

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1142

 By: Fetgatter

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6
7 AS INTRODUCED

8 An Act relating to agriculture; creating the Oklahoma
9 Industrial Hemp Remediation Program; defining terms;
10 declaring certain concentration to be deemed a
11 compliant hemp product; requiring certain hemp
12 products be destroyed; requiring certain
13 notification; providing for codification; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3-601 of Title 2, unless there
18 is created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Oklahoma
20 Industrial Hemp Remediation Program".

21 B. As used in the Oklahoma Industrial Hemp Remediation Program,
22 the following words and terms, and any derivative of such words or
23 terms, shall have the following meanings, unless the context clearly
24 indicates otherwise:

1 1. "Cannabis" means a genus of flowering plants in the family
2 Cannabaceae of which Cannabis sativa is a species, and Cannabis
3 indica and Cannabis ruderalis are subspecies thereof. Cannabis
4 refers to any form of the plant in which the delta-9
5 tetrahydrocannabinol concentration on a dry-weight basis has not yet
6 been determined;

7 2. "Certified laboratory" means the laboratory operated by the
8 Oklahoma Department of Agriculture, Food, and Forestry or a
9 laboratory located in Oklahoma that is certified by the Department;

10 3. "Commercial sale" means the sale of a product in the stream
11 of commerce at retail, at wholesale or on the Internet;

12 4. "CSA" means the federal Controlled Substances Act;

13 5. "DEA" means the United States Drug Enforcement
14 Administration;

15 6. "Department" means the Oklahoma Department of Agriculture,
16 Food, and Forestry;

17 7. "Hemp" means the plant Cannabis sativa L. and any part of
18 such plant including, but not limited to, the seeds and all
19 derivatives, extracts, cannabinoids, isomers, acids, salts and salts
20 of isomers, whether growing or not, and grown from a certified seed
21 with a delta-9 tetrahydrocannabinol concentration of not more than
22 three-tenths of one percent (0.3%) on a dry-weight basis. Hemp and
23 hemp-derived cannabinoids, including cannabidiol, shall be
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1 considered an agricultural commodity and not a controlled substance
2 due to the presence of hemp or hemp-derived cannabinoids;

3 8. "Hemp Program" means the Oklahoma Hemp Industrial Reform
4 Program and any final ruling from the USDA;

5 9. "Law enforcement" means any federal, state or local agencies
6 responsible for maintaining public order and enforcing the law;

7 10. "License" means the written authorization by the Department
8 for any person to grow, process, handle or transport certified seeds
9 or hemp in this state;

10 11. "Person" means any natural person or any corporation,
11 general partnership, limited partnership, limited liability
12 partnership, limited liability company, trust, estate, charitable
13 organization, joint stock company, joint venture, association or any
14 other business or similar organization recognized by the state;

15 12. "Processor" means any person who is licensed by the
16 Department to process hemp in this state;

17 13. "State" means the State of Oklahoma;

18 14. "THC" means delta-9 tetrahydrocannabinol, which is a
19 psychoactive component in cannabis plants;

20 15. "Tracking software" means software that is approved by the
21 Department and is capable of transparently tracking hemp in any
22 state or form whatsoever including, but not limited to, a certified
23 seed, any stage of growth, processing or handling, and any hemp
24 product; and

1 16. "USDA" means the United States Department of Agriculture.

2 C. In the event that any hemp produced under the Hemp Program
3 is determined by testing results to be noncompliant with the Hemp
4 Program, the person holding the license for the noncompliant hemp
5 may request approval from the Department to remediate the
6 noncompliant hemp.

7 D. If the Department approves the remediation of the
8 noncompliant hemp, the person holding the license shall promptly
9 have the noncompliant hemp extracted by a licensed processor into
10 concentrated form and the hemp concentrate shall be sampled by a
11 certified laboratory for compliance with USDA levels for THC in
12 concentrated form.

13 E. If the samples of the hemp concentrate are below USDA levels
14 for THC, the hemp concentrate shall be compliant as a hemp product
15 with the Hemp Program and may be used in commercial sales.

16 F. If the samples of the hemp concentrate are above the USDA
17 levels for THC, the hemp concentrate shall be noncompliant with the
18 Hemp Program and shall be destroyed in accordance with the CSA and
19 DEA regulations found at 21 CFR 1317.15 as enforced by federal,
20 state and local law enforcement. The person holding the license for
21 the noncompliant hemp concentrate shall promptly notify the
22 Department and USDA of its intent to destroy the noncompliant hemp
23 concentrate and verify destruction by submitting required
24 documentation using the tracking software.

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
SUBSTANCES, dated 02/22/2021 - DO PASS.