

# HOUSE BILL No. 1195

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-15-13.

**Synopsis:** Regulation of hemp production. Defines "approved laboratory" for purposes of testing hemp. Establishes sampling requirements that require testing hemp samples not more than 28 days before harvest for the purpose of ensuring that the harvest lot does not exceed the allowable delta-9-tetrahydrocannabinol (THC) concentration. Establishes testing requirements for each hemp harvest lot. Prohibits a THC test that involves the application of heat or decarboxylation or that requires tetrahydrocannabinolic acid (THCA) to be converted into THC. Provides that a grower who produces hemp with an average THC concentration exceeding 0.3% and not more than 1% on a dry weight basis is not guilty of negligently violating the requirements of the THC concentration requirements.

**Effective:** July 1, 2020.

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January 16, 2020, read first time and referred to Committee on Agriculture and Rural Development.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1195

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 15-15-13-2.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. As used in this chapter,**  
4 **"approved laboratory" means a laboratory approved by the:**  
5 **(1) United States Department of Agriculture;**  
6 **(2) federal Food and Drug Administration; or**  
7 **(3) state seed commissioner;**  
8 **to test hemp under this chapter.**  
9 SECTION 2. IC 15-15-13-6.7 IS ADDED TO THE INDIANA  
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2020]: **Sec. 6.7. As used in this chapter,**  
12 **"harvest lot" means a quantity of hemp harvested in a distinct time**  
13 **frame that is:**  
14 **(1) grown in one (1) contiguous production area within a grow**  
15 **site; or**  
16 **(2) grown in a portion or portions of one (1) contiguous**  
17 **production area within a grow site.**



1     **The term does not include a quantity of hemp comprised of hemp**  
 2     **grown in noncontiguous production areas.**

3     SECTION 3. IC 15-15-13-9.3 IS ADDED TO THE INDIANA  
 4     CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5     [EFFECTIVE JULY 1, 2020]: **Sec. 9.3. (a) A grower must arrange**  
 6     **for and ensure the sampling of a hemp harvest lot with the state**  
 7     **seed commissioner or an approved laboratory not more than**  
 8     **twenty-eight (28) days before harvest for the purpose of ensuring**  
 9     **that the harvest lot does not exceed an average**  
 10    **delta-9-tetrahydrocannabinol (THC) concentration exceeding**  
 11    **three-tenths of one percent (0.3%) on a dry weight basis.**

12    **(b) The sample from the harvest lot must be taken by a**  
 13    **representative of:**

14    **(1) the state seed commissioner; or**

15    **(2) the approved laboratory.**

16    **(c) If the purpose of the hemp harvest:**

17    **(1) is to produce the flower, the grower must arrange for the**  
 18    **sampling to take place when the flowers are present and the**  
 19    **sample size must be approximately eight (8) inches in length;**  
 20    **or**

21    **(2) is to use the entire plant or to produce other parts of the**  
 22    **plant, besides flowers, the sampling must be from the entire**  
 23    **plant.**

24    **The samples must comply with protocols adopted by the state seed**  
 25    **commissioner.**

26    **(d) Harvest lots must be sampled and tested separately, and**  
 27    **samples may not be combined. However, a grower may subdivide**  
 28    **hemp grown in a contiguous field into separate harvest lots.**

29    **(e) The samples from each harvest lot must be labeled with an**  
 30    **identification number provided by the state seed commissioner.**

31    **(f) The cost of any test conducted under this section is at the**  
 32    **grower's expense.**

33    SECTION 4. IC 15-15-13-9.8 IS ADDED TO THE INDIANA  
 34    CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35    [EFFECTIVE JULY 1, 2020]: **Sec. 9.8. (a) Any test conducted under**  
 36    **this chapter to determine the average**  
 37    **delta-9-tetrahydrocannabinol (THC) concentration of a harvest lot**  
 38    **must meet the following requirements:**

39    **(1) Be performed by:**

40    **(A) the state seed commissioner; or**

41    **(B) an approved laboratory.**

42    **(2) The test may not:**



- 1                   **(A) involve the application of heat or decarboxylation; or**  
 2                   **(B) require tetrahydrocannabinolic acid (THCA) to be**  
 3                   **converted into tetrahydrocannabinol (THC).**  
 4           **(b) An approved laboratory must:**  
 5                   **(1) report the results of a test electronically to the state seed**  
 6                   **commissioner; and**  
 7                   **(2) comply with any requirements of the state seed**  
 8                   **commissioner.**  
 9           SECTION 5. IC 15-15-13-13.5, AS AMENDED BY THE  
 10           TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL  
 11           ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12           JULY 1, 2020]: Sec. 13.5. (a) Except as provided in subsection (b), the  
 13           state seed commissioner shall give a person who negligently violates  
 14           this chapter a reasonable time, determined by the state seed  
 15           commissioner, to correct the violation without imposing a penalty  
 16           under section 13 of this chapter. However, the state seed commissioner  
 17           may require the person who committed the violation to comply with a  
 18           corrective action plan determined by the state seed commissioner and  
 19           report to the state seed commissioner on compliance with the corrective  
 20           action plan.  
 21           (b) A person who commits a negligent violation of this chapter three  
 22           (3) times in a five (5) year period shall immediately be ineligible to  
 23           produce hemp for five (5) years.  
 24           (c) If the state seed commissioner believes that a person has  
 25           knowingly or intentionally violated this chapter, the state seed  
 26           commissioner shall notify:  
 27                   (1) the superintendent of the state police department; and  
 28                   (2) the prosecuting attorney of the county in which the violation  
 29                   occurred;  
 30           of the violation.  
 31           (d) A person who commits a negligent violation under this chapter  
 32           is subject to a late fee as established by rule adopted by the ~~state seed~~  
 33           ~~commissioner.~~ **commissioner.**  
 34           (e) **A grower who produces hemp with an average**  
 35           **delta-9-tetrahydrocannabinol (THC) concentration:**  
 36                   **(1) exceeding three-tenths of one percent (0.3%) on a dry**  
 37                   **weight basis; and**  
 38                   **(2) not more than one percent (1%) on a dry weight basis;**  
 39           **is not guilty of negligently violating this chapter.**

