

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 61

An Act to amend and reenact §§ 3.2-4113 and 3.2-4117 of the Code of Virginia, relating to the production of industrial hemp.

[S 691]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113 and 3.2-4117 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4113. Production of industrial hemp lawful.

A. It is lawful for a person licensed pursuant to § 3.2-4115 or 3.2-4117 to cultivate, produce, or otherwise grow industrial hemp in the Commonwealth for ~~the any lawful purpose of research as part of the industrial hemp research program, including the manufacture of industrial hemp products or scientific, agricultural, or other research related to other lawful applications for industrial hemp.~~ No person licensed pursuant to § 3.2-4115 or 3.2-4117 shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for ~~(i) the possession or, cultivation of industrial hemp plant material or seeds as part of the industrial hemp research program or (ii) the, or manufacture of industrial hemp plant material and seeds or industrial hemp products as part of the industrial hemp research program.~~ In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower *or a grower licensed pursuant to § 3.2-4117.*

§ 3.2-4117. Additional industrial hemp licenses.

A. The Board may adopt regulations as necessary to license persons to grow industrial hemp in the Commonwealth for any *lawful* purpose.

B. ~~The~~ *Notwithstanding the provisions of §§ 3.2-4115 and 3.2-4116, the Commissioner may shall* establish a program of licensure *and renewal*, including the establishment of any fees *not to exceed \$250*, to allow a person to grow industrial hemp in the Commonwealth for any *lawful* purpose. *Valid applications shall be granted licensure within 90 days of receipt of the application. The Commissioner shall accept license applications throughout the year. Licenses shall be valid for four years from the date of the issuance of the license.*

C. ~~Subsections A and B shall only be allowed subject to the authorization of industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.~~