

Amendment No. 1 to SB0357

Southerland

Signature of Sponsor

AMEND Senate Bill No. 357*

House Bill No. 844

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-402(16)(C), is amended by deleting the subdivision and substituting the following:

(C) "Marijuana" also does not include hemp, as defined in § 43-27-101;

SECTION 2. Tennessee Code Annotated, Section 39-17-403(f), is amended by deleting the subsection and substituting the following:

(f) The commissioner shall exclude the following from a schedule:

(1) Hemp, as defined in § 43-27-101; and

(2) Any nonnarcotic substance if, under the Federal Food, Drug and Cosmetic Act, compiled in 21 U.S.C. § 301 et seq., and the laws of this state, the substance may be lawfully sold over the counter without a prescription.

SECTION 3. Tennessee Code Annotated, Section 39-17-415, is amended by deleting subsection (c) and substituting the following:

(c) Nothing in this section categorizes hemp, as defined in § 43-27-101, as a controlled substance.

SECTION 4. Tennessee Code Annotated, Section 43-1-701(b), is amended by deleting subdivision (7) and substituting the following:

(7) Section 43-27-104, relative to hemp;

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SECTION 5. Tennessee Code Annotated, Section 43-26-102(3), is amended by deleting the language "industrial hemp" and substituting the language "hemp, as defined in § 43-27-101".

SECTION 6. Tennessee Code Annotated, Section 43-26-102, is amended by deleting subdivision (4).

SECTION 7. Tennessee Code Annotated, Section 43-26-103, is amended by deleting subsections (b)-(e).

SECTION 8. Tennessee Code Annotated, Section 43-37-103, is amended by deleting the language "industrial hemp, as defined by § 43-26-102" and substituting the language "hemp, as defined in § 43-27-101".

SECTION 9. Tennessee Code Annotated, Section 44-6-103(2), is amended by deleting the language "industrial hemp" and substituting the language "hemp, as defined in § 43-27-101", and by deleting the language "industrial hemp" and substituting the language "hemp".

SECTION 10. Tennessee Code Annotated, Section 44-6-103, is amended by deleting subdivision (11).

SECTION 11. Tennessee Code Annotated, Section 67-4-2802(7), is amended by deleting the language "industrial hemp, as defined in § 43-26-102" and substituting the language "hemp, as defined in § 43-27-101".

SECTION 12. Tennessee Code Annotated, Title 43, is amended by adding the following as a new part:

43-27-101.

As used in this part:

- (1) "Commissioner" means the commissioner of agriculture;
- (2) "Department" means the department of agriculture; and
- (3) "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

43-27-102.

(a) Any person who produces hemp in this state shall obtain an annual license from the department. To obtain and maintain a hemp license, the producer shall consent to reasonable inspection by the department of the person's hemp crop and inventory.

(b) Possession of rooted hemp without a valid license issued by the department is prohibited.

43-27-103.

(a) A violation of this part, or of the rules promulgated under this part, with a culpable mental state of "reckless", "knowing", or "intentional", as such terms are defined in § 39-11-302, is a Class A misdemeanor.

(b) Nothing in subdivision (a) shall be construed as precluding a person who violates this part from being prosecuted and convicted under any other applicable offense.

43-27-104.

(a) The commissioner is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as necessary for the efficient enforcement of this part, including, but not limited to:

(1) Establishment of reasonable fees for hemp licenses

necessary to implement and administer a hemp program in this state on an ongoing basis. All revenue collected from fees established under this subdivision (a)(1) must be used exclusively for administration of the hemp program and regulation of hemp; and

(2) Requirements necessary for the regulation of hemp in accordance with the Agriculture Improvement Act of 2018 (Public Law 115-334).

(b) All rules promulgated by the department for the regulation of industrial hemp are null and void.

(c) Within one hundred twenty (120) days of the effective date of this act, the commissioner shall promulgate rules consistent with requirements of the Agriculture Improvement Act of 2018 (Public Law 115-334) for state regulation of hemp. The commissioner is authorized to use emergency rulemaking under § 4-5-208 to promulgate the rules pursuant to this subsection (c).

43-27-105.

The commissioner or the commissioner's duly authorized representative is authorized to enter any premises where hemp is produced for the purpose of conducting inspections and sampling necessary to carry out state regulation of hemp and the purposes of this part.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.