

HOUSE No. 3507

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 relative to the cultivation of industrial crops.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/19/2017</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/24/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/23/2017</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/30/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Leonard Mirra</i>	<i>2nd Essex</i>	

HOUSE No. 3507

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 3507) of Chris Walsh and others relative to the cultivation of industrial hemp. Marijuana Policy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the cultivation of industrial crops.

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

1 SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “germination”, in line 213, the
3 following words:- ; provided, further that it does not include industrial hemp as that term is
4 defined in section 116 of chapter 128

5 SECTION 2. Chapter 128 of the General Laws is hereby amended by adding the
6 following 6 sections:-

7 Section 116. As used in sections 116 through section 121, the following words shall,
8 unless the context clearly requires otherwise, have the following meanings:-

9 “Commissioner”, the commissioner of the department of agricultural resources.

10 “Department”, the department of agricultural resources.

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

14 “Industrial hemp”, the plant *Cannabis sativa* L. and any part or derivative of such plant,
15 including seeds of such plant, whether growing or not, that is used exclusively for industrial
16 purposes (fiber and seed), with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
17 percent on a dry weight basis.

18 “Person”, a natural person, corporation, association, partnership or other legal entity.

19 Section 117. (a) Industrial hemp as an agricultural product may be planted, grown,
20 harvested, possessed, processed, bought, sold or researched subject to sections 116 through 121.
21 The planting, growing, harvesting, possessing, processing, selling or research of industrial hemp
22 as an agricultural product shall subject to the supervision and approval of the department
23 pursuant to sections 116 through 121.

24 (b) Any person planting, growing, harvesting, possessing, processing, or selling industrial
25 hemp for commercial purposes shall be licensed by the department pursuant to section 118. Any
26 person planting, growing or harvesting industrial hemp shall only acquire hemp seeds imported
27 from a distributor registered with the United States Drug Enforcement Administration. In
28 addition, any United States Department of Agriculture phytosanitary requirements that normally
29 would apply to the importation of plant material will apply to the importation of industrial hemp
30 seed.

31 (c) Hemp products may be used only for: (1) research purposes; and (2) commercial
32 purposes which are deemed reasonable by the commissioner.

33 Section 118. (a) No person, other than a person utilizing hemp products for commercial
34 purposes pursuant to subsection (c) or a person utilizing industrial hemp or hemp products for
35 research pursuant to subsection (d), may plant, grow, harvest, possess, process, or sell industrial
36 hemp without a license issued by the department.

37 (b) No person may produce or distribute agricultural hemp seed without a license issued
38 by the department.

39 (c) Any person utilizing hemp products for commercial purposes shall register with the
40 department.

41 (d) Any person utilizing industrial hemp or hemp products for research conducted under
42 an agricultural pilot program or other agricultural or academic research shall register with the
43 department.

44 (e) An application for a license issued pursuant to subsection (a) or (b) shall, without
45 limitation, include the following: (1) the name and address of the applicant or applicants; (2) the
46 name and address of the industrial hemp operation of the applicant; (3) the global positioning
47 system coordinates and legal description of the property used for the industrial hemp operation;
48 (4) the acreage size of the field where the industrial hemp will be grown, if applicable; (5) a
49 written consent allowing a state criminal history background check to be conducted; (6) a written
50 consent allowing the department to conduct scheduled inspections on the premises on which the
51 industrial hemp is being sown, grown, harvested, stored, and processed; (7) a nonrefundable
52 application fee in an amount established by the commissioner; (8) all other information required
53 pursuant to subsection (d); and (9) any other information that may be required by the
54 commissioner.

55 Section 119. (a) Upon receipt, review and approval of an application for licensure
56 pursuant to section 118, the commissioner may grant an annual license upon issuance of written
57 findings that the requirements of sections 116 through 121 and any regulations promulgated
58 thereunder are satisfied and upon the issuance of written findings that issuing the license will be
59 in the best interests of the commonwealth.

60 (b) The commissioner shall deny an application for licensure filed pursuant to section 118
61 if the applicant: (1) fails to satisfy the minimum qualifications for licensure pursuant to sections
62 116 through 121 and any regulations promulgated thereunder; or (2) for good cause shown.

63 Section 120. The commissioner shall suspend, revoke, or refuse to renew the license of
64 any person who violates sections 116 through 121 or any regulations promulgated thereunder.

65 Section 121. (a) The department shall promulgate regulations for the implementation,
66 administration and enforcement of sections 117 through 121 including, without limitation,
67 regulations that: (1) prescribe the method and form of application which an applicant for
68 licensure shall follow and complete before consideration by the department; (2) prescribe the
69 criteria for evaluation of the application for a license; (3) prescribe the information to be
70 furnished by a licensee relating to the licensee's employees; (4) prescribe the manner and method
71 of collection and payment of assessments and fees and issuance of licenses; (5) prescribe
72 grounds and procedures for the revocation or suspension of a license or registration; (6) establish
73 minimum requirements for employees; (7) require that all employees be properly trained or
74 licensed in their respective professions; (8) establish security procedures for ensuring the safety
75 of licensees and the general public; (9) allow for the industrial hemp to be tested during growth
76 for tetrahydrocannabinol levels; (10) that allow for supervision of the industrial hemp during

77 sowing, growing season, harvest, storage, and processing; (11) prescribe the method and manner
78 for transporting industrial hemp and hemp products in the commonwealth; and (12) establish a
79 registration process for people utilizing industrial hemp or hemp products for research purposes.

80 (b) The department may, pursuant to section 2 of chapter 30A, promulgate, amend or
81 repeal any regulation promulgated under this chapter as an emergency regulation if such
82 regulation is necessary to protect the interests of the commonwealth in regulating agricultural
83 hemp.