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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 967 Session of  
2015

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INTRODUCED BY DIAMOND, FLYNN, SABATINA, V. BROWN, CALTAGIRONE,  
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SANTORA, SCHLOSSBERG, SCHREIBER, WHEELAND AND FARINA,  
APRIL 15, 2015

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 15, 2015

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, providing for industrial hemp research; imposing  
3 powers and duties on the Department of Agriculture and the  
4 Legislative Reference Bureau; abrogating a regulation; and  
5 making a related repeal.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 3 of the Pennsylvania Consolidated Statutes  
9 is amended by adding a chapter to read:

10 CHAPTER 7

11 INDUSTRIAL HEMP RESEARCH

12 Sec.

13 701. Scope.

14 702. Definitions.

15 703. Administration.

16 704. Growth and cultivation.

17 705. Abrogation of regulation.

1 706. Expiration.

2 § 701. Scope.

3 This chapter relates to industrial hemp research.

4 § 702. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Agricultural pilot program." A pilot program to study the  
9 growth, cultivation or marketing of industrial hemp.

10 "Department." The Department of Agriculture of the  
11 Commonwealth.

12 "Industrial hemp." The plant Cannabis sativa L. and any part  
13 of the plant, whether growing or not, with a delta-9  
14 tetrahydrocannabinol concentration of not more than 0.3% on a  
15 dry-weight basis.

16 "Institution of higher education." As defined by section 101  
17 of the Higher Education Act of 1965 (Public Law 89-329, 20  
18 U.S.C. § 1001).

19 "Secretary." The Secretary of Agriculture of the  
20 Commonwealth.

21 § 703. Administration.

22 (a) Department.--The department has the following duties:

23 (1) Implement this chapter.

24 (2) Establish a certification and registration program  
25 under section 704(b)(2) (relating to growth and cultivation)  
26 and, when the program is operative, transmit notice of that  
27 fact to the Legislative Reference Bureau for publication in  
28 the Pennsylvania Bulletin.

29 (b) Regulations.--The department may promulgate regulations  
30 to implement this chapter.

1 (c) Secretary.--If the secretary determines that a Federal  
2 agency is authorized to regulate industrial hemp, the secretary  
3 shall transmit notice of that authorization to the bureau for  
4 publication in the Pennsylvania Bulletin.

5 § 704. Growth and cultivation.

6 (a) Authorization.--Notwithstanding section 4(1)(vii)1 of  
7 the act of April 14, 1972 (P.L.233, No.64), known as The  
8 Controlled Substance, Drug, Device and Cosmetic Act, industrial  
9 hemp may be grown or cultivated by the department or an  
10 institution of higher education for the purposes of research  
11 conducted under an agricultural pilot program in compliance with  
12 subsection (b).

13 (b) Manner.--Industrial hemp shall be grown or cultivated in  
14 a manner that complies with all of the following:

15 (1) Ensures that only institutions of higher education  
16 and the department are used to grow or cultivate industrial  
17 hemp.

18 (2) Requires that sites used for growing or cultivating  
19 industrial hemp be certified by and registered with the  
20 department.

21 § 705. Abrogation of regulation.

22 The provisions of 7 Pa. Code § 110.1(1) (relating to noxious  
23 weed control list) are abrogated.

24 § 706. Expiration.

25 This chapter shall expire upon publication of the notice  
26 under section 703(c) (relating to administration).

27 Section 2. Repeals are as follows:

28 (1) The General Assembly finds and declares that the  
29 repeal under paragraph (2) is necessary to effectuate the  
30 addition of 3 Pa.C.S. Ch. 7.

1           (2) Section 8(1) of the act of April 7, 1982 (P.L.228,  
2 No.74), known as the Noxious Weed Control Law, is repealed.

3 Section 3. This act shall take effect as follows:

4           (1) The following provisions shall take effect  
5 immediately:

6                 (i) The addition of 3 Pa.C.S. § 703.

7                 (ii) Section 2(1) of this act.

8                 (iii) This section.

9           (2) The remainder of this act shall take effect upon  
10 publication of the notice under 3 Pa.C.S. § 703(a)(2).