S T A T E O F N E W Y O R K

9140

I N A S S E M B L Y

March 20, 2014

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to authorizing the growing of industrial hemp as part of an agricultural pilot program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds and declares that it is necessary to establish an agricultural pilot program, as authorized under federal law, for the growing of industrial hemp in the state to provide research-based knowledge that can be used by farmers and businesses to develop a successful hemp industry if federal authorization is granted.

S 2. Article 27 and sections 450, 451, 452, 453, 454 and 455 of the agriculture and markets law, as renumbered by chapter 1047 of the laws of 1965, are renumbered article 30 and sections 550, 551, 552, 553, 554 and 555 and a new article 29 is added to read as follows:

ARTICLE 29

GROWTH OF INDUSTRIAL HEMP

SECTION 505. DEFINITIONS.
506. GROWTH OF INDUSTRIAL HEMP PERMITTED.
507. PROHIBITIONS.
508. REGULATIONS.

S 505. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "INDUSTRIAL HEMP" MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF NOT MORE THAN 0.3 PERCENT ON A DRY WEIGHT BASIS.

2. "INSTITUTION OF HIGHER EDUCATION" MEANS:

(A) ANY OF THE COLLEGES AND UNIVERSITIES DESCRIBED IN SUBDIVISION THREE OF SECTION THREE HUNDRED FIFTY-TWO OF THE EDUCATION LAW;

(B) A COLLEGE ESTABLISHED AND OPERATED PURSUANT TO THE PROVISIONS OF ARTICLE ONE HUNDRED TWENTY-SIX OF THE EDUCATION LAW, AND PROVIDING TWO-YEAR OR FOUR-YEAR POST SECONDARY PROGRAMS IN GENERAL AND TECHNICAL EDUCATIONAL SUBJECTS AND RECEIVING FINANCIAL ASSISTANCE FROM THE STATE;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) THE CITY UNIVERSITY OF NEW YORK, AS DEFINED IN SUBDIVISION TWO OF SECTION SIXTY-TWO HUNDRED TWO OF THE EDUCATION LAW; AND

(D) A NOT-FOR-PROFIT TWO OR FOUR YEAR UNIVERSITY OR COLLEGE GIVEN THE POWER TO CONFER ASSOCIATE, BACCALAUREATE OR HIGHER DEGREES IN THIS STATE BY THE LEGISLATURE OR BY THE REGENTS UNDER ARTICLE FIVE OF THE EDUCATION LAW.

S 506. GROWTH OF INDUSTRIAL HEMP PERMITTED. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, INDUSTRIAL HEMP IS AN AGRICULTURAL PRODUCT WHICH MAY BE GROWN, PRODUCED AND POSSESSED IN THE STATE AS PART OF AN AGRICULTURAL PILOT PROGRAM PURSUANT TO AUTHORIZATION UNDER FEDERAL LAW AND THE PROVISIONS OF THIS ARTICLE.

NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY RESTRICTING THE GROWING OR CULTIVATING OF INDUSTRIAL HEMP, AND SUBJECT TO AUTHORIZATION UNDER FEDERAL LAW, THE COMMISSIONER MAY AUTHORIZE NO MORE THAN UP TO TEN SITES FOR THE GROWING OR CULTIVATING OF INDUSTRIAL HEMP AS PART OF AN AGRICULTURAL PILOT PROGRAM CONDUCTED BY THE DEPARTMENT AND/OR AN INSTITUTION OF HIGHER EDUCATION TO STUDY THE GROWTH AND CULTIVATION OF SUCH HEMP PROVIDED THAT THE SITES USED FOR GROWING OR CULTIVATING INDUSTRIAL HEMP ARE CERTIFIED BY, AND REGISTERED WITH, THE DEPARTMENT.

S 507. PROHIBITIONS. THE SALE, DISTRIBUTION OR EXPORT OF INDUSTRIAL HEMP GROWN OR CULTIVATED PURSUANT TO THIS ARTICLE IS PROHIBITED.

S 508. REGULATIONS. IN COOPERATION WITH THE COMMISSIONER OF HEALTH AND THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES, THE COMMISSIONER SHALL DEVELOP REGULATIONS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE FOR THE APPROVAL OF AGRICULTURAL PILOT PROGRAMS FOR THE GROWING AND CULTIVATION OF INDUSTRIAL HEMP, INCLUDING, BUT NOT LIMITED TO:

(A) THE AUTHORIZATION OF ANY PERSON WHO AS PART OF SUCH PROGRAM MAY ACQUIRE OR POSSESS INDUSTRIAL HEMP OR HEMP SEEDS; AND

(B) THE DISPOSITION OF INDUSTRIAL HEMP AFTER IT HAS BEEN GROWN OR CULTIVATED AND STUDIED.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.