HOUSE DOCKET, NO. 3217 FILED ON: 1/21/2011

# HOUSE . . . . . No. 2758

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 passage of the accompanying:

An Act regulating the cultivation of Industrial Hemp.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Stephen Kulik* | *1st Franklin* |

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# HOUSE . . . . . No. 2758

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 2758) of Stephen Kulik for legislation to regulate the cultivation of Industrial Hemp. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

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

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

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

(4) As a food crop, industrial hemp seeds and oil produced from the seeds have high nutritional 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, and animal bedding.

(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.

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 0.3 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.

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:

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

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

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

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

60 REVOCATION AND SUSPENSION OF LICENSE;

61 ENFORCEMENT

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

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

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

68 RULE MAKING AUTHORITY

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

73 Sec. 3. EFFECTIVE DATE

74 This act shall take effect upon passage, of the Industrial Hemp Farming Act of 2009.