

HOUSE No. 773

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating the cultivation of Industrial Hemp.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/14/2015</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>9/3/2019</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>9/3/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>9/3/2019</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>9/3/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>9/3/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>9/3/2019</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>9/3/2019</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>9/3/2019</i>

HOUSE No. 773

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 773) of Chris Walsh and others for legislation to regulate the cultivation of industrial hemp. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 823 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act regulating the cultivation of Industrial Hemp.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 (1) Industrial hemp is a suitable crop for Massachusetts and its production will
2 contribute to the future viability of Massachusetts agriculture.

3 (2) Allowing industrial hemp production will provide farmers an opportunity to
4 sell their products to a marketplace that pays them a reasonable rate of return for their labor and
5 capital investments. Farmers in Canada report an \$800.00 per acre return for the crop.

6 (3) The infrastructure needed to process industrial hemp will result in increased
7 business opportunities and new jobs in our communities.

8 (4) As a food crop, industrial hemp seeds and oil produced from the seeds have
9 high nutritional and cosmetic value, including healthy fats and protein.

(5) As a fiber crop, industrial hemp can be used in the manufacture of products such as clothing, building supplies, animal bedding, paper, fiberglass and automobile parts.

(6) As a fuel crop, industrial hemp seeds can be processed into bio diesel, and stalks can be pelletized or flaked for burning or processed for cellulosic ethanol. Industrial hemp also expands opportunities for on-farm renewable energy production.

(7) The production of industrial hemp can play a useful agronomic role in farm land management as part of a crop rotation system.

(8) Carbon credits can be generated due to hemp's high rate of CO₂ sequestration during the growth cycle and as products.

(9) Having very low water needs, and low to zero fertilizer, herbicide, and fungicide requirements, hemp actually replenishes the soil during growth, and in its use as a soil amendment.

INDUSTRIAL HEMP

INTENT

The intent of this act is to establish policy and procedures for growing industrial hemp in Massachusetts so that farmers and other businesses in the Massachusetts agricultural industry can take advantage of this market opportunity when federal regulations permit.

DEFINITIONS

As used in this chapter:

(1) “Grower” means any person or business entity licensed under this chapter by the secretary of agriculture as an industrial hemp grower.

(2) “Hemp products” means all products made from industrial hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal, seed oil, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

(3) “Industrial hemp” means varieties of the plant *cannabis sativa* having no more than 1 percent tetrahydrocannabinol, whether growing or not, that are cultivated or possessed by a licensed grower in compliance with this chapter.

(4) “Secretary” means the secretary of agriculture, food and markets.

INDUSTRIAL HEMP: AN AGRICULTURAL PRODUCT

Industrial hemp is an agricultural product which may be grown, produced, possessed, and commercially traded in Massachusetts pursuant to the provisions of this chapter.

Researchers at public and private facilities would be allowed unrestricted access to seeds, plants, products, and processes, in the same vein as any other crop, using an “Intent to Research Industrial Hemp” license issued by the Secretary. Said license is to cover access to and use of industrial hemp as described in this act.

LICENSING; APPLICATION

(a) Any person or business entity wishing to engage in the production of industrial hemp must be licensed as an industrial hemp grower by the secretary. A license from the secretary shall authorize industrial hemp production only at a site or sites specified by the license.

(b) A license from the secretary shall be valid for 24 months from the date of issuance and may be renewed but shall not be transferable.

(c) Filing with the secretary documentation certifying that the seeds obtained for planting are of a type and variety compliant with the maximum concentration of tetrahydrocannabinol set forth in subdivision 560(3) of this chapter.

(d) Filing with the secretary the location and acreage of all parcels sown and other field reference information as may be required by the secretary.

(e) To qualify for a license from the secretary, an applicant shall demonstrate to the satisfaction of the secretary that the applicant has adopted methods to ensure the legal production of industrial hemp, which at a minimum shall include:

(1) Ensuring that all parts of the industrial hemp plant that do not enter the stream of commerce as hemp products are destroyed, incorporated into the soil, or otherwise properly disposed of.

(2) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of industrial hemp.

(f) Every grower shall maintain all production and sales records for at least three years.

(g) Every grower shall allow industrial hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected by and at the discretion of the secretary or his or her designee.

REVOCATION AND SUSPENSION OF LICENSE;

ENFORCEMENT

(a) The secretary may deny, suspend, revoke, or refuse to renew the license of any grower who:

(1) Makes a false statement or misrepresentation on an application for a license or renewal of a license.

(2) Fails to comply with or violates any provision of this chapter or any rule adopted under it.

RULE MAKING AUTHORITY

The secretary shall adopt rules to provide for the implementation of this chapter, which shall include rules to allow for the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during sowing, growing season, harvest, storage, and processing.

90 The secretary shall initiate the promulgation of the rules within one hundred and
91 twenty (120) days of the act becoming law, including the rules establishing reasonable license
92 fees in an amount sufficient to offset the cost of implementation and administration of the
93 industrial hemp program in the Commonwealth.

94 SECTION 3. EFFECTIVE DATE

95 This act shall take effect upon passage.