

Amendment to HB 459-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food,
4 and establishing a committee to study the federal guidelines on growing industrial
5 hemp.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Findings. The general court finds:

10 I. Hemp has been continuously cultivated for millennia, is accepted and available in the
11 global marketplace, and has numerous beneficial, practical, and economic uses, including: high-
12 strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential
13 fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
14 products, construction materials, rope, and value-added crafts.

15 II. The many agriculturally and environmentally beneficial uses of industrial hemp include:
16 livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed
17 control.

18 III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in
19 height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and
20 readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and
21 seed.

22 IV. Industrial hemp cultivation will enable the state of New Hampshire to accelerate
23 economic growth and job creation and promote environmental stewardship.

24 2 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 439 the following new
25 chapter:

26

CHAPTER 439-A

27

INDUSTRIAL HEMP

28 439-A:1 Purpose. The intent of this chapter is to define industrial hemp so that farmers and
29 other businesses in the New Hampshire agricultural industry can take advantage of this market
30 opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

31 439-A:2 Definitions. In this chapter:

32 I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from industrial hemp plants.

33 II. "Commissioner means the commissioner of the department of agriculture, markets, and

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1 food.

2 III. "Department" means the department of agriculture, markets, and food.

3 IV. "Hemp products" means all products made from industrial hemp, including cloth,
4 cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and
5 certified seed for cultivation.

6 V. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant,
7 whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than
8 0.3 percent on a dry weight basis.

9 439-A:3 Industrial Hemp Permitted. Industrial hemp is an agricultural product which may be
10 grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower,
11 processor, or commercial trader of industrial hemp shall be licensed by the United States
12 Department of Agriculture.

13 439-A:4 Industrial Hemp; Use in Food. In order for food to contain industrial hemp, the
14 manufacturer of the food shall demonstrate the following to the commissioner:

15 I. All parts of the hemp plant utilized in food shall come from a state that has an
16 established and approved industrial hemp program or a country that inspects or regulates hemp
17 under a food safety program or equivalent criteria to ensure safety for human consumption.

18 II. The industrial hemp producer shall be in good standing and compliance with the
19 governing laws within the state or country of the industrial hemp's origin.

20 III. The industrial hemp shall conform to the standard of identity established above no
21 more than .3 percent THC.

22 IV. The use of other parts of the industrial hemp plant other than seed and its derivatives:
23 seed meal, flour, and oil, shall have lab test results indicating the levels of THC within the
24 derivatives are not above the allowable limit of .3 percent THC.

25 V. The product shall be labeled in conformity with state and federal labeling laws,
26 including:

27 (a) Clearly identify industrial hemp as an ingredient.

28 (b) Clearly identify CBD and the amount of CBD if added as an isolate.

29 (c) Include the statement "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR
30 SAFETY OR EFFICACY."

31 (d) Shall not contain any health or benefit claims.

32 VI. The producer shall document that the finished product does not contain more than .3
33 THC.

34 3 Controlled Drug Act; Marijuana; Industrial Hemp Exception. Amend RSA 318-B:2-c, I(a) to
35 read as follows:

36 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
37 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every

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1 compound, manufacture, salt, derivative, mixture, or preparation from such resin including
2 hashish, and further, shall not include the mature stalks of such plant, fiber ~~produced~~ **processed**
3 from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture,
4 salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized
5 seed of such plant which is incapable of germination. ***Marijuana shall not include industrial***
6 ***hemp grown, processed, marketed, or sold under RSA 439-A.***

7 4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

8 III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether
9 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
10 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
11 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
12 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
13 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
14 plants which are incapable of germination. ***In this chapter, cannabis shall not include***
15 ***industrial hemp grown, processed, marketed, or sold under RSA 439-A.***

16 5 Committee Established. There is established a committee to study the administrative
17 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
18 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
19 sold in New Hampshire.

20 6 Membership and Compensation.

21 I. The members of the committee shall be as follows:

22 (a) Three members of the house of representatives, appointed by the speaker of the
23 house of representatives.

24 (b) One member of the senate, appointed by the president of the senate.

25 II. Members of the committee shall receive mileage at the legislative rate when attending to
26 the duties of the committee.

27 7 Duties. The committee shall:

28 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and
29 the United States Department of Agriculture rules and guidelines for states choosing to license the
30 growing, processing, marketing, and sale of hemp and hemp products.

31 II. Determine whether it is preferable for the state of New Hampshire to establish a state
32 level oversight program for hemp within the department of agriculture, markets, and food or to
33 request the federal government to oversee hemp production in New Hampshire.

34 III. Determine labeling requirements for hemp products in New Hampshire, and in
35 particular, those products that may be intended for human consumption or for application to human
36 skin and further, determine what department would be charged with oversight of labeling, and
37 determine enforcement policies.

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1 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
2 among the members. The first meeting of the committee shall be called by the first-named house
3 member. The first meeting of the committee shall be held within 45 days of the effective date of this
4 section. Three members of the committee shall constitute a quorum.

5 9 Report. The committee shall report its findings and any recommendations for proposed
6 legislation to the speaker of the house of representatives, the president of the senate, the house
7 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

8 10 Effective Date. This act shall take effect upon its passage.

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2019-0790h

AMENDED ANALYSIS

This bill:

- I. Defines "industrial hemp."
- II. Allows for the growth of industrial hemp in New Hampshire.
- III. Allows for the use of industrial hemp products in food.
- IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.