

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)
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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.

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

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

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

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

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

22 INDUSTRIAL HEMP

23 INTENT

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

28

29 DEFINITIONS

30 As used in this chapter:

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

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

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

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

41

42 INDUSTRIAL HEMP: AN AGRICULTURAL PRODUCT

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

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

49

50 LICENSING; APPLICATION

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

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

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

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

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

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

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

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

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

75

76 REVOCATION AND SUSPENSION OF LICENSE;

77 ENFORCEMENT

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

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

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

84

85 RULE MAKING AUTHORITY

86 The secretary shall adopt rules to provide for the implementation of this chapter,
87 which shall include rules to allow for the industrial hemp to be tested during growth for
88 tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during sowing,
89 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.