

23104920D

HOUSE BILL NO. 1881

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 2, 2023)

(Patron Prior to Substitute—Delegate Freitas)

A *BILL to amend and reenact § 3.2-4115 of the Code of Virginia, relating to industrial hemp; monopolies; registration and renewal fees.*

Be it enacted by the General Assembly of Virginia:

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

§ 3.2-4115. Issuance of registrations; exemption.

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. Any other information required by the Commissioner; and

8. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

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.

D. All records, data, and information filed in support of a registration application submitted pursuant to this section and all information on a hemp producer license issued by the U.S. Department of Agriculture submitted to the Commissioner 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.).

E. Notwithstanding the provisions of subsection B, no federally licensed hemp producer shall be required to apply to the Commissioner for a registration to grow industrial hemp in the Commonwealth. Each federally licensed hemp producer shall submit to the Commissioner a copy of his hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

F. *No fee for registration or renewal set by the Commissioner pursuant to this chapter shall exceed \$250.*

G. *The Commissioner shall not grant, suspend, or revoke any registration for growing, dealing in, or processing industrial hemp or hemp products in a manner that allows for the creation of a monopoly or otherwise lessens competition in the industrial hemp or hemp product industries in the Commonwealth. All citizens of the Commonwealth shall have equal access to apply for any such registration, and the Commissioner shall not unfairly restrict or hinder the entry of any such citizen into the industrial hemp or hemp product industries in the Commonwealth.*