

2019 -- S 0766

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LC002269
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- HEMP GROWTH ACT

Introduced By: Senator V. Susan Sosnowski

Date Introduced: April 04, 2019

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

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

3 **2-26-5. Authority over licensing and sales.**

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

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

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

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

12 (2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type
13 and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-
14 3; any seeds that are obtained from a federal agency are presumed not to exceed the maximum
15 concentration and do not require a certificate of analysis.

16 (3) The location of the facility, including the Global Positioning System location, and
17 other field reference information as may be required by the department with a tracking program
18 and security layout to ensure that all hemp grown is tracked and monitored from seed to
19 distribution outlets.

1 (4) An explanation of the seed to sale tracking, cultivation method, extraction method,
2 and certificate of analysis or certificate of analysis for the standard hemp seeds.

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

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

8 (7) All applicants:

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

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

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

19 (iv) Any applicant who has been convicted of any felony offense under chapter 28 of title
20 21, or any person who has been convicted of murder, manslaughter, first-degree sexual assault,
21 second-degree sexual assault, first-degree child molestation, second-degree child molestation,
22 kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and
23 entering, assault with a dangerous weapon, or any assault and battery punishable as a felony or
24 assault with intent to commit any offense punishable as a felony, shall be disqualified from
25 holding any license or permit under this chapter. The department shall notify any applicant, in
26 writing, for a denial of a license pursuant to this subsection.

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

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

1 (d) All employees of the applicant shall register with the Rhode Island state police.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

4 This act would take effect upon passage.

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