

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 333 State Hemp Program  
**SPONSOR(S):** Agriculture & Natural Resources Subcommittee, Massullo and others  
**TIED BILLS:** HB 1329 **IDEN./SIM. BILLS:** SB 1058

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	13 Y, 0 N, As CS	Shugar	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee	11 Y, 0 N	White	Pigott
3) State Affairs Committee			

### SUMMARY ANALYSIS

Hemp, the *Cannabis sativa L.* plant, is an agricultural commodity grown and used worldwide to produce a variety of industrial and commercial products. Generally, cannabis is considered a controlled substance under state and federal law.

The Agricultural Act of 2014 authorized an institution of higher education or a state department of agriculture to grow or cultivate industrial hemp under certain conditions. In 2017, Florida created the industrial hemp pilot projects. The Florida Department of Agriculture and Consumer Services (DACs) has approved one industrial hemp pilot program at the Institute of Food and Agricultural Science at the University of Florida.

The Agricultural Act of 2018 (2018 Farm Bill) authorized the cultivation of hemp under certain conditions and removed hemp-derived products from Schedule I of the federal Controlled Substances Act. It defined hemp as the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

The 2018 Farm Bill allowed a state department of agriculture or an Indian tribe to submit a plan to the Secretary of the United States Department of Agriculture (Secretary) to apply for primary regulatory authority over the production of hemp in their state or tribal territory. The state plan must include procedures for tracking the land where hemp will be cultivated, record keeping and reporting, testing procedures, disposing of hemp grown in violation of the law, and conducting annual inspections. Further, the plan must provide for violations, corrective actions, and enforcement procedures, and comply with all other federal requirements.

The bill creates s. 581.217, F.S., establishing the state hemp program in the DACs to regulate the cultivation of hemp in the state. The bill requires DACs to seek approval of the state plan from the Secretary within 30 days after the effective date of the act. The bill provides for licensure requirements, including denial conditions; enforcement authority; violations and corrective action plans; development of a certified hemp seed program; maintenance of a land registry by DACs; and monthly reporting to the Secretary. The bill further requires DACs to adopt rules for establishing specified procedures as required by the 2018 Farm Bill.

Finally, the bill amends s. 893.02, F.S., to clarify that the term "cannabis" does not include "hemp" as defined in this act, or "industrial hemp" as defined for industrial hemp pilot projects.

The bill may have an indeterminate negative fiscal impact on DACs associated with rulemaking and the creation and submittal of the state hemp plan to the Secretary.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0333b.ANR

**DATE:** 4/4/2019

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Hemp, also called industrial hemp, is defined as the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3 percent on a dry weight basis.<sup>1</sup> While hemp and marijuana are both grown from the *Cannabis sativa L.* plant, they are different varieties that have been genetically bred and grown for different uses. Hemp can be distinguished from marijuana<sup>2</sup> by its lower concentrations of THC, and higher concentrations of cannabidiol (CBD).<sup>3</sup>

Hemp is an agricultural commodity grown and used worldwide to produce a variety of industrial and commercial products, including rope, textiles, clothing, shoes, food, paper, bioplastics, insulation, biofuel, cosmetic products, animal bedding, and animal and bird feed.<sup>4</sup> At least 30 countries in Europe, Asia, and North and South America currently permit farmers to grow hemp. In the United States, large-scale commercial production does not exist and the hemp market is largely dependent on imports, both as finished hemp-containing products and as ingredients for use in further processing.<sup>5</sup>

Historically, hemp was produced in the United States with peak production occurring in the 1940s, during World War II, when it was used by the armed forces.<sup>6</sup> The Marijuana Tax Act of 1937,<sup>7</sup> and competition with developing synthetic fiber sources negatively impacted hemp production, which sharply declined to the point of elimination by the mid-1950s.<sup>8</sup> The federal Controlled Substances Act of 1970 (Controlled Substances Act)<sup>9</sup> created a single comprehensive statute that placed the control of select plants, drugs, and chemicals under federal jurisdiction.<sup>10</sup> The Controlled Substances Act further defined all varieties of cannabis, regardless of the THC level, as marijuana and classified them as Schedule I controlled substances.<sup>11</sup>

---

<sup>1</sup> 7 U.S.C. s. 5940 (2014); 7 U.S.C. s. 1639o (2018); Industrial hemp.net, *Frequently Asked Questions*, available at <http://www.industrialhemp.net/> (last visited Jan. 30, 2019).

<sup>2</sup> Marijuana is identified in the United States drug laws as cannabis having high THC levels that are associated with psychotropic effects and is typically made from the flowering tops and leaves of the *Cannabis sativa L.* plant (sativa or indica varieties); Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. No. 91-513, 84 s. 1236.

<sup>3</sup> National Conference of State Legislatures (NCSL), *State Industrial Hemp Statutes*, available at <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx> (last visited Jan. 29, 2019).

<sup>4</sup> Congressional Research Service (CRS), *Hemp as an Agricultural Commodity*, CRS Report 7-5700 (June 22, 2018), available at <https://fas.org/sgp/crs/misc/RL32725.pdf> (last visited Jan. 29, 2019).

<sup>5</sup> *Id.*

<sup>6</sup> University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Research, *The Potential for Industrial Hemp Production in Florida*, (Sept. 15, 2015) available at [https://www.votehemp.com/PDF/Potential%20for%20Industrial%20Hemp%20Production%20in%20Florida\\_9-15-2015.pdf](https://www.votehemp.com/PDF/Potential%20for%20Industrial%20Hemp%20Production%20in%20Florida_9-15-2015.pdf) (last visited Jan. 29, 2019).

<sup>7</sup> 50 s. 551 (1937).

<sup>8</sup> Mindy Bridges and Karmen Hanson, *Regulating Hemp and Cannabis-Based Products*, NCSL (October 2017), available at <http://www.ncsl.org/research/agriculture-and-rural-development/regulating-hemp-and-cannabis-based-products.aspx> (last visited Jan. 29, 2019).

<sup>9</sup> The Controlled Substances Act was enacted as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; 84 s. 1236 (1970).

<sup>10</sup> 21 U.S.C. s. 801; CRS, *Hemp as an Agricultural Commodity*, CRS Report 7-5700 (June 22, 2018) available at <https://fas.org/sgp/crs/misc/RL32725.pdf> (last visited Jan. 29, 2019).

<sup>11</sup> 21 U.S.C. s. 801; 21 C.F.R. s. 1308.11.

In Florida, cannabis is regulated under ch. 893, F.S., “Florida Comprehensive Drug Abuse Prevention and Control Act”, and the medical use of marijuana<sup>12</sup>. Current law defines the term “controlled substance” as any substance named or described in Schedules I-V of s. 893.03, F.S., which are based on federal law. Cannabis is considered a Schedule I controlled substance.<sup>13</sup> It is a felony of the third degree to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida. While ch. 893, F.S., identifies exclusions to the controlled substances law, an exclusion for hemp does not exist.<sup>14</sup>

During the past 10 years, the interest in industrial hemp production in the United States has increased.<sup>15</sup> At least 41 states have enacted laws related to:

- Establishing commercial hemp programs;
- Establishing industrial hemp research programs; or
- Authorizing studies of industrial hemp or the industrial hemp industry.<sup>16</sup>

State policymakers have addressed various policy issues, including the definition of hemp, licensure of growers, seed regulation and certification, statewide commissions, and legal protection of growers. State research programs include research on growing conditions, such as soil quality, season length, and seed viability. In addition, research efforts have explored the crop’s economic and marketing potential.<sup>17</sup>

### Industrial Hemp Pilot Programs

#### *Agricultural Act of 2014*

The Agricultural Act of 2014 (2014 Farm Bill) authorized an institution of higher education or a state department of agriculture to grow or cultivate industrial hemp<sup>18</sup> if it is grown or cultivated for research conducted under an agricultural pilot program (industrial hemp pilot program) or other agricultural or academic research provided the growing or cultivating of industrial hemp is allowed under state law where the university or state department of agriculture is located.<sup>19</sup>

More than 20 states have passed laws creating industrial hemp research or pilot programs. State agencies and institutions of higher education administer these programs in order to study the cultivation, processing, and economics of industrial hemp. Some states have established specific regulatory agencies or committees, rules, and goals to oversee the research programs, and may require coordination between colleges or universities and the programs.<sup>20</sup>

---

<sup>12</sup> Section 381.986, F.S.

<sup>13</sup> Section 893.03(1)(c)7., F.S.

<sup>14</sup> Section 893.02(3), F.S.; an exclusion exists for marijuana when it is used for medical purposes and manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986, F.S.

<sup>15</sup> UF/IFAS Research, *The Potential for Industrial Hemp Production in Florida*, (Sept. 15, 2015), available at [https://www.votehemp.com/PDF/Potential%20for%20Industrial%20Hemp%20Production%20in%20Florida\\_9-15-2015.pdf](https://www.votehemp.com/PDF/Potential%20for%20Industrial%20Hemp%20Production%20in%20Florida_9-15-2015.pdf) (last visited Jan. 29, 2019).

<sup>16</sup> NCSL, *State Industrial Hemp Statutes*, available at <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx> (last visited Jan. 29, 2019).

<sup>17</sup> Mindy Bridges and Karmen Hanson, *Regulating Hemp and Cannabis-Based Products*, NCSL (October 2017), available at <http://www.ncsl.org/research/agriculture-and-rural-development/regulating-hemp-and-cannabis-based-products.aspx> (last visited Jan. 29, 2019).

<sup>18</sup> Industrial hemp" to mean all parts and varieties of the *Cannabis sativa L.* plant, cultivated or possessed by an approved grower under the pilot project, whether growing or not, which contain a THC that does not exceed 0.3 percent on a dry-weight basis.

<sup>19</sup> Mindy Bridges and Karmen Hanson, *Regulating Hemp and Cannabis-Based Products*, NCSL (October 2017), available at <http://www.ncsl.org/research/agriculture-and-rural-development/regulating-hemp-and-cannabis-based-products.aspx> (last visited Jan. 29, 2019).

<sup>20</sup> *Id.*

## *Florida Industrial Hemp Pilot Program*

In 2017, the Legislature authorized the Department of Agriculture and Consumer Services (DACS) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Science (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture.<sup>21</sup> The purposes of the pilot projects are to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector.<sup>22</sup> The law defined "industrial hemp" to mean all parts and varieties of the *Cannabis sativa L.* plant, cultivated or possessed by an approved grower under the pilot project, whether growing or not, which contain a THC that does not exceed 0.3 percent on a dry-weight basis.<sup>23</sup>

DACS has adopted a rule to implement the pilot program in compliance with the 2014 Farm Bill<sup>24</sup> that addresses certification and registration of sites used for growth or cultivation and rules that address safety, compliance, and accountability by the universities.<sup>25</sup>

Currently, the only approved industrial hemp pilot project is being conducted by IFAS. The project design has been completed and the planting of 31 certified varieties of industrial hemp at four locations is in progress. The intent of the IFAS pilot project is to identify hemp varieties suitable for planting in Florida's various environments; develop hemp management practices and cropping systems economically viable for Florida; and assess hemp invasion risk in Florida's natural and built environments.<sup>26</sup>

### Agriculture Improvement Act of 2018

Section 10113 of the Agriculture Improvement Act of 2018 (2018 Farm Bill) created the Hemp Farming Act to allow the cultivation of hemp beyond industrial hemp pilot programs. The 2018 Farm Bill removed hemp-derived products from Schedule I of the Controlled Substances Act. While the law legalized hemp as an agricultural product, the law did not legalize CBD generally.<sup>27</sup> CBDs derived from hemp are considered legal if the hemp is grown by a licensed grower and produced in a manner consistent with the 2018 Farm Bill and comply with other federal and state regulations.<sup>28</sup>

The 2018 Farm Bill defined "hemp" to mean the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.<sup>29</sup>

---

<sup>21</sup> Chapter 2017-124, Laws of Fla.; s. 1004.4473, F.S.

<sup>22</sup> Section 1004.4473(2)(a), F.S.

<sup>23</sup> Section 1004.4473(1)(c), F.S.

<sup>24</sup> 7 U.S.C. s. 5940 (2014).

<sup>25</sup> Rule 5B-57.013, F.A.C.

<sup>26</sup> Robert Gilbert, Dean for Research, UF/IFAS, Presentation to the Agriculture & Natural Resources Subcommittee Meeting (Jan. 23, 2019).

<sup>27</sup> 7 U.S.C. s. 1639o (2018).

<sup>28</sup> John Hudak, *The Farm Bill, hemp legalization and the status of CBD: An Explainer*, Brookings Dec. 14, 2018, last visited Jan. 30, 2019).

<sup>29</sup> 7 U.S.C. s. 1639o (2018).

## *State and Tribal Plans*

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the Secretary of the United States Department of Agriculture (Secretary) and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be cultivated, including a legal land description and global positioning coordinates;
- A procedure for maintaining records for at least three years and reporting to the Secretary;
- Testing procedures that use post-decarboxylation or other similarly reliable methods for determining THC concentration levels of hemp;
- Procedures for methods to effectively dispose of hemp plants, growing or not, and products made from hemp plants grown in violation of the 2018 Farm Bill;
- Annual inspection procedures;
- Violations and corrective actions;
- Enforcement procedures;
- Certification that the state or tribe has the resources and personnel to carry out the practices and procedures in the state or tribal plan; and
- Any other practice or procedure established by the state or tribe that is consistent with the 2018 Farm Bill.<sup>30</sup>

States and tribes may not allow an individual to participate in a hemp program if the individual:

- Has been convicted of a felony relating to a controlled substance under state or federal law for 10 years following the date of the conviction. This provision does not apply to any person growing hemp lawfully with an authorization under a pilot program developed in accordance with 7 U.S.C. 5940 and s. 1004.4473, F.S., before December, 20, 2019; or
- Has falsified any information contained in an application to participate in a hemp program.

## *Responsibilities of the Secretary*

The 2018 Farm Bill requires the Secretary to approve or disapprove a state or tribal plan within 60 days of receipt. It further requires the Secretary to consult with the Attorney General when carrying out the requirements associated with state and tribal plans. The Secretary is authorized to provide technical assistance to states and tribes in the development of a state or tribal plan. The 2018 Farm Bill further authorizes the Secretary to conduct audits of compliance of state and tribal plans and if noncompliance is determined, the law:

- Requires the Secretary to collaborate with the state or tribe to develop a corrective action plan in the case of a first instance of noncompliance; and
- Authorizes the Secretary to revoke approval of the state or Tribal plan in the case of a second or subsequent instance of noncompliance.<sup>31</sup>

The Secretary is required to establish a United States Department of Agriculture (USDA) Plan to be used where a state or tribal plan is not approved that has substantially the same requirements as the state and tribal plans. The Secretary is further required to promulgate regulations and guidelines to implement the 2018 Farm Bill requirements for hemp production as expeditiously as possible.<sup>32</sup> The USDA has begun the process of gathering information for rulemaking that will provide specific details for both federally regulated hemp production and a process for the submission of state and tribal plans to the USDA.<sup>33</sup>

---

<sup>30</sup> 7 U.S.C. s. 1639p (2018).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> USDA, *Hemp Production Program* (Feb. 27, 2019), available at <https://www.ams.usda.gov/content/hemp-production-program> (last visited Mar. 23, 2019).

## Effect of Proposed Changes

The bill creates s. 581.217, F.S., establishing the state hemp program in DACS to regulate the cultivation of hemp in Florida. The bill provides that the act must constitute the state plan for the regulation of the cultivation of hemp for the purposes of 7 U.S.C. s. 1639p.

The bill provides the following definitions:

- “Cultivate” means planting, watering, growing, or harvesting hemp;
- “Hemp” means the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 THC concentration that does not exceed 0.3 percent on a dry-weight basis; and
- “Independent testing laboratory” means a laboratory that does not have a direct or indirect interest in the entity whose product is being tested; does not have a direct or indirect interest in a facility that cultivates hemp in this state or another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana; and is accredited by a third-party accrediting body, such as the American Association for Laboratory Accreditation or Assured Calibration and Laboratory Accreditation Select Services, as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization.

The bill requires DACS to seek approval of the state plan from the Secretary within 30 days after the effective date of the act. The bill further requires that if the Secretary does not approve the state plan, the Commissioner of DACS, in consultation with the Governor and Attorney General, must seek guidance on how to amend the plan and submit recommendations to the Legislature.

The bill prohibits the cultivation of hemp without a license and directs DACS to adopt rules establishing procedures for the issuance and the annual renewal of hemp licenses. The bill requires any person or entity seeking to cultivate hemp to apply for a hemp license with DACS and provide the legal land description and global positioning coordinates of the area where hemp will be cultivated. The bill prohibits DACS from issuing or renewing a hemp license to any applicant that has falsified any information contained in an application to participate in the state hemp program or that has been convicted of a felony related to a controlled substance under state or federal law for a period of 10 years following the date of the conviction.

The bill directs DACS to administer a certified hemp seed program that identifies seeds and cultivars that are suitable for hemp production. The bill provides that licensed hemp cultivators may only use hemp seeds and cultivars certified by DACS, a university conducting an industrial hemp pilot program project pursuant to 7 U.S.C. s. 5940 and s. 1004.4473, F.S., or an independent testing laboratory that has been approved by DACS to certify hemp seeds and cultivars.

The bill requires DACS to enforce the state hemp program and further requires every state attorney, sheriff, police officer, and other appropriate county or municipal officer to enforce, or to assist any agent of DACS in the enforcement of the act and rules adopted by DACS. The bill further authorizes DACS, or its agent, to enter any public or private premises during regular business hours in the performance of its duties related to hemp cultivation and requires DACS to conduct random inspections, at least once per year, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with the act.

The bill requires licensees to complete a corrective action plan if DACS has determined that the licensee has negligently violated this act or DACS rules, including negligently failing to provide the legal land description and global positioning coordinates, failing to obtain a proper license or other required authorization from DACS, or producing *Cannabis sativa L.* that has a total delta-9 THC concentration that exceeds 0.3 percent on a dry weight basis. The bill further requires the corrective action plan to include a reasonable date by which the licensee must correct the negligent violation and requires the

licensee to periodically report to DACS on compliance with the program for a period of at least two calendar years after the date of the violation.

The bill prohibits a licensee who negligently violates the corrective action plan three times within five years from cultivating hemp for five years following the date of the third violation. The bill requires DACS to report immediately to the Attorney General and the United States Attorney General any licensee who has violated this act or DACS rules with a culpable mental state greater than negligence.

The bill requires DACS to maintain a registry of land on which hemp is cultivated, including the global positioning coordinates and legal land description for each location, for a period of at least three calendar years. The bill further requires DACS to submit a monthly report to the Secretary that includes each location in the state where hemp is cultivated or has been cultivated for a period of at least three calendar years. The report must also include the contact information for each licensee.

The bill further requires DACS, in consultation with the Department of Health and the Department of Business and Professional Regulation, to initiate rulemaking by August 1, 2019. The rules must include a certification process of hemp seeds and cultivars; university participation in or affiliation with the state hemp program; a procedure that uses post-decarboxylation or other similarly reliable methods for testing the delta-9-THC concentration of cultivated hemp; and a procedure for the effective disposal of plants, whether growing or not, that are cultivated in violation of this act or DACS rules, and products derived from those plants.

The bill specifies that this act does not authorize a licensee to violate any federal or state law or regulation or apply to a pilot program or project developed in accordance with 7 U.S.C. s. 5940 and s. 1004.4473, F.S. The bill further specifies that a licensee who negligently violates this act or DACS rules is not subject to any criminal or civil enforcement action by the state or a local government other than the enforcement action authorized in this act.

Finally, the bill amends s. 893.02, F.S., to clarify that the term “cannabis” does not include hemp as defined in this act, or industrial hemp as defined in s. 1004.4473, F.S., industrial hemp pilot projects.

## B. SECTION DIRECTORY:

**Section 1** creates s. 581.217, F.S., to establish the state hemp program, requires DACS to submit a state plan to the Secretary, requires licensure to cultivate hemp, provides for violation and enforcement, require a certified hemp seed program, and requires DACS to adopt rules.

**Section 2** amends s. 893.02, F.S., to exempt hemp and industrial hemp from the definition of “cannabis”.

**Section 3** provides an effective date of July 1, 2019.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill may have an indeterminate negative impact on DACS associated with rulemaking and the creation and submittal of the state hemp plan to the Secretary. The fiscal impact can likely be absorbed within existing DACS resources. There may be a significant negative fiscal impact on DACS after the state hemp plan is approved and DACS has adopted rules to implement the plan.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may have a positive fiscal impact on farmers that will cultivate hemp once a state plan has been approved by the Secretary.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires DACS to adopt rules to administer the state hemp program, including licensure, the certification of hemp seeds and cultivars; university participation in or affiliation with the state hemp program; a procedure that uses post-decarboxylation or other similarly reliable methods for testing delta-9 THC concentration levels of hemp cultivated; and a procedure for the effective disposal of plants, whether growing or not, that are cultivated in violation of this section and department rules, and products derived from those plants.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 26, 2019, the Agriculture & Natural Resources Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS narrowed the state hemp program from the cultivation, handling, processing, and sale of hemp, hemp products, and hemp extract to the cultivation of hemp. The PCS establishes the state hemp program in DACS; requires DACS to seek approval of the state plan from the United States Secretary of Agriculture that is established in state law; requires DACS to administer a certified hemp seed program; requires licensure to cultivate hemp in the state; provides for violations and enforcement; requires DACS to maintain a land registry and report to United States Department of Agriculture; and amends the definition of cannabis.

This analysis is adopted to the PCS as passed by the Agriculture & Natural Resources Subcommittee.