

SENATE BILL NO. 171

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR HUGHES

Introduced: 1/31/20

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to industrial hemp."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 03.05.010(a) is amended to read:

4 (a) The commissioner of natural resources shall

5 (1) direct, administer, and supervise promotional and experimental
6 work, extension services, and agricultural projects for the purpose of promoting and
7 developing commercial and noncommercial agricultural industry in the state,
8 including horticulture, dairying, cattle raising, fur farming, grain production, vegetable
9 production, and agricultural products;

10 (2) procure and preserve all information pertaining to developing the
11 agricultural industry in the state and disseminate that information to the public;

12 (3) assist prospective settlers and others to engage in the agricultural
13 industry in the state by providing information about activities and programs essential
14 to developing the agricultural industry and areas in the state that are suitable for
15 agriculture;

1 (4) review the marketing, financing, transportation, and development
2 of agricultural products in the state, with special emphasis on local production, and
3 negotiate for the marketing of agricultural products of the state with federal and state
4 agencies operating in the state;

5 (5) regulate and control the entry in the state and the transportation,
6 sale, or use in the state of plants, seeds, vegetables, shell eggs, fruits and berries,
7 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and
8 agricultural chemicals to prevent the spread of pests, diseases, or toxic substances
9 injurious to the public interest and protect the agricultural industry against fraud,
10 deception, and misrepresentation; for purposes of this paragraph, the commissioner
11 may require registration, inspection, and testing, and may establish procedures and
12 fees;

13 (6) regulate the farming of elk in a manner similar to the manner in
14 which the commissioner regulates domestic animals and livestock, to the extent that is
15 appropriate;

16 (7) adopt regulations relating to industrial hemp, including regulations
17 that

18 (A) specify approved sources or varieties of hemp seed to be
19 grown, sold, or offered for sale by an individual registered to produce
20 industrial hemp;

21 (B) require testing, paid for by the registrant, for delta-9-
22 tetrahydrocannabinol concentration following harvest of the industrial hemp;

23 (C) provide for general production practices to avoid the
24 unintended distribution of industrial hemp seeds by registrants into
25 nonagricultural land;

26 (D) establish isolation distances for the production of industrial
27 hemp; in this subparagraph, "isolation distance" means the minimum
28 separation required between two or more varieties of the plant (genus)
29 Cannabis for the purpose of keeping the seed pure;

30 **(E) permit manufacturing of products made from**
31 **industrial hemp plant material;**

(F) establish a registration and renewal procedure for a participant in the industrial hemp program developed under AS 03.05.076;

(8) submit a list of individuals registered to produce industrial hemp under AS 03.05.076 and the expiration dates of the registrations to the Marijuana Control Board and the Department of Public Safety;

(9) regulate the labeling of seed that does not comply with the requirements of AS 03.20.130.

* **Sec. 2.** AS 03.05.076(a) is amended to read:

(a) Industrial hemp is an agricultural crop in the state. An individual who produces industrial hemp shall apply to the department for registration under this section. Registration is valid for one year but may be renewed. An application for registration or renewal must be on a form prescribed by the department that includes

(1) the name and address of the applicant;

(2) the address and global positioning system coordinates of the area to be used for the production of industrial hemp; **and**

(3) a signed statement by the applicant, made under the penalty of perjury, affirming that the applicant

(A) has not been convicted of a felony related to a controlled substance in this or another jurisdiction within the 10 years immediately preceding the date of application; or

(B) was lawfully growing hemp before December 20, 2018, and was not convicted of a felony related to a controlled substance in this or another jurisdiction before that date.

* **Sec. 3.** AS 03.05.076(d) is amended to read:

(d) The department shall

(1) establish fee levels for application, registration, and renewal of registration so that the total amount of fees collected under this section approximately equals the regulatory costs for regulating the industrial hemp industry;

(2) annually review each fee level to determine whether the regulatory cost of industrial hemp is approximately equal to the fees collected;

1 (3) notify the Marijuana Control Board and the Department of Public
2 Safety when the department issues a stop-sale order and issues a violation notice under
3 this section;

4 (4) require an individual registered under this section whose industrial
5 hemp tests over one percent delta-9-tetrahydrocannabinol to destroy the product so
6 that it cannot be used for the purpose of reconditioning other hemp crops or gifted or
7 transferred to another individual other than for the purpose of having the industrial
8 hemp destroyed in full form;

9 **(5) develop an industrial hemp program that complies with federal**
10 **requirements and submit a program plan to the United States Department of**
11 **Agriculture for approval.**

12 * **Sec. 4.** AS 03.05.077 and 03.05.079 are repealed.