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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 50 Session of  
2015

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INTRODUCED BY SCHWANK, FOLMER, TEPLITZ, FARNESE, LEACH,  
YUDICHAK, WOZNIAK AND McILHINNEY, FEBRUARY 12, 2015

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REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 12, 2015

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AN ACT

1 Establishing an industrial hemp industry in this Commonwealth.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Industrial  
6 Hemp Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Board." The Hemp Research Board.

12 "Department." The Department of Agriculture of the  
13 Commonwealth.

14 "Industrial hemp." A plant of the genus cannabis and any  
15 part of the plant, whether growing or not, containing a delta-9  
16 tetrahydrocannabinol concentration of no more than .3% on a dry  
17 weight basis.

1 Section 3. Industrial hemp.

2 (a) Activities authorized.--An individual or entity  
3 registered with the board may grow, cultivate or market  
4 industrial hemp for any of the following purposes of research in  
5 accordance with section 4:

6 (1) Conducting research or development of industrial  
7 hemp.

8 (2) Cultivation or production of industrial hemp and  
9 other related strains.

10 (3) Marketing industrial hemp.

11 (4) Any other purpose as allowed by the department.

12 (b) Oilseed.--Industrial hemp shall be recognized as an  
13 oilseed in this Commonwealth.

14 Section 4. Board.

15 (a) Board.--There is created within the department the Hemp  
16 Research Board. The board shall operate in accordance with the  
17 following:

18 (1) The board shall be comprised of the following  
19 members:

20 (i) The Secretary of Agriculture or a designee.

21 (ii) The Commissioner of Professional and  
22 Occupational Affairs.

23 (iii) Three members appointed by the Governor and  
24 approved by the Senate. One of the appointees shall  
25 represent a Statewide agricultural organization. Each  
26 appointee shall serve a staggered three-year term.

27 (2) There shall be a chair of the board in accordance  
28 with the following:

29 (i) The Governor shall designate one of the board  
30 members as chair, and the chair shall serve at the

1 pleasure of the Governor. When present, the chair shall  
2 preside at all meetings. In the chair's absence, a member  
3 designated by the chair shall preside.

4 (ii) Three members of the board shall constitute a  
5 quorum, and an action or order of the board shall require  
6 the approval of at least three members.

7 (3) The board may appoint a secretary to hold office at  
8 the board's pleasure. If appointed, the secretary shall have  
9 powers and shall perform duties not contrary to law as the  
10 board shall prescribe. The secretary shall receive  
11 compensation as the board determines with the approval of the  
12 Governor. The secretary shall have power and authority to  
13 designate one of the clerks appointed by the board to perform  
14 the duties of the secretary during the secretary's absence.  
15 The appointed clerk shall exercise the powers of the  
16 secretary of the board for the time designated.

17 (b) Powers and duties.--The board shall have the following  
18 powers and duties:

19 (1) To develop and implement regulations necessary to  
20 carry out the provisions of this act.

21 (2) To issue, renew, deny, revoke, suspend or refuse to  
22 renew registration to cultivate, grow or market industrial  
23 hemp.

24 (3) To develop an application for registration.

25 (4) To create and maintain a database of registered  
26 persons.

27 (5) To inspect the facilities, seeds, plants and other  
28 items used by each registered grower to ensure compliance  
29 with this act and regulations promulgated under this act.

30 (6) To establish reasonable registration fees to cover

1 the cost of administering this act.

2 (7) To regulate the labeling and testing of industrial  
3 hemp within this Commonwealth.

4 (8) To establish guidelines for research conducted under  
5 section 5.

6 (c) Report.--Starting two years after the effective date of  
7 this act, and continuing annually, the board shall submit to the  
8 General Assembly a report detailing the following:

9 (1) The number of individuals and entities registered  
10 under this act.

11 (2) A description of the regulations implemented since  
12 the previous report.

13 (3) Any suspensions, revocations, refusals to renew or  
14 deny and the reasons for those dispositions.

15 (4) A financial accounting of the fees taken in and the  
16 expenditures of the department to carry out this act.

17 (5) Any other information requested by the General  
18 Assembly.

19 Section 5. Research.

20 A college or university located in this Commonwealth may  
21 apply to the department to conduct research in accordance with  
22 this act and the regulations promulgated under this act.

23 Section 6. Regulations.

24 (a) Requirement.--The board shall promulgate regulations as  
25 necessary to implement this act.

26 (b) Temporary regulations.--In order to facilitate the  
27 implementation of this act, regulations promulgated by the board  
28 shall be deemed temporary regulations which shall expire not  
29 later than two years following the publication of the temporary  
30 regulation. Temporary regulations shall not be subject to:

1           (1) Sections 201, 202, 203, 204 and 205 of the act of  
2 July 31, 1968 (P.L.769, No.240), referred to as the  
3 Commonwealth Documents Law.

4           (2) Sections 204(b) and 301(10) of the act of October  
5 15, 1980 (P.L.950, No.164), known as the Commonwealth  
6 Attorneys Act.

7           (3) The act of June 25, 1982 (P.L.633, No.181), known as  
8 the Regulatory Review Act.

9           (c) Expiration.--The board's authority to adopt temporary  
10 regulations under subsection (b) shall expire two years after  
11 the effective date of this section. Regulations adopted after  
12 this period shall be promulgated as provided by law.

13           (d) Publication.--The board shall begin publishing temporary  
14 regulations in the Pennsylvania Bulletin no later than three  
15 months following the effective date of this section.

16 Section 7. Contracts.

17           (a) Private persons.--A college or university may contract  
18 with private persons consistent with this act for the purposes  
19 of research.

20           (b) Validity.--No contract is void or voidable if it  
21 pertains to activities authorized by this statute.

22 Section 8. Noncriminal offense.

23           Activities conducted under this act shall not be in violation  
24 of the act of April 14, 1972 (P.L.233, No.64), known as The  
25 Controlled Substance, Drug, Device and Cosmetic Act, for  
26 variances in delta-9 tetrahydrocannabinol concentration not  
27 exceeding 1% that are not the result of intentional conduct.

28 Section 9. Appropriations.

29           A sum as may be necessary to carry out the provisions of this  
30 act is appropriated from the General Fund to the board.

1 Section 10. Repeals.

2 All acts and parts of acts are repealed insofar as they are  
3 inconsistent with this act.

4 Section 11. Expiration.

5 The provisions of this act shall expire 60 days after the  
6 United States Department of Agriculture has been authorized to  
7 regulate industrial hemp.

8 Section 12. Effective date.

9 This act shall take effect in 60 days.