



The Hemp Farming Act

HB 1325 authored by Representative Tracy O. King | Sponsored by Senator Charles Perry

Passed Unanimously in Both Chambers and Signed by the Governor on June 10th, 2019

HB 1325 promotes the cultivating and processing hemp, the development of new commercial markets for farmers and businesses through the sale of hemp products, promoting 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.

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" 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.

"Hemp products" are defined to include cosmetics, personal care products, food intended for human or animal consumption, cloth, cordage, fiber, fuel, 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 (CBD), 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. 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 addresses cultivation and processing; requires rules to be established to promote cultivation, processing, and commercial sale. Including:

- Hemp and hemp products will be randomly tested pre-harvest and post-harvest by third party laboratories to ensure they meet the 0.3% threshold of THC is met. Any non-compliant hemp or hemp products 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 tracked by 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.

The bill requires the Department to submit a state plan to the USDA for the production of hemp pursuant to the 2018 farm bill.