

# 2016 SESSION

LEGISLATION NOT PREPARED BY DLS  
INTRODUCED

16104561D

## SENATE BILL NO. 691

Offered January 20, 2016

A *BILL to amend and reenact §§ 3.2-4113 and 3.2-4117 of the Code of Virginia, relating to the production of industrial hemp.*

Patrons—Chafin and Stanley; Delegate: Hester

Referred to Committee on Agriculture, Conservation and Natural Resources

**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, 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.*

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~~ All records, data, and information filed in support of a license application issued under this section shall be considered proprietary and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

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