

7047

I N S E N A T E

April 21, 2014

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed 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:

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

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

11 ARTICLE 29

12 GROWTH OF INDUSTRIAL HEMP

13 SECTION 505. DEFINITIONS.

14 506. GROWTH OF INDUSTRIAL HEMP PERMITTED.

15 507. PROHIBITIONS.

16 508. REGULATIONS.

17 S 505. DEFINITIONS. AS USED IN THIS ARTICLE:

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

21 2. "INSTITUTION OF HIGHER EDUCATION" MEANS:

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

24 (B) A COLLEGE ESTABLISHED AND OPERATED PURSUANT TO THE PROVISIONS OF
25 ARTICLE ONE HUNDRED TWENTY-SIX OF THE EDUCATION LAW, AND PROVIDING TWO-
26 YEAR OR FOUR-YEAR POST SECONDARY PROGRAMS IN GENERAL AND TECHNICAL
27 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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1 (C) THE CITY UNIVERSITY OF NEW YORK, AS DEFINED IN SUBDIVISION TWO OF
2 SECTION SIXTY-TWO HUNDRED TWO OF THE EDUCATION LAW; AND

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

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

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

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

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

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

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

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