

HOUSE BILL No. 1204

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-15-13-7; IC 35-48-1-19.

Synopsis: Use of oil from industrial hemp. Requires the Indiana state seed commissioner to adopt emergency rules to establish standards and specifications for commercial cultivation and production of industrial hemp.

Effective: Upon passage.

Arnold L, Friend

January 10, 2017, read first time and referred to Committee on Agriculture and Rural Development.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1204

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-15-13-7, AS ADDED BY P.L.165-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 7. (a) Subject to section 15 of this chapter, the
4 production of, possession of, scientific study of, and commerce in
5 industrial hemp is authorized in Indiana. Industrial hemp is an
6 agricultural product that is subject to regulation by the state seed
7 commissioner. The state seed commissioner shall adopt rules to
8 oversee the licensing, production, and management of:
9 (1) industrial hemp; and
10 (2) agricultural hemp seed;
11 to ensure integrity of audits and security of field sites of each
12 commodity.
13 (b) All growers and handlers must have an industrial hemp license
14 issued by the state seed commissioner. Growers and handlers engaged
15 in the production of agricultural hemp seed must also have an
16 agricultural hemp seed production license.
17 (c) An application for an industrial hemp license or agricultural



- 1 hemp seed production license must include the following:
- 2 (1) The name and address of the applicant.
- 3 (2) The name and address of the industrial hemp operation of the
- 4 applicant.
- 5 (3) The global positioning system coordinates and legal
- 6 description of the property used for the industrial hemp operation.
- 7 (4) If the industrial hemp license or agricultural hemp seed
- 8 production license application is made by a grower, the acreage
- 9 size of the field where the industrial hemp will be grown.
- 10 (5) A statement signed by the applicant, under penalty of perjury,
- 11 that the person applying for the industrial hemp license or
- 12 agricultural hemp seed production license has not been convicted
- 13 of a drug related felony or misdemeanor in the previous ten (10)
- 14 years.
- 15 (6) A written consent allowing the state police department to
- 16 conduct a state or national criminal history background check.
- 17 (7) A written consent allowing the state police department, if a
- 18 license is issued to the applicant, to enter the premises on which
- 19 the industrial hemp is grown to conduct physical inspections of
- 20 industrial hemp planted and grown by the applicant, and to ensure
- 21 the plants meet the definition of industrial hemp as set forth in
- 22 section 6 of this chapter. Not more than two (2) physical
- 23 inspections may be conducted under this subdivision per year,
- 24 unless a valid search warrant for an inspection has been issued by
- 25 a court of competent jurisdiction.
- 26 (8) A nonrefundable application fee, which must include the
- 27 amount necessary to conduct a state or national criminal history
- 28 background check, in an amount determined by the state seed
- 29 commissioner.
- 30 (9) Any other information required by the state seed
- 31 commissioner.
- 32 **(d) Notwithstanding subsection (a), before November 1, 2017,**
- 33 **the state seed commissioner shall adopt emergency rules in the**
- 34 **manner provided under IC 4-22-2-37.1 to establish standards and**
- 35 **specifications for commercial cultivation and production of**
- 36 **industrial hemp. An emergency rule adopted by the commissioner**
- 37 **under this subsection expires on the earlier of the following dates:**
- 38 **(1) The expiration date stated in the emergency rule.**
- 39 **(2) The date the emergency rule is amended or repealed by a**
- 40 **later rule adopted under IC 4-22-2-24 through IC 4-22-2-36**
- 41 **or under IC 4-22-2-37.1.**
- 42 SECTION 2. IC 35-48-1-19, AS AMENDED BY P.L.165-2014,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 19. (a) "Marijuana" means any part of the
3 plant genus Cannabis whether growing or not; the seeds thereof; the
4 resin extracted from any part of the plant, including hashish and hash
5 oil; any compound, manufacture, salt, derivative, mixture, or
6 preparation of the plant, its seeds or resin.

7 (b) The term does not include:

8 (1) the mature stalks of the plant;

9 (2) fiber produced from the stalks;

10 (3) oil or cake made from the seeds of the plant;

11 (4) any other compound, manufacture, salt, derivative, mixture,
12 or preparation of the mature stalks (except the resin extracted
13 therefrom);

14 (5) the sterilized seed of the plant which is incapable of
15 germination; or

16 (6) industrial hemp (as defined by IC 15-15-13-6), **including the**
17 **fiber, seeds, resin, and oil or any other compound extracted,**
18 **derived, manufactured, or prepared from any part of an**
19 **industrial hemp plant.**

20 SECTION 3. **An emergency is declared for this act.**

