

SENATE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR ELLIS

Introduced: 1/21/15

Referred: Resources, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation and production of industrial hemp."**

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

3 * **Section 1.** AS 03.05 is amended by adding a new section to read:

4 **Sec. 03.05.078. Industrial hemp.** (a) Industrial hemp is an agricultural crop in
5 the state.

6 (b) An individual licensed under this section may produce industrial hemp,
7 including planting, growing, harvesting, possessing, processing, selling, or buying
8 industrial hemp.

9 (c) An individual who produces industrial hemp shall apply to the department
10 for a license on a form prescribed by the department that includes

11 (1) the name and address of the applicant;

12 (2) the legal description of the area to be used for the production of
13 industrial hemp;

14 (3) fingerprints and the fees required by the Department of Public
15 Safety under AS 12.62.160 for criminal justice information and a national criminal

1 history record check; the department shall submit the fingerprints and fees to the
 2 Department of Public Safety for a report of criminal justice information under
 3 AS 12.62 and a national criminal history record check under AS 12.62.400.

4 (d) The commissioner shall adopt regulations relating to industrial hemp
 5 production, including regulations that

6 (1) require a licensee to prepare and file with the commissioner
 7 documentation showing that the seeds planted are of a type and variety certified to
 8 grow industrial hemp having not more than 0.3 percent tetrahydrocannabinol;

9 (2) require a licensee to provide to the commissioner a copy of any
 10 contract to grow industrial hemp;

11 (3) require a licensee to notify the commissioner of the sale or
 12 distribution of the industrial hemp grown by the licensee, including the name and
 13 address of the recipient;

14 (4) establish methods and standards for testing industrial hemp to
 15 determine the level of tetrahydrocannabinol in the industrial hemp;

16 (5) provide for supervision of industrial hemp production; and

17 (6) assess regulatory or licensing fees commensurate with the costs of
 18 the department's activities in regulating industrial hemp production.

19 (e) In this section, "industrial hemp" means all parts and varieties of the plant
 20 *Cannabis sativa* L. containing not more than 0.3 percent tetrahydrocannabinol.

21 * **Sec. 2.** AS 11.71.090 is amended by adding a new subsection to read:

22 (c) In a prosecution under AS 11.71.030 - 11.71.060 charging the
 23 manufacture, delivery, possession, possession with intent to manufacture or deliver, or
 24 display of a schedule VIA controlled substance, it is an affirmative defense that the
 25 defendant is licensed to produce industrial hemp under AS 03.05.078, and

26 (1) at the time of the manufacture, delivery, possession, possession
 27 with intent to manufacture or deliver, or display, the defendant was in compliance with
 28 AS 03.05.078;

29 (2) the manufacture, delivery, possession, possession with intent to
 30 manufacture or deliver, or display complied with the requirements of AS 03.05.078;
 31 and

1 (3) the material, compound, mixture, or preparation manufactured,
2 delivered, possessed, possessed with intent to manufacture or deliver, or displayed was
3 industrial hemp as defined in AS 03.05.078.

4 * **Sec. 3.** AS 12.62.400(a) is amended by adding a new paragraph to read:

5 (18) licensure as an industrial hemp producer under AS 03.05.078.

6 * **Sec. 4.** AS 17.38.100 is amended by adding a new subsection to read:

7 (i) An individual licensed to produce industrial hemp under AS 03.05.078 is
8 not required to apply for licensure or be licensed under this section. In this subsection,
9 "industrial hemp" has the meaning given in AS 03.05.078.