

2015 -- H 6177

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY - CBD-RICH HEMP ACT

Introduced By: Representatives Keable, Newberry, Price, Blazejewski, and Slater

Date Introduced: May 07, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 26

4 CBD-RICH HEMP ACT

5 **2-26-1. Short title.** -- This chapter shall be known and may be cited as the "CBD-Rich
6 Hemp Act."

7 **2-26-2. Definitions.** -- When used in this chapter, the following terms shall have the
8 following meaning:

9 (1) "Cannabinoid" means a class of a diverse chemical compound that acts on
10 cannabinoid receptors on cells that repress neurotransmitter release in the brain.

11 (2) "Cannabidiol" or "CBD" means an active cannabinoid found in the plant of the genus
12 Cannabis.

13 (3) "CBD-rich hemp" means a sativa 1 strain reaching a CBD count of more than fifteen
14 percent (15%) CBD and less than eight tenths (0.8) of THC.

15 (4) "Department" means the department of health.

16 (5) "Division" means the division of agriculture in the department of environmental
17 management.

18 (6) "Hemp" means the plant of the genus cannabis and any part of such plant, whether
19 growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-

1 tenths percent (.3%) on a dry weight basis of any part of the plant cannabis, or per volume or
2 weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and
3 tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.

4 (7) "Hemp/CBD-rich hemp products" means all products made from the plants,
5 including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, paint, paper,
6 construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.

7 **2-26-3. Hemp/CBD-Rich Hemp; an agricultural product.** – Hemp/CBD-rich hemp is
8 an agricultural medical product which may be grown as a crop, produced, possessed, distributed,
9 and commercially traded in Rhode Island pursuant to the provisions of this chapter.

10 **2-26-4. Authority over licensing and sales.** – (a) (1) The division of agriculture in the
11 department of environmental management shall promulgate rules and regulations for the licensing
12 and regulation of hemp or cbd-rich cultivators and shall be responsible for the enforcement of
13 such licensing and regulation.

14 (2) A person or entity who intends to cultivate hemp or cbd-rich hemp shall file for a
15 license to cultivate with the division of agriculture at the department of environmental
16 management. No license to be either a hemp or a cbd-rich hemp cultivator shall be issued to any
17 person with a felony drug conviction. All applicants shall file a national criminal background
18 check with the bureau of criminal identification through the attorney general's office. All such
19 applicants shall also register as applicants with the state police. The applicant shall pay the costs
20 of such national background check.

21 (3) The division shall charge a non-refundable application fee of five hundred dollars
22 (\$500) for each application to obtain a cultivator's license.

23 (b) The department of health shall promulgate regulations for the sales, storage,
24 manufacturing, and testing of CBD-rich hemp products and plants as set forth herein. Applicants
25 must demonstrate that the CBD-rich hemp to be grown will be a cannabidiol-rich product with a
26 cannabidiol no less than fifteen percent (15%) and a THC-concentration of less than one percent
27 (1%) during the growing of the plant. The final product must have a THC-concentration of less
28 than three tenths percent (0.3%).

29 **2-26-5. Rulemaking authority.** -- The division and the department may adopt rules to
30 provide for the implementation of this chapter, which may include rules to require CBD-rich
31 hemp and standard hemp to be tested during growth for tetrahydrocannabinol levels and to
32 require inspection of CBD-rich hemp and standard hemp during sowing, growing season, harvest,
33 storage, and processing. The division and the department shall not adopt under this or any other
34 section a rule that would prohibit a person or entity to grow or distribute hemp based on the legal

1 status of hemp/CBD-rich hemp under federal law.

2 **2-26-6. Registration.** -- (a) Except as provided in this section, beginning seven (7) days
3 after the effective date of this act, the division shall accept applications for licensure to cultivate
4 CBD-rich hemp and hemp.

5 (b) A person or entity who intends to cultivate hemp/CBD-rich hemp shall register with
6 the division of agriculture as a cultivator, and shall also submit on a form provided by the
7 department of health an application for a license to manufacture and sell hemp/cbd-rich hemp
8 products. The application for a license to manufacture and sell shall contain the following:

9 (1) The name and address of the person or entity;

10 (2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type
11 and variety that do not exceed the maximum concentration of delta-9 tetrahydrocannabinol set
12 forth in this chapter;

13 (3) The location and acreage of all parcels sown or indoor cultivation facility and other
14 field reference information as may be required by the state; Provided, that at a minimum, each
15 applicant shall provide the department of health and the division with a tracking program and
16 security layout to indicate all agriculture grown is tracked and monitored from seed to distribution
17 outlets;

18 (4) An explanation of the seed to sale tracking, cultivation method, extraction method,
19 and cbd-rich certificate of analysis/certificate of analysis for the standard hemp seeds; and

20 (5) The division and the department shall review each application for the appropriate
21 license to determine whether the applicant meets the criteria in this chapter and qualifies for
22 licensure.

23 (c) A person registered with the department or the division pursuant to this section shall
24 allow hemp/CBD-rich hemp crops, throughout sowing, year-long growing seasons, harvest,
25 storage, and processing, to be inspected and tested by and at the discretion of the department or
26 division.

27 (d) The department shall assess the applicant for a license to manufacture and sell hemp
28 /cbd-rich hemp a nonrefundable application fee of five thousand dollars (\$5,000). In addition, the
29 department shall also assess the applicant with all costs associated with the evaluation of any
30 potential site or facility as provided for in this section.

31 **2-26-7. CBD-rich hemp products. Methods of extraction.** -- (a) No butane method of
32 extraction of oil shall be allowed for any hemp or CBD-rich hemp product. The only permitted
33 method of extraction of oil for CBD-rich hemp products shall be the C02 extraction, a/k/a
34 supercritical fluid extraction, as described in this section, or such methods of extraction the

1 national medical association deems fit for final consumption.

2 (1) C02 extraction, a/k/a supercritical fluid extraction (SFE), is the process of separating
3 one component (the extractant) from another (the matrix) using supercritical fluids as the
4 extracting solvent. Extraction is usually from a solid matrix, but can also be from liquids. SFE
5 can be used as a sample preparation step for analytical purposes, or on a larger scale to either strip
6 unwanted material from a product or collect a desired product.

7 **2-26-8. Product testing and labeling.** -- (a) The tetrahydrocannabinol concentration of
8 CBD-rich hemp shall be determined and tested by the department from the final product after
9 manufacturing and processing.

10 (b) All final products must properly tested by national accredited testing facilities, which
11 must include testing of cbd, cbdA Cbn, thc, and thea. All such products shall be properly
12 labelled as having been tested successfully. Products must also be tested and labeled as
13 contaminant free.

14 **2-26-9. Exemption from state penalties.** – (a) It is not a violation of state or local law
15 for a person to plant, grow, harvest, possess, process, sell, and buy CBD-rich hemp if that person
16 does so in compliance with this chapter and rules adopted in accordance with it.

17 (b) It is not a violation of state or local law for a person to purchase and possess industrial
18 CBD-rich hemp or CBD-rich hemp products.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO AGRICULTURE AND FORESTRY - CBD-RICH HEMP ACT

1 This act would allow for the growth and sale of hemp as an agricultural product subject to
2 registration as cultivator with the division of agriculture, while sales, storage and growth of hemp
3 products would be under the regulation of the department of health.

4 This act would take effect upon passage.

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