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SB 6 Alaska Grown Industrial Hemp Act

Sectional Analysis

“An Act relating to the regulation and production of industrial hemp; relating to industrial hemp pilot programs; providing that industrial hemp is not included in the definition of ‘marijuana’; and clarifying that adding industrial hemp to food does not create and adulterated food product.”

Sec. 1 – AS 03.05.010 Pages 1, 2 and 3 lines 1 - 8

Section one of the bill amends Title 3 to give additional powers and duties to the Department of Natural Resources, Division of Agriculture, to adopt regulations relating to Industrial Hemp. This section also stipulates that the prescribed regulations must include provisions for approved sources of hemp seed, testing requirements (paid for by the registrant), that the department may randomly test and inspect registrants and general production practices.

This section also stipulates that a list of registered hemp growers must be provided to the Marijuana Control Board and the Department of Public Safety.

Sec. 2 – AS 03.05.010 Page 3, lines 20-26

This section instructs the department to issue a stop sale order to any person growing a plant with a THC level over .3% and to notify the Marijuana Control Board and the Department of Public Safety when any stop sale order is issued.

Sec. 3 – AS 03.05.076 Page 3, lines 27-31, Page 4 and Page 5, lines 1-17

Title 3, Chapter 5 is amended by adding a new section. This section establishes that:

- (a) Industrial Hemp will be classified as an agricultural crop in the state of Alaska.
- (b) Those wishing to produce industrial hemp must register with the Division of Agriculture with information that must include but is not limited to; name, address, and global positioning coordinates of the area to be used for production.
- (c) An individual who is registered with the state of Alaska may produce industrial hemp.

- (d)Registration is valid for one year and registrants may renew on an annual basis.
- (e)The Division of Agriculture shall assign application, registration, and fees necessary to regulate the industrial hemp industry and shall review those fee structures annually to ensure those fees collected cover regulatory costs.
- (f)The Division of Agriculture may issue a stop sale order or issue a violation notice if someone is producing industrial hemp without a current registration.
- (g)A person registered with the Division of Agriculture may use any propagation method needed to produce industrial hemp.
- (h)The Division of Agriculture, a registered producer, or any institution of higher education may import and/or sell industrial hemp seeds.
- (i)A person with a registration may retain hemp seeds for the purpose of growing hemp in the future.
- (j)A person registered with the Division of Agriculture to produce industrial hemp may retain and recondition hemp that tests between .3% and 1% THC on a dry weight basis, but industrial hemp intended for consumption in any form cannot exceed a .3% THC level.
- (k)The department shall require destruction of crops testing at over 1% THC.
- (l)Division of Agriculture may create regulations for approved shipping documentation for transporting industrial hemp.
- (m)Registered producers of industrial hemp must retain record of sale for three years, including the name and address of the person who received the industrial hemp and the amount sold.
- (n)Records in section (n) are to be made available to the department during normal business hours and the department must give three days' notice of inspection.
- (o)Industrial hemp produced under this section may not be used to produce hashish, hashish oil, or marijuana concentrates.
- (p)Producing Industrial Hemp without a registration is a violation that carries a fine of \$500.

AS 03.05.077 Page 5, Lines 18-25

In keeping with federal law, this section adds language regarding a pilot program for industrial hemp, that the Division of Agriculture, institute of higher education or a registered grower may participate in the pilot program and the Division of Agriculture may adopt regulations for this section.

AS 03.05.078 Page 5, lines 26-31

Authorized copy of a current hemp registration is required when transporting industrial hemp and a copy of the registration must be presented upon request of a law enforcement officer.

AS 03.05.079 Page 6, lines 1-5

A registered grower of industrial hemp is guilty of a violation when they produce industrial hemp with a THC content of between .3% and 1%.

Sec. 4 – AS 03.05.100 Page 6, Lines 6-8

The definition of industrial hemp, which meets the definition is federal statute, is the plant Cannabis Sativa L containing less than 0.3 percent delta-9 tetrahydrocannabinol (THC).

Sec. 5 & 6 – AS 11.71.900 Page 6, Lines 9-28

Amendment in statute to remove industrial hemp as defined in AS 03.05.100 from the list of controlled substances.

Sec. 7 – AS 17.20.020 Page 6, Line 29-31

Food containing industrial hemp as defined in AS 03.05.100 is not considered adulterated.

Sec. 8 & 9 – AS 17.38.900 Page 7, Lines 1-19

Amendment in statute to further remove industrial hemp as defined in AS 03.05.100 from marijuana definitions.

Sec. 10 & 11, Page 7, Lines 20-23 – Creates a sunset date for the Industrial Hemp Pilot program and all provisions in this act for June 30, 2022

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