

H.B. No. 0230**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

AN ACT relating to food and drugs; authorizing industrial hemp farming as specified; providing for hemp farming for research purposes; providing licensure requirements; authorizing enforcement and penalties; creating a misdemeanor; providing rulemaking authority; providing an affirmative defense for marihuana prosecutions as specified; and providing for effective dates.

1/24/2017 Bill Number Assigned
1/25/2017 H Received for Introduction
1/25/2017 H Introduced and Referred to H01 - Judiciary
2/1/2017 H01 - Judiciary:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Baker, Biteman, Jennings, Kirkbride, Olsen, Pelkey, Pownall, Salazar, Winters

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/1/2017 H Placed on General File

HB0230HS001/ADOPTED**(CORRECTED COPY)**

Page 2-line 10 After "containing" insert "a total of".
Page 2-line 11 After "(0.03%" insert "of any combination of".
Page 2-line 12 Delete "tetrahydrocannabinol" insert
"tetrahydrocannabinols". KIRKBRIDE, CHAIRMAN

2/2/2017 H COW:Passed
2/3/2017 H 2nd Reading:Passed
2/6/2017 H 3rd Reading:Passed 52-6-2-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhardt, Byrd, Clem, Connolly, Court, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Haley, Hallinan, Halverson, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, McKim, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Schwartz, Sommers, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Clausen, Greear, Harshman, Salazar, Steinmetz, Walters

Excused: Representative(s) Crank, Lone

Ayes 52 **Nays** 6 **Excused** 2 **Absent** 0 **Conflicts** 0

2/7/2017 S Received for Introduction
2/7/2017 S Introduced and Referred to S01 - Judiciary
2/23/2017 Rerefer to S08 - Transportation
2/24/2017 S08 - Transportation:Recommend Do Pass 4-0-1-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Baldwin, Meier

Excused: Senator Christensen

Ayes 4 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/24/2017 S Placed on General File

2/27/2017 S COW:Passed

HB0230S2001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 6 Delete "an effective date" insert "effective dates".

Page 1-line 10 Delete "35-7-2107" insert "35-7-2108".

Page 2-after line 15 Insert "(iv) "This act" means W.S. 35-7-2101 through 35-7-2108".

Page 2-line 23 After "hemp" insert "and industrial hemp seeds".

Page 4-after line 12 Insert and renumber:

"35-7-2104. Industrial hemp seed certification; power of department to examine seeds; purchase of samples; authority to make rules; fees and disposition thereof.

(a) All industrial hemp seed sold in this state shall be certified by the department before sale.

(b) The department shall certify varieties of seeds shall promulgate rules and regulations necessary to ensure the production of certified seed of high quality that complies with the requirements of this act. The department may charge reasonable fees for certification and shall use the funds received to defray the cost of conducting the certification program.

(c) The department shall have free access at all reasonable hours upon and into any premises or structures where seed is stored or offered for sale to examine any seeds and, upon tendering payment therefor at the current value, may take from any person a sample of the seeds."

Page 4-line 14 Delete "35-7-2104" insert "35-7-2105".

Page 5-line 12 Delete "35-7-2105" insert "35-7-2106".

Page 6-line 8 Delete "35-7-2106" insert "35-7-2107".

Page 6-line 10 Delete "35-7-2105(a)(iii)" insert "35-7-2104(b) and 35-7-2106(a)(iii)".

Page 6-line 15 Delete "35-7-2107" insert "35-7-2108".

Page 7-line 11 Delete "35-7-2107" insert "35-7-2108".

Page 7-line 18 Delete "35-7-2107" insert "35-7-2108".

Page 7-line 21 After "W.S." insert "35-7-2104 and".

Page 8-line 13 Delete "35-7-2107" insert "35-7-2108".

Page 8-after line 13 Insert:

"(c) For enforcement and compliance, the department of agriculture may contract with testing laboratories to test industrial hemp and industrial hemp seed to test for tetrahydrocannabinol content in accordance with this act."

Page 8-line 15 Delete "This act is effective July 1, 2017." insert:

"(a) Section 3 of this act and the rulemaking requirements of W.S. 35-7-2104 and 35-7-2106 in Section 1 of this act are effective July 1, 2017."

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2018.". MEIER

HB0230S2002/ADOPTED

(TO ENGROSSED COPY)

Page 5-line 22 After "harvest" insert "by an inspector who is

trained to recognize a nonindustrial hemp plant, which may include law enforcement".
MEIER

HB0230S2003/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 3 After "requirements;" insert "authorizing enforcement and penalties; creating a misdemeanor".

Page 1-line 10 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete "35-7-2107" insert "35-7-2109".

Page 2-after line 15 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: insert "(iv) "This act" means W.S. 35-7-2101 through 35-7-2109.".

Page 5-after line 10 Insert and renumber:
"35-7-2106. Enforcement; compliance; penalties.

 (a) The department shall perform sampling and examination of industrial hemp grown under this article for the purpose of determining whether a license holder is complying with the requirements of this article. Notwithstanding W.S. 40-27-101 and 6-3-414, the department is authorized, upon presentation of proper identification, to enter any license holder's property, during reasonable times, to have access to an industrial hemp crop at any stage, for sampling, resource data collection, examination and supervision.

 (b) If the department is denied access to any land where access is sought for purposes set forth in this article, the department may apply to any court of competent jurisdiction for a search warrant authorizing access to the lands for the stated purposes.

 (c) Any person who violates any provisions of this article or any regulation promulgated pursuant to this article is subject to a civil penalty not to exceed seven hundred fifty dollars (\$750.00) for each violation for each day during which the violation continues.

 (d) Any person who intentionally violates any provision of this article or any regulation promulgated pursuant to this article is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

 (e) No person shall be entitled to the recovery of damages from administrative action taken pursuant to this article if a court of competent jurisdiction finds that there was probable cause for the action."

Page 5-line 12 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete **"35-7-2105"** insert **"35-7-2107"**.

Page 6-line 8 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete **"35-7-2106"** insert **"35-7-2108"**.

Page 6-line 10 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete "35-7-2105(a)(iii)" insert "35-7-2104(b) and 35-7-2107(a)(iii)".

Page 6-line 15 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend

as follows: delete "35-7-2107" insert "35-7-2109".

Page 7-line 11 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete "35-7-2107" insert "35-7-2109".

Page 7-line 18 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete "35-7-2107" insert "35-7-2109".

Page 7-line 21 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: after "W.S." delete "35-7-2105" insert "35-7-2104 and 35-7-2107".

Page 8-line 13 Delete the Meier second reading amendment (HB0230S2001/AE) to this line and further amend as follows: delete "35-7-2107" insert "35-7-2109".

Page 8-line 15 In the Meier second reading amendment (HB0230S2001/AE) to this line, delete "35-7-2106" insert "35-7-2107".

To the extent required by this amendment, renumber as necessary. MEIER

2/28/2017 S 2nd Reading:Passed

HB0230S3001/ADOPTED

(TO ENGROSSED COPY)

Page 5-after line 10 In the Meier second reading amendment (HB0230S2003/AE) to this line in subsection (a) created by that amendment after "examination of industrial hemp" insert "or hemp seeds"; after "access to an industrial hemp crop" insert "or hemp seeds"; after "supervision." insert "The department may communicate with law enforcement regarding facts and circumstances involving the department's sampling, examination and supervision, which law enforcement may use in obtaining a search warrant.". MEIER

3/1/2017 S 3rd Reading:Passed 22-6-2-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bouchard, Burns, Case, Coe, Driskill, Ellis, Emerich, Hastert, Hicks, Meier, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern

Nays: Senator(s) Christensen, Dockstader, Kinskey, Landen, Moniz, Wasserburger

Excused: Senator(s) Bebout, Boner

Ayes 22 **Nays** 6 **Excused** 2 **Absent** 0 **Conflicts** 0

3/2/2017 H Received for Concurrence

3/2/2017 H Concur:Passed 53-5-2-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhardt, Byrd, Clausen, Clem, Connolly, Court, Crank, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau,

Gray, Haley, Hallinan, Halverson, Henderson, Hunt, Jennings, Kinner, Kirkbride, Laursen, Lindholm, Lone, Loucks, MacGuire, Madden, McKim, Miller, Nicholas, Northrup, Obermuelle, Olsen, Paxton, Pelkey, Pownall, Schwartz, Sommers, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Greear, Larsen, Piiparinen, Salazar, Steinmetz

Excused: Representative(s) Harshman, Walters

Ayes 53 **Nays** 5 **Excused** 2 **Absent** 0 **Conflicts** 0

3/2/2017 Assigned Number HEA No. 0116

3/3/2017 H Speaker Signed HEA No. 0116

3/3/2017 S President Signed HEA No. 0116

3/20/2017 Became Law without Governor's Signature

3/20/2017 Assigned Chapter Number

Chapter No. 212 Session Laws of Wyoming 2017