

AMENDMENTS TO SENATE BILL NO. 50

Sponsor: SENATOR SCHWANK

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1 Amend Bill, page 1, line 3, by striking out the semicolon
2 after "Agriculture"

3 Amend Bill, page 1, line 3, by inserting after "and "
4 the Legislative Reference Bureau;

5 Amend Bill, page 1, line 3, by inserting after "penalties"
6 ; and establishing an account

7 Amend Bill, page 1, lines 9 through 18; pages 2 through 8,
8 lines 1 through 30; page 9, lines 1 through 3; by striking out
9 all of said lines on said pages and inserting

10 Section 2. Definitions.

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

14 "Account." The Plant Pest Management Account established in
15 section 9.

16 "Agricultural pilot program." The program under section 3 to
17 research the growth, cultivation, marketing and sale of
18 industrial hemp to ensure that institutions of higher education,
19 and sites and persons utilized by the institutions of higher
20 education, grow or cultivate industrial hemp as authorized under
21 this act.

22 "Department." The Department of Agriculture of the
23 Commonwealth.

24 "Industrial hemp." The plant cannabis sativa l. and any part
25 of the plant, whether growing or not, with a delta-9
26 tetrahydrocannabinol concentration of not more than 0.3% on a
27 dry weight basis.

28 "Institution of higher education." An institution which:

29 (1) meets the definition set forth in section 101 of the
30 Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. §
31 1001); and

32 (2) is located in this Commonwealth.

33 "Secretary." The Secretary of Agriculture of the

1 Commonwealth.

2 Section 3. Industrial hemp.

3 (a) Authority.--Notwithstanding any other law to the
4 contrary, the department may implement the agricultural pilot
5 program to research industrial hemp consistent with this act and
6 Federal law.

7 (b) Permits.--An institution of higher education, or a
8 person that supplies services to the institution of higher
9 education to implement or operate the agricultural pilot
10 program, may apply to the department for a permit under section
11 4(3).

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

14 (d) Prohibition.--A person may not grow, cultivate, market
15 or sell industrial hemp unless all of the following apply:

16 (1) The person is part of the agricultural pilot program
17 pursuant to a contract with an institution of higher
18 education.

19 (2) The person has a permit under section 4(3).

20 Section 4. Department.

21 The department has the following powers and duties:

22 (1) To develop and implement the agricultural pilot
23 program in this Commonwealth.

24 (2) To promulgate regulations under section 5.

25 (3) Subject to the Controlled Substances Act (Public Law
26 91-513, 84 Stat. 1236), the Safe and Drug-Free Schools and
27 Communities Act (Public Law 107-110, 20 U.S.C. § 7101 et
28 seq.), 41 U.S.C. Ch. 81 (relating to drug-free workplace) and
29 notwithstanding the act of April 14, 1972 (P.L.233, No.64),
30 known as The Controlled Substance, Drug, Device and Cosmetic
31 Act, and 18 Pa.C.S. § 7508(a)(1) (relating to drug
32 trafficking sentencing and penalties), to issue, renew, deny,
33 revoke, suspend or refuse to renew a permit as follows:

34 (i) For an institution of higher education to
35 conduct research relating to the cultivation or marketing
36 of industrial hemp.

37 (ii) For a person that contracts with the department
38 or an institution of higher education as necessary to
39 implement the agricultural pilot program.

40 (4) To establish requirements for the use or reuse of
41 seeds, crops or products produced as the end result of the
42 agricultural pilot program.

43 (5) To adopt and publish permit fees, which do not
44 exceed the actual cost of administering this act.

45 (6) To create and maintain a database of institutions of
46 higher education and persons that have permits under
47 paragraph (3).

48 (7) To inspect facilities, sites, seeds, plants,
49 individual growers and persons or things utilized as part of
50 the agricultural pilot program to ensure compliance with this
51 act and regulations promulgated under this act.

1 (8) To ensure that no industrial hemp is grown,
2 cultivated, marketed or sold except in accordance with this
3 act.

4 Section 5. Regulations.

5 (a) Authority.--The department may promulgate regulations to
6 ensure compliance with this act and policies and procedures of
7 the department. Regulations include the following:

8 (1) Research.

9 (2) Notwithstanding 3 Pa.C.S. Ch. 71 (relating to seed)
10 and regulations promulgated under that chapter, labeling,
11 packaging and testing of industrial hemp and industrial hemp
12 seeds.

13 (3) Applications and other information required to be
14 submitted to the department.

15 (4) Marketing and advertising of industrial hemp.

16 (b) Temporary regulations.--

17 (1) Within three months of the effective date of this
18 paragraph, in order to facilitate the implementation of this
19 section, the department may promulgate temporary regulations.

20 (2) Temporary regulations shall not be subject to any of
21 the following:

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

25 (ii) Sections 204(b) and 301(10) of the act of
26 October 15, 1980 (P.L.950, No.164), known as the
27 Commonwealth Attorneys Act.

28 (iii) The act of June 25, 1982 (P.L.633, No.181),
29 known as the Regulatory Review Act.

30 (3) Temporary regulations shall expire two years after
31 the effective date of this section.

32 Section 6. Contracted persons.

33 An institution of higher education holding a permit to
34 conduct an agricultural pilot program may contract with entities
35 and individual growers to the extent necessary to carry out the
36 agricultural pilot program. The contract terms must incorporate
37 the provisions of the permit. The entity or individual grower
38 shall be subject to the terms and requirements of the permit
39 issued to the institution of higher education and to enforcement
40 by the department for a violation of any of the following:

41 (1) This act.

42 (2) A regulation issued under this act.

43 (3) The permit.

44 Section 7. Noncriminal offense.

45 The department may assess a civil penalty of not more than
46 \$5,000 for a violation of this act.

47 Section 8. Criminal penalties.

48 A person that violates section 3(d) commits a summary
49 offense.

50 Section 9. Account.

51 (a) Deposit.--Money received from licensing, permitting

1 fees, fines and penalties under this act shall be paid into a
2 special restricted account in the General Fund known as the
3 Plant Pest Management Account. All money deposited in the
4 account is appropriated to the department for the purposes of
5 this act and the act of December 16, 1992 (P.L.1228, No.162),
6 known as the Plant Pest Act, and may not replace money
7 appropriated to the account as provided in subsection (b).

8 (b) Supplements.--The account may be supplemented by money
9 received from the following sources:

10 (1) State money appropriated to the department for
11 purposes of this act.

12 (2) Federal money appropriated to the department for
13 purposes of this act.

14 (3) Gifts and other contributions from public or private
15 sources for purposes of this act.

16 Section 10. Expiration.

17 (a) Federal action.--If the United States Department of
18 Agriculture is authorized to regulate industrial hemp, the
19 secretary shall transmit notice of the authorization to the
20 Legislative Reference Bureau for publication in the Pennsylvania
21 Bulletin.

22 (b) Date.--This act shall expire 60 days after publication
23 of the notice under subsection (a).

24 Section 11. Effective date.

25 This act shall take effect as follows:

26 (1) The following provisions shall take effect
27 immediately:

28 (i) Section 3(a).

29 (ii) Section 4(1) and (2).

30 (iii) Section 5.

31 (iv) Section 10.

32 (v) This section.

33 (2) The remainder of this act shall take effect in 60
34 days.