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HOUSE BILL NO. 1317

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend and reenact §§ 3.2-4114 and 3.2-4115 of the Code of Virginia, relating to industrial hemp growers; public notice; buffer zones.*

Patron—Aird

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4114 and 3.2-4115 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4114. Regulations.

A. The Board may adopt regulations pursuant to this chapter as necessary to register persons to grow, deal in, or process industrial hemp or implement the provisions of this chapter.

B. *The Board shall adopt regulations pursuant to this chapter requiring that each registered grower of industrial hemp (i) maintain a buffer zone of a specified depth from the property lines of any premises on which industrial hemp is grown and (ii) perform odor mitigation at any such premises during peak blooming season.*

§ 3.2-4115. Issuance of registrations.

A. The Commissioner shall establish a registration program to allow a person to grow, deal in, or process industrial hemp in the Commonwealth.

B. Any person seeking to grow, deal in, or process industrial hemp in the Commonwealth shall apply to the Commissioner for a registration on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;

2. The legal description and geographic data sufficient for locating (i) the land on which the applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to deal in industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp growth, dealing in, or processing only at the location specified in the registration;

3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a registration under this section shall not be eligible to be registered;

4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown, dealt in, or processed to conduct physical inspections of the industrial hemp and to ensure compliance with the requirements of this chapter. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction;

5. Written consent allowing the Commissioner or his designee to enter the premises on which the industrial hemp is grown, dealt in, or processed to conduct inspections and sampling of the industrial hemp to ensure compliance with the requirements of this chapter;

6. A statement of the approximate square footage or acreage of the location he intends to use as a production field, dealership, or process site;

7. *If the applicant seeks to grow industrial hemp, a signed statement indicating that the premises on which the industrial hemp is to be grown are located more than 100 yards from any residential area, or that the applicant has complied with pre-registration public notice and comment requirements set by the Commissioner;*

8. Any other information required by the Commissioner; and

8- 9. The payment of a nonrefundable application fee, in an amount set by the Commissioner not to exceed \$50.

C. Each registration issued pursuant to this section shall be valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal shall require the payment of a registration renewal fee, in an amount set by the Commissioner not to exceed \$50.

D. All records, data, and information filed in support of a registration application submitted pursuant to this section shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

INTRODUCED

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