

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 1204**

(SENATE AUTHORS: BIGHAM and Hawj)

DATE  
02/14/2019

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Agriculture, Rural Development, and Housing Policy

1.1 A bill for an act  
1.2 relating to agriculture; modifying definitions of industrial hemp and marijuana;  
1.3 modifying provision related to possession of industrial hemp; requiring the  
1.4 commissioner of agriculture to apply for primary regulatory authority over the  
1.5 production of industrial hemp in this state; amending Minnesota Statutes 2018,  
1.6 sections 18K.02, subdivision 3; 18K.03; 152.01, subdivision 9.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 18K.02, subdivision 3, is amended to read:

1.9 Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant *Cannabis sativa* L. and  
1.10 any part of the plant, whether growing or not, including the plant's seeds, and all the plant's  
1.11 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether  
1.12 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
1.13 percent on a dry weight basis. Industrial hemp is not marijuana as defined in section 152.01,  
1.14 subdivision 9.

1.15 Sec. 2. Minnesota Statutes 2018, section 18K.03, is amended to read:

1.16 **18K.03 AGRICULTURAL CROP; POSSESSION AUTHORIZED.**

1.17 Industrial hemp is an agricultural crop in this state. A person may possess, transport,  
1.18 process, sell, or buy industrial hemp that is grown pursuant to this chapter or lawfully grown  
1.19 in another state.

1.20 Sec. 3. Minnesota Statutes 2018, section 152.01, subdivision 9, is amended to read:

1.21 Subd. 9. **Marijuana.** "Marijuana" means all parts of the plant of any species of the genus  
1.22 *Cannabis*, including all agronomical varieties, whether growing or not; the seeds thereof;

2.1 the resin extracted from any part of such plant; and every compound, manufacture, salt,  
2.2 derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the  
2.3 mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such  
2.4 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such  
2.5 mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed  
2.6 of such plant which is incapable of germination. Marijuana does not include industrial hemp  
2.7 as defined in section 18K.02, subdivision 3.

2.8 Sec. 4. **APPLICATION REQUIRED.**

2.9 No later than August 1, 2019, the commissioner of agriculture must submit a plan to the  
2.10 secretary of the United States Department of Agriculture and request primary regulatory  
2.11 authority over the production of industrial hemp in this state, as provided under section  
2.12 10113 of the Agriculture Improvement Act of 2018.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.