



**SB 357 - HB 844**

March 25, 2019

**SUMMARY OF ORIGINAL BILL:** Deletes regulatory language regarding “industrial hemp” and replaces it with regulatory language regarding “hemp”, with the regulatory authority remaining with the Department of Agriculture (DOA).

Establishes an administrative framework for the regulations on hemp similar to the current regulations of industrial hemp growing and production.

Requires the Commissioner of DOA to submit a plan to the federal government for Tennessee to have primary regulatory authority over hemp production in this state as authorized by the federal Agricultural Improvement Act of 2018.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (005773, 006390):** Amendment 005773 deletes all language after the enacting clause and rewrites the legislation such that the substantive changes are as follows:

- Requires persons attempting to obtain their hemp license to submit a GPS location of the property where the hemp would be produced.
- Prohibits the following acts: possession of rooted hemp by persons who do not have a license, possession of hemp with THC concentrations greater than 0.3 percent, failure to pay license or inspection fees, and willful hindrance of the Commissioner of DOA or their authorized agent in performance of their official duties.
- Removes registration of landrace varieties of hemp provisions.
- Requires testing performed by the DOA with methods which employ liquid chromatography tandem mass spectrometry, in a manner similarly reliable to post-decarboxylation, to determine a cannabinoid profile of samples tested, including their THC concentrations.
- Subjects persons to denial or revocation of any license issued under this part; issuance of stop movement orders, destruction orders, and civil penalties; and actions for injunction for violations of this proposed legislation.
- Establishes rules and regulations regarding violations of the rules in the proposed legislation or violations of promulgated rules.

Amendment 006390 deletes the provision of the bill as amended by amendment 005773 that makes all rules and regulations around industrial hemp null and void as of July 1, 2019, and replaces it with language stating the rules currently promulgated before July 1, 2019 will become null and void upon rules and regulations promulgated to effectuate this proposed legislation.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

### **Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The Commissioner of DOA has 120 days following July 1, 2019, when the proposed legislation is to become law, to promulgate rules necessary to effectuate the purposes of the proposed legislation.
- Under current law, the plant *Cannabis Sativa L.* and any part of that plant with delta-9 tetrahydrocannabinol (THC) concentration more than three-tenths of one percent (0.3%) on a dry weight basis is classified as “industrial hemp”. Under the proposed legislation, this term would be replaced with “hemp”.
- The regulations concerning “industrial hemp” are deleted and a new chapter is created with regulations applicable to “hemp”. The majority of sections of the proposed legislation are currently being practiced, or similar practices are being performed by the DOA either through current law or rules promulgated by the Department.
- Because the majority of the regulations proposed in this legislation are currently being performed by DOA, and given that any impacts associated with any other section of the legislation can be absorbed by the Department without significant additional expenditures, it is assumed that this proposed legislation will not have a significant impact on the State of Tennessee, the DOA, the federal government, or state and local tax revenue.
- Any increase in revenue from fines will be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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