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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2112**

03/07/2019 Authored by Vang, Poppe, Jurgens, Zerwas and Huot
The bill was read for the first time and referred to the Committee on Government Operations
03/21/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to government operations; agriculture; modifying definition of industrial
1.3 hemp; authorizing expedited rulemaking for industrial hemp; providing a hemp
1.4 certification program; amending Minnesota Statutes 2018, sections 18K.02,
1.5 subdivision 3; 18K.06; proposing coding for new law in Minnesota Statutes, chapter
1.6 18K.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 18K.02, subdivision 3, is amended to read:

1.9 Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant *Cannabis sativa* L. and
1.10 any part of the plant, whether growing or not, including the plant's seeds, and all the plant's
1.11 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
1.12 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
1.13 percent on a dry weight basis. Industrial hemp is not marijuana as defined in section 152.01,
1.14 subdivision 9.

1.15 Sec. 2. Minnesota Statutes 2018, section 18K.06, is amended to read:

1.16 **18K.06 RULEMAKING.**

1.17 (a) The commissioner shall adopt rules governing the production, testing, certification,
1.18 and licensing of industrial hemp.

1.19 (b) Rules adopted under paragraph (a) must include, but not be limited to, provisions
1.20 governing:

- 1.21 (1) the supervision and inspection of industrial hemp during its growth and harvest;
- 1.22 (2) the testing of industrial hemp to determine delta-9 tetrahydrocannabinol levels;

2.1 (3) the use of background check results required under section 18K.04 to approve or
2.2 deny a license application; and

2.3 (4) any other provision or procedure necessary to carry out the purposes of this chapter.

2.4 (c) Rules issued under this section must be consistent with federal law regarding the
2.5 production, distribution, and sale of industrial hemp.

2.6 (d) The commissioner may use the expedited rulemaking process in section 14.389 to
2.7 adopt the rules required under this section.

2.8 Sec. 3. **[18K.10] MINNESOTA HEMP CERTIFICATION PROGRAM.**

2.9 Subdivision 1. **Program.** The commissioner must develop and implement a voluntary
2.10 program to certify (1) industrial hemp produced pursuant to this chapter, and (2) products
2.11 containing industrial hemp that was produced pursuant to this chapter.

2.12 Subd. 2. **Criteria.** The commissioner must develop certification criteria that conform
2.13 with applicable federal standards and industry best practices. The criteria must include but
2.14 are not limited to:

2.15 (1) the industrial hemp was grown by a person licensed under this chapter; and

2.16 (2) the industrial hemp or product containing industrial hemp has undergone laboratory
2.17 or other testing as necessary to satisfy applicable state and federal labeling and food safety
2.18 laws.

2.19 Subd. 3. **Marketing and promotion.** After adopting certification rules under section
2.20 18K.06, the commissioner's agricultural marketing and promotion efforts must include
2.21 certified Minnesota industrial hemp.

2.22 Subd. 4. **Fee.** The commissioner may charge a fee for certification of Minnesota industrial
2.23 hemp and products containing Minnesota industrial hemp. The fee must be commensurate
2.24 with the commissioner's costs as provided under section 16A.1285, subdivision 2.