
ENGROSSED SUBSTITUTE SENATE BILL 6206

State of Washington

64th Legislature

2016 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hasegawa, Takko, Chase, Schoesler, and Sheldon)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to authorizing the growing of industrial hemp;
2 adding a new chapter to Title 15 RCW; creating a new section; and
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends to authorize the
6 growing of industrial hemp as a legal, agricultural activity in this
7 state as part of an agricultural pilot program in conformance with
8 the agricultural act of 2014, 128 Stat. 912 § 7606, P.L. 113-79 (Feb.
9 7, 2014).

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Department" means the Washington state department of
14 agriculture.

15 (2) "Grower" means any person licensed to grow industrial hemp
16 under this chapter.

17 (3) "Industrial hemp" means all parts and varieties of the genera
18 Cannabis, cultivated or possessed by a grower, whether growing or
19 not, that contain a THC concentration of 0.3 percent or less by dry
20 weight. Industrial hemp does not include plants of the genera

1 Cannabis that meet the definition of "marijuana" as defined in RCW
2 69.50.101.

3 (4) "Industrial hemp research program" means an agricultural
4 pilot program to study the growth, cultivation, or marketing of
5 industrial hemp supervised by the department.

6 (5) "Person" means any natural person, firm, partnership,
7 association, private or public corporation, government entity, or
8 other business entity.

9 (6) "THC concentration" means the percent of total
10 tetrahydrocannabinol, which is the combined percent of delta-9
11 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of
12 the genera Cannabis.

13 NEW SECTION. **Sec. 3.** Except as otherwise provided in this
14 chapter, industrial hemp is an agricultural product that may be
15 grown, produced, possessed, processed, and exchanged in the state
16 solely and exclusively as part of an industrial hemp research program
17 supervised by the department. Processing any part of industrial hemp,
18 except seed, as food, extract, oil, cake, concentrate, resin, or
19 other preparation for topical use, oral consumption, or inhalation by
20 humans is prohibited.

21 NEW SECTION. **Sec. 4.** (1) The department shall adopt rules
22 pursuant to this chapter and chapter 34.05 RCW as necessary to
23 license persons to grow hemp under an industrial hemp research
24 program. The rules must include, but are not limited to:

25 (a) Fee amounts for license application, issuance, and renewal;

26 (b) Testing criteria and protocols for testing compliance with
27 THC levels; and

28 (c) Grower qualifications. Grower qualifications include, at a
29 minimum, that a person with a prior felony drug conviction within ten
30 years of applying for a license not be eligible for the license. The
31 department shall adopt by rule the persons in associations,
32 corporations, and other business entities to be qualified under this
33 felony drug conviction limitation.

34 (2) The department may adopt rules for administration of an
35 industrial hemp research program, including the goals of the program.

36 (3) The department may adopt rules for administration of an
37 industrial hemp seed certification program pursuant to chapter 15.49
38 RCW.

1 (4) All requirements in this section are subject to the
2 availability of amounts appropriated for the specific purposes
3 described.

4 NEW SECTION. **Sec. 5.** (1) The department shall establish an
5 industrial hemp research program in which persons grow or cultivate
6 industrial hemp for researching the feasibility and desirability of
7 industrial hemp production in Washington. The department shall
8 supervise the program through licensure and seed certification, but
9 may not fund growing operations. The department may enter into
10 interagency agreements with other public entities in connection with
11 the program.

12 (2) The department shall establish a licensure program to allow
13 persons to grow industrial hemp in the state as part of the
14 industrial hemp research program.

15 (3) The department shall establish an industrial hemp seed
16 certification program in support of the industrial hemp research
17 program. The department's authority to implement this program
18 incorporates the department's authority related to seed
19 certification, inspection, fee setting, and enforcement under chapter
20 15.49 RCW.

21 (4) The programs under this chapter are subject to a grant of
22 necessary permissions, waivers, or other form of valid legal status
23 by the United States drug enforcement administration or other
24 appropriate federal agency pursuant to applicable federal laws
25 relating to industrial hemp.

26 (5) All requirements in this section are subject to the
27 availability of amounts appropriated for the specific purposes
28 described.

29 NEW SECTION. **Sec. 6.** (1) Any person seeking to grow industrial
30 hemp as part of the industrial hemp research program shall apply to
31 the department on a form provided by the department. At a minimum,
32 the application form must include:

33 (a) The name and mailing address of the applicant, including the
34 business address of any corporate applicant and the applicant's
35 registered agent and the agent's address;

36 (b) The legal description and global positioning coordinates
37 sufficient to locate the proposed industrial hemp production fields;

1 (c) A signed declaration indicating whether the applicant has
2 ever been convicted of a felony or misdemeanor;

3 (d) Written consent allowing the department, if a license is
4 ultimately issued to the applicant, to enter onto the industrial hemp
5 production fields to conduct physical inspections of industrial hemp
6 planted and grown by the applicant, and to ensure compliance with the
7 requirements of this chapter;

8 (e) Any other information required by the department; and

9 (f) The payment of a nonrefundable application fee, in an amount
10 set by the department.

11 (2) The department may approve licenses only for those selected
12 growers whose demonstration plots will advance the goals of the
13 department's industrial hemp research program. The location, and the
14 total number and acreage, of all demonstration plots to be grown by
15 license holders must be determined at the discretion of the
16 department.

17 (3) The department may use failure to comply with the law and
18 with the conditions of the license issued by the department as
19 grounds for revocation, suspension, or denial of future applications.

20 (4) Each license is valid for a period of one year from the date
21 of issuance and may be renewed in successive years. Each annual
22 renewal requires the payment of a license renewal fee.

23 (5) All moneys collected under this chapter must be deposited in
24 an account within the agricultural local fund and used solely for
25 carrying out this chapter. No appropriation is required for
26 disbursement of moneys from the account by the director.

27 (6) A record of each license issued by the department under this
28 section must be immediately forwarded to the sheriff of each county
29 where the industrial hemp is licensed to be planted, grown, and/or
30 harvested.

31 (7) All records, data, and information filed in support of a
32 license application are exempt from disclosure under chapter 42.56
33 RCW, the public records act.

34 (8) All requirements in this section are subject to the
35 availability of amounts appropriated for the specific purposes
36 described.

37 NEW SECTION. **Sec. 7.** (1) Subject to receiving federal or
38 private funds for this purpose, Washington State University shall
39 study the feasibility and desirability of industrial hemp production

1 in Washington. In conducting the study, Washington State University
2 shall gather information from agricultural and scientific literature,
3 consult with experts and the public, and review the best practices of
4 other states and countries worldwide regarding the development of
5 markets for industrial hemp. The study must include an analysis of:

6 (a) The market economic conditions affecting the development of
7 an industrial hemp industry in the state;

8 (b) The estimated value-added benefit that Washington's economy
9 would reap from having a developed industrial hemp industry in the
10 state;

11 (c) Whether Washington soils and growing conditions are
12 appropriate for use of industrial hemp in the rotation of other crops
13 and whether soils and growing conditions are appropriate for farming
14 industrial hemp at economically viable levels;

15 (d) Whether growing industrial hemp will introduce or serve as a
16 vector for plant disease affecting related species, such as hops;

17 (e) The agronomy research being conducted worldwide relating to
18 industrial hemp varieties, production, and use; and

19 (f) Other legislative acts, experiences, and outcomes around the
20 world regarding industrial hemp production.

21 (2)(a) Washington State University shall report its findings to
22 the legislature by January 14, 2017.

23 (b) The report must include recommendations for any legislative
24 actions necessary to encourage and support the development of an
25 industrial hemp industry in the state of Washington.

26 (3) This section expires August 1, 2017.

27 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act
28 constitute a new chapter in Title 15 RCW.

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