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HOUSE BILL NO. 699

Offered January 13, 2016

Prefiled January 11, 2016

A BILL to amend and reenact §§ 3.2-4113, 3.2-4114, and 3.2-4117 of the Code of Virginia, relating to the production of industrial hemp.

Patron—Pogge

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113, 3.2-4114, 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 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 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.

§ 3.2-4114. Regulations.

The Board ~~may~~ *shall* adopt regulations pursuant to this chapter as necessary to (i) license persons to grow industrial hemp or (ii) *to* administer the industrial hemp research program, *or both.*

§ 3.2-4117. Additional industrial hemp licenses.

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

B. 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 *and process* industrial hemp in the Commonwealth for any purpose.

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.

INTRODUCED

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