

SENATE FILE NO. SF0055

Hemp production-fees.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to hemp production; requiring fees for
2 compliance inspections and disposal verification;
3 authorizing disposal verification; requiring rulemaking;
4 correcting references; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 11-51-101(a)(intro), (i), (ii) and
9 (iv), 11-51-102, 11-51-103(b)(iv) and (e), 11-51-104,
10 11-51-105(a), 11-51-106 and 11-51-107 are amended to read:

11

12 **11-51-101. Definitions.**

13

14 (a) As used in this ~~article~~chapter:

15

1 (i) "Corrective action plan" means a plan the
2 department develops in consultation with a licensee to
3 correct any violation of this ~~article~~chapter;

4
5 (ii) "Disposal" means activities to alter or
6 treat hemp or hemp products that contain an amount of THC
7 in excess of the amount authorized in this ~~article~~chapter
8 to ensure that the THC is reduced to bring the hemp or hemp
9 product into compliance with this ~~article~~chapter or, if
10 compliance is not attainable, that the THC is rendered
11 inaccessible;

12
13 (iv) "Licensee" means a person licensed under
14 this ~~article~~chapter to produce, process or test hemp;

15
16 **11-51-102. Hemp as agricultural crop; use of hemp.**

17
18 (a) Hemp is an agricultural crop in this state. Upon
19 meeting the requirements of this ~~article~~chapter, a person
20 may produce or process hemp.

21
22 (b) Notwithstanding the requirements of this ~~article~~
23 chapter, the possession, purchase, sale, transportation and

1 use of hemp and hemp products by any person is allowable
2 without restriction.

3

4 **11-51-103. Licensing.**

5

6 (b) The application for a license under this section
7 shall include:

8

9 (iv) Authorization for reasonable access by the
10 department for ~~random~~ inspections and verifications related
11 to production or processing activities for which a licensee
12 shall be assessed fees under W.S. 11-51-104(a); and

13

14 (e) Any person possessing hemp or hemp products only
15 for the purpose of testing THC levels may, but shall not be
16 required to, obtain a license under this ~~article~~ chapter.

17

18 **11-51-104. Enforcement; fees; penalties.**

19

20 (a) The department shall perform inspections and
21 provide chemical sampling and analysis of ~~a random sample~~
22 ~~of~~ production or processing activities by licensees to
23 determine compliance with this ~~article~~ chapter. The

1 department may require verification of effective disposal
2 of hemp or hemp products by licensees. For any sample,
3 analysis or verification conducted under this subsection,
4 the department shall assess the licensee fees as
5 established by rule of the department, not to exceed the
6 following:

7
8 (i) Two hundred dollars (\$200.00) per sample
9 conducted by the department;

10
11 (ii) Two hundred dollars (\$200.00) per analysis
12 conducted by the department;

13
14 (iii) Two hundred fifty dollars (\$250.00) per
15 lot for verification of effective disposal of hemp or hemp
16 products.

17
18 (b) Any licensee who violates any provision of this
19 ~~article~~chapter or any regulation promulgated pursuant to
20 this ~~article~~chapter shall be subject to a corrective
21 action plan. The corrective action plan may include
22 reporting requirements, additional inspections, suspension
23 of a license, steps necessary to restore a license, ~~or~~

1 requirements related to disposal of hemp or hemp products
2 that contain in excess of three-tenths of one percent
3 (0.3%) THC on a dry weight basis or providing notice of the
4 violation to the licensee's known creditors. The plan may
5 require rendering THC inaccessible by using hemp or hemp
6 products as a soil amendment material or by destruction of
7 the hemp or hemp product as authorized by rule of the
8 department.

9
10 (c) Any person who intentionally violates this
11 ~~article~~chapter is guilty of a misdemeanor punishable by a
12 fine of not more than seven hundred fifty dollars
13 (\$750.00), imprisonment for not more than six (6) months,
14 or both.

15
16 (d) If any person has three (3) or more violations of
17 this ~~article~~chapter or any regulation promulgated pursuant
18 to this ~~article~~chapter within five (5) years, the
19 department shall revoke the license and the person shall be
20 ineligible for licensure under this article for five (5)
21 years.

22
23 **11-51-105. Rules; agreements; research activities.**

1

2 (a) The department shall adopt rules necessary to
3 implement the provisions of this ~~article~~chapter.

4

5 **11-51-106. Disposition of fees.**

6

7 All fees collected under this ~~article~~chapter shall be
8 deposited with the state treasurer in a separate account
9 which is continuously appropriated to the department for
10 the administration of this ~~article~~chapter.

11

12 **11-51-107. Exception if this chapter is not**
13 **implemented.**

14

15 Nothing in this ~~article~~chapter shall preclude any person
16 from applying for and receiving authorization to produce
17 and process hemp from another authorized entity if the
18 department does not receive authority to do so or is
19 otherwise not implementing this ~~article~~chapter.

20

21 **Section 2.** The department of agriculture shall adopt
22 rules necessary to implement this act.

23

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)