

Date of Hearing: June 16, 2021

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

SB 292 (Wilk) – As Amended June 14, 2021

**SENATE VOTE:** 38-0

**SUBJECT:** Industrial hemp

**SUMMARY:** Revises provisions regulating the cultivation and testing of industrial hemp to conform to the requirements published in the United States Department of Agriculture's (USDA) Interim Final Rule that went into effect March 22, 2021. Specifically, **this bill:**

- 1) Requires laboratory test reports on hemp to include the measurement of uncertainty, as defined, associated with the test results.
- 2) Requires laboratories to use appropriate, validated methods and procedures for all testing activities, including when estimating the measurement of uncertainty.
- 3) Requires the testing plan of an established agricultural research institution and hemp breeder to provide for testing of a representative sample, instead of all, of the plants cultivated.
- 4) Requires a grower of industrial hemp to include the country of origin, instead of the county of origin, of the approved cultivar in the registration application.
- 5) Requires the department to submit information relating to registrations described in a specified federal regulation to the USDA.
- 6) Changes the membership of the Industrial Hemp Advisory (IHA) Board by increasing the number of members who are registered growers of industrial hemp to 6 and eliminating the member who is a representative of the Hemp Industries Association from the board.
- 7) Requires each registered established agricultural research institution, registered grower of industrial hemp, and registered hemp breeder to report to the Farm Service Agency of the USDA specified information regarding its hemp production in the state, including the location, acreage, and license or registration number associated with each location in the state where hemp will be produced.
- 8) Makes provisions of state law inoperative on the date on which a state plan for California is approved by the United States Secretary of Agriculture, and would repeal these provisions on January 1 of the following year.

**EXISTING LAW:**

**Federal:**

- 1) Declares that hemp is an agricultural product.

- 2) Authorizes an institution of higher education or a state department of agriculture to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions.
- 3) Requires a state desiring to have primary regulatory authority over the production of industrial hemp in the state to submit to the United States Secretary of Agriculture, through the state department of agriculture, a plan, with specified contents, under which the state monitors and regulates hemp production.

**State:**

- 1) Allows the cultivation of industrial hemp in this state and establishes a registration program administered by county agricultural commissioners (CAC) and the California Department of Food and Agriculture (CDFA) for growers of industrial hemp, hemp breeders, and established agricultural research institutions, as defined.
- 2) Requires specified registrants that grow industrial hemp, before the harvest of each crop, to obtain a laboratory test report indicating the THC (delta-9 tetrahydrocannabinol) levels of a random sampling of the industrial hemp, and requires that sampling to occur no more than 30 days before harvest.
- 3) Requires a registrant that grows industrial hemp to destroy the industrial hemp grown upon receipt of a laboratory test report indicating a percentage concentration of THC that exceeds a specified level.
- 4) Requires the registration application for an established agricultural research institution and hemp breeder to include, among other things, a plan for testing all of the plants cultivated.
- 5) Requires the registration application for a grower of industrial hemp to include, among other things, the approved cultivar to be grown, including the state or county of origin.
- 6) Creates the IHA Board, consisting of 13 members appointed by the Secretary of CDFA, to advise the secretary and make recommendations on all matters pertaining to industrial hemp. The membership of the IHA board includes, among other members, 5 members who are registered growers of industrial hemp and one member who is a representative of the Hemp Industries Association or its successor industry association.
- 7) Authorizes CDFA to establish and carry out an agricultural pilot program in accordance with federal law.
- 8) Requires an established agricultural research institution to provide the Global Positioning System coordinates of the planned cultivation site to CAC of the county in which the site is located.

**FISCAL EFFECT:** Unknown

**COMMENTS:** With the USDA publishing their IFR regulating hemp cultivation, it is necessary for California Hemp laws and regulations to conform to the federal law and regulations.

Supporters of the bill state that hemp is an agricultural crop that is grown and processed throughout the world for thousands of consumer products such as paper, textiles, cosmetics, body

care, fabrics and food. The U.S. hemp product industry is growing exponentially each year and California hemp product manufacturers make up a large part of the industry's annual revenues. A domestic source of raw hemp materials would result in lower prices for consumers, higher revenues for California businesses, increased California jobs and state revenue. The benefits for farmers are not only financial, but also, practical. Hemp requires less water and agricultural chemicals than many other crops and has deep roots that leave the soil in excellent condition for the next crop. In addition, farming industrial hemp fiber can contribute significantly to reductions in atmospheric carbon.

Current law requires one member of the IHA Board to be from the Hemp Industries Association (HIA) or its successor industry association. Currently HIA is inactive and there does not appear to be a successor organization. This bill address this issue by shifting the HIA position to another Hemp grower position.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Hemp Council

**Opposition**

None on file.

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