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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 – Page 1, Lines 6-9

Intent language that the legislature will reevaluate the regulation of industrial hemp in seven years.

Sec. 2 – AS 03.05.010 Pages 1, 2 and 3 lines 1 - 10

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 and testing requirements (paid for by the registrant).

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. 3 – AS 03.05.010 Page 3, lines 22-28

This section instructs the department to issue a stop 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. 4 – AS 03.05.076 Page 3, lines 29-31, Page 4 and Page 5, lines 1-27

Title 3, Chapter 5 is amended by adding a new section for Industrial Hemp and guidelines for registered producers and the department. This section establishes that:

(a) Industrial Hemp will be classified as an agricultural crop in the state of Alaska. 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.

(b) An individual who is registered with the state of Alaska may

1. Produce industrial hemp
2. Use any propagation method needed to produce industrial hemp.
3. Retain hemp seeds for the purpose of growing hemp in the future.
4. 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.

(c) An individual who is registered with the state of Alaska shall

1. Comply with testing standards and procedures as established in regulation
2. Retain record of sale for three years, including the name and address of the person who received the industrial hemp and the amount sold or transferred.
3. Make records available to the department during normal business hours and the department must give three days' notice of inspection.

(d) The Department shall

1. Establish fee levels.
2. Annually review fee levels.
3. Notify the MCB and DPS when they have issued a stop sale order.
4. Require a person producing industrial hemp over 1% to destroy their crop.

(e) The Department may

1. Issue a stop sale order or violation for those growing industrial hemp without a registration.
2. Adopt regulations for approved shipping documents for industrial hemp.
3. Conduct random tests and inspections.

(f) The Division of Agriculture, a registered producer, or any institution of higher education may import and/or sell industrial hemp seeds.

(g) Industrial hemp intended for human consumption cannot exceed .3% THC, cannot be used for hashish or hashish oil and CBD oil is not considered hashish or hashish oil for the purposes of this section.

(h) Producing Industrial Hemp without a registration is a violation that carries a fine of \$500.

AS 03.05.077 Page 5, Lines 28-31 and Page 6, Lines 1-4

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 6, lines 5-15

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. Using a mobile electronic device to store proof of registration is acceptable and displaying proof is such a way is not consent for a peace officer to access any other information on a person's personal mobile electronic device.

AS 03.05.079 Page 6, lines 16-20

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. 5 – AS 03.05.100 Page 6, Lines 21-23

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. 6 – AS 11.71.900 Page 6, Lines 24-31 and Page 7, Lines 1&2

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 7, Line 3-5

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

Sec. 8 – AS 17.38.900 Page 7, Lines 6-14

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

Sec. 9, Page 7, Lines 15-30

By December 1, 2024 the Department of Natural Resources will issue a report to the legislature on the regulation of industrial hemp in the state of Alaska.

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