

HOUSE BILL No. 1228

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-15-13.

Synopsis: Industrial hemp. Repeals a provision concerning violation of federal law. Amends certain industrial hemp laws to allow: (1) licensed growers to produce industrial hemp; and (2) licensed handlers to process industrial hemp and seed; without the seed commissioner obtaining federal waivers. Prohibits the seed commissioner from issuing a license to a grower or handler until after the seed commissioner has adopted certain rules.

Effective: July 1, 2016.

Arnold L

January 11, 2016, read first time and referred to Committee on Agriculture and Rural Development.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1228

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-15-13-1 IS REPEALED [EFFECTIVE JULY 1,
2 2016]. ~~Sec. 1. Nothing in this chapter authorizes any person to violate~~
3 ~~any federal law or regulation.~~
4 SECTION 2. IC 15-15-13-7, AS ADDED BY P.L.165-2014,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2016]: Sec. 7. (a) ~~Subject to section 15 of this chapter,~~ The
7 production of, possession of, scientific study of, and commerce in
8 industrial hemp is authorized in Indiana. Industrial hemp is an
9 agricultural product that is subject to regulation by the state seed
10 commissioner. The state seed commissioner shall adopt rules to
11 oversee the licensing, production, and management of:
12 (1) industrial hemp; and
13 (2) agricultural hemp seed;
14 to ensure integrity of audits and security of field sites of each
15 commodity.
16 (b) All growers and handlers must have an industrial hemp license
17 issued by the state seed commissioner. Growers and handlers engaged



1 in the production of agricultural hemp seed must also have an
2 agricultural hemp seed production license.

3 (c) An application for an industrial hemp license or agricultural
4 hemp seed production license must include the following:

5 (1) The name and address of the applicant.

6 (2) The name and address of the industrial hemp operation of the
7 applicant.

8 (3) The global positioning system coordinates and legal
9 description of the property used for the industrial hemp operation.

10 (4) If the industrial hemp license or agricultural hemp seed
11 production license application is made by a grower, the acreage
12 size of the field where the industrial hemp will be grown.

13 (5) A statement signed by the applicant, under penalty of perjury,
14 that the person applying for the industrial hemp license or
15 agricultural hemp seed production license has not been convicted
16 of a drug related felony or misdemeanor in the previous ten (10)
17 years.

18 (6) A written consent allowing the state police department to
19 conduct a state or national criminal history background check.

20 (7) A written consent allowing the state police department, if a
21 license is issued to the applicant, to enter the premises on which
22 the industrial hemp is grown to conduct physical inspections of
23 industrial hemp planted and grown by the applicant, and to ensure
24 the plants meet the definition of industrial hemp as set forth in
25 section 6 of this chapter. Not more than two (2) physical
26 inspections may be conducted under this subdivision per year,
27 unless a valid search warrant for an inspection has been issued by
28 a court of competent jurisdiction.

29 (8) A nonrefundable application fee, which must include the
30 amount necessary to conduct a state or national criminal history
31 background check, in an amount determined by the state seed
32 commissioner.

33 (9) Any other information required by the state seed
34 commissioner.

35 SECTION 3. IC 15-15-13-15, AS ADDED BY P.L.165-2014,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 15. ~~(a) Notwithstanding any other law,~~ The state
38 seed commissioner may not grant any license until the state seed
39 commissioner has ~~secured any necessary permissions, waivers, or other~~
40 ~~form of legal status by the United States Drug Enforcement Agency or~~
41 ~~other appropriate federal agency concerning industrial hemp.~~

42 (b) The state seed commissioner shall apply for any necessary



1 permissions, waivers, or other forms of legal status by the United States
2 Drug Enforcement Agency or other appropriate federal agency that are
3 necessary to implement this chapter before January 1, 2015.

4 (c) The state seed commissioner may not implement a waiver under
5 this section until the state seed commissioner files an affidavit with the
6 governor attesting that the federal permission or waiver applied for
7 under this section is in effect. The state seed commissioner shall file
8 the affidavit under this subsection not later than five (5) days after the
9 state seed commissioner is notified that the waiver is approved.

10 (d) If the state seed commissioner receives a waiver permission
11 under this section from all the appropriate federal agencies and the
12 governor receives the affidavit filed under subsection (c), the state seed
13 commissioner shall implement this chapter, subject to the terms and
14 conditions of the permission or waiver received, not more than sixty
15 (60) days after the governor receives the affidavit. **adopted rules**
16 **under IC 4-22-2 to implement this chapter.**

