AN ACT

RELATING TO AGRICULTURE AND FORESTRY -- HEMP GROWTH ACT

Introduced By: Senators Sosnowski, Euer, Conley, Miller, and Rogers

Date Introduced: February 27, 2020

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

SECTION 1. Section 2-26-5 of the General Laws in Chapter 2-26 entitled "Hemp Growth Act" is hereby amended to read as follows:

2-26-5. Authority over licensing and sales.

(a) The department shall promulgate rules and regulations for the licensing and regulation of hemp growers and handlers or persons otherwise employed by the applicant and shall be responsible for the enforcement of such licensing and regulation.

(b) All growers and handlers must have a hemp license issued by the department.

(c) The application for a hemp license shall include, but not be limited to, the following:

(1) The name and address of the applicant who will supervise, manage, or direct the growing and handling of hemp and the names and addresses of any person or entity partnering or providing consulting services regarding the growing or handling of hemp.

(2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-3; any seeds that are obtained from a federal agency are presumed not to exceed the maximum concentration and do not require a certificate of analysis.

(3) The location of the facility, including the Global Positioning System location, and other field reference information as may be required by the department with a tracking program and security layout to ensure that all hemp grown is tracked and monitored from seed to distribution outlets.
(4) An explanation of the seed to sale tracking, cultivation method, extraction method, and certificate of analysis or certificate of analysis for the standard hemp seeds.

(5) Verification, prior to planting any seed, that the plant to be grown is of a type and variety of hemp that will produce a delta-9 THC concentration of no more than three-tenths of one percent (0.3%) on a dry-weight basis.

(6) Documentation that the licensee and/or its agents have entered into a purchase agreement with a hemp handler or processor.

(7) All applicants:

(i) Shall apply to the state police for a National Criminal Identification records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of a disqualifying conviction defined in paragraph (iv) and (v), and in accordance with the rules promulgated by the department, the state police shall inform the applicant, in writing, of the nature of the conviction, and the state police shall notify the department, in writing, without disclosing the nature of the conviction, that a conviction has been found;

(ii) In those situations in which no conviction has been found, the state police shall inform the applicant and the department, in writing, of this fact;

(iii) All applicants shall be responsible for any expense associated with the criminal background check with fingerprints.

(iv) Any applicant who has been convicted of any felony offense under chapter 28 of title 21, or any person who has been convicted of murder, manslaughter, first-degree sexual assault, second-degree sexual assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, or any assault and battery punishable as a felony or assault with intent to commit any offense punishable as a felony, shall be disqualified from holding any license or permit under this chapter. The department shall notify any applicant, in writing, for a denial of a license pursuant to this subsection.

(v) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail sentence, or those instances wherein the defendant has entered into a deferred sentence agreement with the Rhode Island attorney general and the period of deferment has not been completed.

(8) Any other information as set forth in rules and regulations as required by the department.

(d) All employees of the applicant shall register with the Rhode Island state police.
(e) The department shall issue a hemp license to the applicant if he, she, or it meets the
requirements of this chapter, upon the applicant paying a licensure fee of two thousand five
hundred dollars ($2,500). Said license shall be renewed every two (2) years upon payment of a two
thousand five hundred dollar ($2,500) renewal fee. Any licensee convicted of any disqualifying
offense described in subsection (c)(7)(iv) shall have his, her, or its license revoked. All license fees
shall be directed to the department to help defray the cost of enforcement. The department shall
collect a nonrefundable license application fee of two hundred fifty dollars ($250) one hundred
dollars ($100) for each application to obtain a license.

SECTION 2. This act shall take effect upon passage.
EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would eliminate the two thousand five hundred dollars ($2,500) hemp licensing fee and would reduce the hemp licensing application fee from two hundred fifty dollars ($250) to one hundred dollars ($100).

This act would take effect upon passage.

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