

By: Dominguez

H.B. No. 1230

A BILL TO BE ENTITLED

AN ACT

relating to the production and regulation of hemp.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subtitle E, Title 5, Agriculture Code, is amended to read as follows:

SUBTITLE E. PRODUCTION, PROCESSING, AND SALE OF FIBER PRODUCTS

SECTION 2. Subtitle E, Title 5, Agriculture Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. STATE HEMP PRODUCTION PLAN

Sec. 112.001. DEFINITION. In this chapter, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Sec. 112.002. LEGISLATIVE INTENT. It is the intent of the legislature that this state have primary regulatory authority over the production of hemp in this state.

Sec. 112.003. DEPARTMENT RULES. (a) The department, after consulting with the governor and attorney general, shall adopt rules providing:

(1) a practice to maintain relevant information regarding land on which hemp is produced in this state, including a legal description of the land, for a period of at least three

1 calendar years;

2 (2) a procedure for testing, using  
3 post-decarboxylation or another similarly reliable method, the  
4 delta-9 tetrahydrocannabinol concentration of hemp produced in  
5 this state;

6 (3) a procedure for the effective disposal of plants,  
7 whether growing or not, that are produced in violation of Subtitle  
8 G, Agricultural Marketing Act of 1946 (7 U.S.C. Chapter 38,  
9 Subchapter VII), and products derived from those plants;

10 (4) a procedure to comply with the enforcement  
11 procedures described by Section 297B(e), Agricultural Marketing  
12 Act of 1946 (7 U.S.C. Section 1639p(e));

13 (5) a procedure for conducting annual inspections of,  
14 at a minimum, a random sample of hemp producers to verify that hemp  
15 is not produced in violation of Subtitle G, Agricultural Marketing  
16 Act of 1946 (7 U.S.C. Chapter 38, Subchapter VII);

17 (6) a procedure for submitting the information  
18 described in Section 297C(d)(2), Agricultural Marketing Act of 1946  
19 (7 U.S.C. Section 1639q(d)(2)), as applicable, to the secretary of  
20 the United States Department of Agriculture not later than the 30th  
21 day after the date the information is received; and

22 (7) standards for certifying that this state has the  
23 resources and personnel to carry out the practices and procedures  
24 described by Subdivisions (1) through (6).

25 (b) The department shall attempt to adopt rules under  
26 Subsection (a) that will, in substance, meet the requirements for  
27 approval as a state plan under Section 297B, Agricultural Marketing

1 Act of 1946 (7 U.S.C. Section 1639p).

2 Sec. 112.004. SUBMISSION OF STATE PLAN. (a) The  
3 department, after consulting with the governor and attorney  
4 general, shall submit to the secretary of the United States  
5 Department of Agriculture a state plan for monitoring and  
6 regulating the production of hemp in this state as provided by  
7 Section 297B, Agricultural Marketing Act of 1946 (7 U.S.C. Section  
8 1639p).

9 (b) The plan shall include the rules adopted under Section  
10 112.003 and any other required information.

11 (c) If a plan submitted by the department is disapproved by  
12 the secretary of the United States Department of Agriculture, the  
13 department, after consulting with the governor and attorney  
14 general, shall amend the rules under Section 112.003 as needed to  
15 obtain approval and submit an amended plan.

16 (d) The department shall, as necessary, seek technical  
17 assistance from the secretary of the United States Department of  
18 Agriculture in adopting rules under Section 112.003 and otherwise  
19 developing the plan.

20 SECTION 3. Sections 481.002(5) and (26), Health and Safety  
21 Code, are amended to read as follows:

22 (5) "Controlled substance" means a substance,  
23 including a drug, an adulterant, and a dilutant, listed in  
24 Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4. The  
25 term includes the aggregate weight of any mixture, solution, or  
26 other substance containing a controlled substance. The term does  
27 not include hemp, as defined by Section 112.001, Agriculture Code,

1 or any tetrahydrocannabinols or other substances in hemp.

2 (26) "Marihuana" means the plant *Cannabis sativa* L.,  
3 whether growing or not, the seeds of that plant, and every compound,  
4 manufacture, salt, derivative, mixture, or preparation of that  
5 plant or its seeds. The term does not include:

6 (A) the resin extracted from a part of the plant  
7 or a compound, manufacture, salt, derivative, mixture, or  
8 preparation of the resin;

9 (B) the mature stalks of the plant or fiber  
10 produced from the stalks;

11 (C) oil or cake made from the seeds of the plant;

12 (D) a compound, manufacture, salt, derivative,  
13 mixture, or preparation of the mature stalks, fiber, oil, or cake;  
14 [~~or~~]

15 (E) the sterilized seeds of the plant that are  
16 incapable of beginning germination; or

17 (F) hemp, as that term is defined by Section  
18 112.001, Agriculture Code.

19 SECTION 4. (a) Not later than the 90th day after the  
20 effective date of this Act, the Department of Agriculture shall  
21 adopt rules under Section 112.003, Agriculture Code, as added by  
22 this Act, and submit for approval a state plan to the secretary of  
23 the United States Department of Agriculture as provided by Section  
24 112.004, Agriculture Code, as added by this Act.

25 (b) The Department of Agriculture shall submit amended  
26 state plans as provided by Section 112.004(c), Agriculture Code, as  
27 added by this Act, as necessary until the plan is approved.

1           SECTION 5. The Department of Agriculture shall implement  
2 the state plan approved by the secretary of the United States  
3 Department of Agriculture not later than the 30th day after the date  
4 on which the state plan is approved.

5           SECTION 6. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2019.