships and projects could benefit from expanding
4 permitted activities involving industrial hemp; and

5 **Whereas,** expanding these activities could provide significant benefits to Maine's
6 research institutions and economy; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

11 **Be it enacted by the People of the State of Maine as follows:**

12 **Sec. 1. 7 MRSA §1042, sub-§4** is amended to read:

13 **4. Noxious-weed seeds.** "Noxious-weed seeds" ~~shall be divided into~~ includes 2
14 classes of weed seeds, primary noxious-weed seeds and secondary noxious-weed seeds.
15 The commissioner may, through ~~promulgation of regulations~~ adoption of rules, add to or
16 subtract from the list of seeds included under either definition whenever ~~he~~ the
17 commissioner finds, after public hearing, that such additions or subtractions are within
18 the respective definitions, except that the commissioner may not list industrial hemp, as
19 defined in section 2232, subsection 1, paragraph C, as a primary noxious-weed seed or
20 secondary noxious-weed seed.

21 **Sec. 2. 7 MRSA §2232** is enacted to read:

22 **§2232. Industrial hemp pilot program**

23 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
24 following terms have the following meanings.

25 A. "Clone" means an industrial hemp plant produced using any part of another
26 industrial hemp plant other than the seeds of that industrial hemp plant.

27 B. "Educational institution of higher learning" means a college or university as
28 defined in Title 20-A, section 10009, subsection 1, paragraph A.

29 C. "Industrial hemp" means the plant Cannabis sativa L. and any part of such plant,
30 whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not
31 more than 0.3% on a dry weight basis.

32 D. "Industrial hemp pilot program" means a 5-year program established in
33 compliance with 7 United States Code, Section 5940 to study the growth, cultivation
34 or marketing of industrial hemp.

35 **2. Industrial hemp pilot program established.** There is established an industrial
36 hemp pilot program under which the department shall license activities and certify and
37 register sites related to industrial hemp as set out in this section.

1 **3. Permitted activities.** Notwithstanding any other provision of law, a person or
2 entity may plant, grow, harvest, process, possess, transport, purchase, sell and distribute
3 industrial hemp for research purposes under a license issued by the department under this
4 section at any site certified by and registered by the department under this section. A
5 person or entity with a license pursuant to this section may plant, grow, harvest, process,
6 possess, transport, purchase, sell and distribute industrial hemp or otherwise use clones to
7 further any activity related to industrial hemp.

8 **4. Revenue restrictions.** Revenue collected from fees established under this section
9 must be used to administer this section.

10 **5. Collaboration.** The department shall encourage collaboration between the State
11 and other states' educational institutions of higher learning and state departments of
12 agriculture with respect to the planting, growing, harvesting, processing, possessing,
13 transporting, purchasing, selling and distributing of industrial hemp.

14 **6. Rules.** The department shall adopt rules governing the licensing of activities and
15 of industrial hemp producer collectives and the certification and registration of sites
16 related to industrial hemp. The rules must:

17 A. Establish an application process and fee structure for licensing permitted
18 activities. A license for a business entity must include all employees of the company
19 in one license;

20 B. Establish an application process and fee structure for certification and registration
21 of sites. The fees may not be based on the number of acres of industrial hemp in
22 production outdoors or square feet indoors or in greenhouses;

23 C. Establish a process for certifying and registering sites where licensees may grow
24 and cultivate industrial hemp under this section;

25 D. Establish an industrial hemp certified seed program based on international
26 standards that includes a registry of seed varieties;

27 E. Establish procedures and standards for testing hemp plants, including sampling
28 times, lab standards, proper storage, identification of the proper part of plant to test,
29 guidelines on how to select a plant or plants for testing and cannabinol calibration;

30 F. Allow an educational institution of higher learning to use hemp that contains a
31 tetrahydrocannabinol reading above 0.3% under appropriate certification and
32 registration conditions;

33 G. Establish guidelines concerning the collection of feral hemp, including testing
34 feral hemp and a procedure for handling feral hemp with tetrahydrocannabinol
35 readings above 0.3%;

36 H. Specify that testing procedures include a high-pressure liquid chromatography
37 test and provide that if the results of the high-pressure liquid chromatography test are
38 above 0.3% tetrahydrocannabinol, a licensee may request a 2nd high-pressure liquid
39 chromatography test;

1 I. Provide for the licensure of industrial hemp producer collectives. The rules must
2 require each member of a collective to have an individual license or require all
3 members to be covered under one license;

4 J. Develop guidelines to address pollen drift;

5 K. Include other provisions reasonably necessary for the administration of this
6 section; and

7 L. Allow for hemp production indoors, outdoors and in greenhouses.

8 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
9 chapter 375, subchapter 2-A.

10 **7. Violation.** A person or entity that violates this section or any of the rules adopted
11 pursuant to this section commits a civil violation for which a fine not to exceed \$100 may
12 be adjudged. The court may also order the suspension or revocation of a license issued to
13 the person or entity under this section.

14 **8. Annual report.** The department, beginning January 15, 2018 and annually
15 thereafter, shall submit a report to the joint standing committee of the Legislature having
16 jurisdiction over agricultural matters regarding the implementation, administration and
17 research accomplished pursuant to the industrial hemp pilot program. The department
18 shall submit any legislation it determines necessary for the improvement of the industrial
19 hemp pilot program.

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.

22 SUMMARY

23 This bill establishes an industrial hemp pilot program under which educational
24 institutions of higher learning and others are allowed to plant, grow, harvest, process,
25 possess, transport, purchase, sell and distribute industrial hemp for research purposes
26 under a license issued by the Department of Agriculture, Conservation and Forestry. The
27 department is required to adopt rules to certify and register sites and license activities
28 related to industrial hemp and to license industrial hemp producer collectives. The rules
29 must address testing procedures and standards, an industrial hemp certified seed program,
30 pollen drift and feral hemp and allow for hemp production indoors, outdoors and in
31 greenhouses.

32 This bill allows licensees to use industrial hemp clones. It requires the department to
33 encourage collaboration with other states' educational institutions of higher learning and
34 state departments of agriculture. It also prevents industrial hemp from being listed as a
35 primary or secondary noxious-weed seed. It creates a civil violation for a person or entity
36 that violates the new provision.