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

9310--A

I N A S S E M B L Y

February 17, 2016

Introduced by M. of A. LUPARDO, GOTTFRIED, BRINDISI, BENEDETTO, STIRPE, SKARTADOS, BLAKE, CROUCH, WOERNER, WALTER, CAHILL, MAGEE, RUSSELL -- Multi-Sponsored by -- M. of A. GLICK, McLAUGHLIN, PALMESANO, ROBINSON, SIMON, STECK -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the sale, distribution, transportation and processing of industrial hemp

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

Section 1. Section 506 of the agriculture and markets law, as added by chapter 524 of the laws of 2014, is amended to read as follows:

S 506. Growth, SALE, DISTRIBUTION, TRANSPORTATION AND PROCESSING of industrial hemp AND PRODUCTS DERIVED FROM SUCH HEMP permitted. Notwithstanding any provision of law to the contrary, industrial hemp [is an] AND PRODUCTS DERIVED FROM SUCH HEMP ARE agricultural [product] PRODUCTS which may be grown, produced and possessed in the state, AND SOLD, DISTRIBUTED, TRANSPORTED OR PROCESSED EITHER IN OR OUT OF STATE as part of [an] agricultural pilot [program] PROGRAMS 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, SALE, DISTRIBUTION, TRANSPORTATION OR PROCESSING of industrial hemp AND PRODUCTS DERIVED FROM SUCH 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] PROGRAMS conducted by the department and/or an institution of higher education to study the growth and cultivation, SALE, DISTRIBUTION, TRANSPORTATION AND PROCESSING of such hemp AND PRODUCTS DERIVED FROM SUCH HEMP provided that the sites AND PROGRAMS used for growing or cultivating industrial hemp are certified by, and registered with, the department.

S 2. Section 507 of the agriculture and markets law, as added by chapter 524 of the laws of 2014, is amended to read as follows:

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

LBD13736-04-6

S 507. Prohibitions. [The] EXCEPT AS AUTHORIZED BY FEDERAL AND STATE LAW, AND REGULATIONS PROMULGATED PURSUANT TO SECTION FIVE HUNDRED EIGHT OF THIS ARTICLE, THE sale, distribution or export of industrial hemp grown or cultivated pursuant to this article is prohibited.

S 3. Section 508 of the agriculture and markets law, as added by chapter 524 of the laws of 2014, is amended to read as follows:

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, SALE, DISTRIBUTION, TRANSPORTATION OR PROCESSING of industrial hemp AND PRODUCTS DERIVED FROM SUCH HEMP, including, but not limited to:

(a) the authorization of any person who as part of such [program] PROGRAMS may: acquire or possess industrial hemp PLANTS or hemp seeds; GROW OR CULTIVATE INDUSTRIAL HEMP PLANTS; AND/OR, SELL, PURCHASE, DISTRIBUTE, TRANSPORT OR PROCESS SUCH PLANTS, SEEDS AND PRODUCTS; and

(b) the [disposition] DISPOSAL, IF NECESSARY, of industrial hemp after it has been grown or cultivated and studied.

S 4. The agriculture and markets law is amended by adding a new section 509 to read as follows:

S 509. INDUSTRIAL HEMP REPORTING. THE COMMISSIONER, IN COOPERATION WITH THE COMMISSIONER OF ECONOMIC DEVELOPMENT, SHALL FILE A WRITTEN REPORT WITH THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE ASSEMBLY ON JANUARY FIRST, TWO THOUSAND EIGHTEEN CONCERNING THE STATUS OF AGRICULTURAL PILOT PROGRAMS DEVELOPED PURSUANT TO THIS ARTICLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE SUCCESS OF SUCH PROGRAMS IN CULTIVATING, MARKETING, PROCESSING AND SELLING INDUSTRIAL HEMP AND PRODUCTS DERIVED FROM SUCH HEMP, AND THE OPPORTUNITIES AND BARRIERS TO DEVELOPING HEMP RELATED BUSINESSES AND JOBS.

S 5. This act shall take effect on the thirtieth 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.