

# The Hemp Farming Act

*HB 1325 authored by Representative Tracy O. King*

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HB 1325 promotes the cultivating and processing of hemp by the development of new commercial markets for farmers and businesses through the sale of hemp products. The bill promotes the expansion of this state's hemp industry, allowing farmers and businesses to cultivate, handle, and process hemp, and sell hemp products for commercial purposes while encouraging and empowering research into hemp production and hemp products at institutions of higher education and in the private sector so that Texas and its citizens can move to the forefront of the hemp industry.

"Hemp" is defined as the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

The bill removes "hemp" and "tetrahydrocannabinols or other substances in hemp" from the definition of "controlled substance," and excludes "hemp" and "a hemp product" from the definition of "marihuana" under state law.

"Hemp products" are defined to include cosmetics, personal care products, food intended for human or animal consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any products containing one or more hemp derived cannabinoids such as cannabidiol. The processing or manufacturing of a hemp product for smoking is prohibited.

The bill provides that derivatives of hemp, such as cannabidiol, may be added to products intended for human or animal consumption, personal care products, and cosmetics. The bill further provides that such additions are not considered an adulteration of these products under state law. The bill outlines what must be included on packaging labels, including QR codes for tracking testing results. The Department of State Health Services has primary jurisdiction over the processing, manufacturing, packaging, transportation, sale, and use of consumable hemp products in this state.

The bill requires rules to be established to promote cultivation, processing, and commercial sale. These will include:

- Hemp will be tested pre-harvest by third party laboratories to ensure the 0.3% threshold of THC is met. Any non-compliant hemp will be disposed of, processed into compliant product, or any other corrective action consistent with federal regulations
- Only licensed farmers can grow hemp. Fees set by the state must be reasonable.
- Land where hemp is grown must be identified to the state.
- The state will create a seed certification program. the department may partner with a private entity or an institution of higher education to test seed for the purpose of certification.

## Important Dates:

- This Act takes effect immediately if it receives a vote of two-thirds of all the members of each house. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.
- Within 90 days of passage, the Department of Agriculture shall adopt rules and submit them for approval to the secretary of the United States Department of Agriculture. This is to be no later than January 1, 2020.
- Not later than the 30th day after the date on which rules and procedures are adopted, the Department of Agriculture shall begin authorizing participation in the state hemp program.

