

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 126

BY SENATORS TRUMP AND BOSO

[Introduced January 9, 2019; Referred
to the Committee on Natural Resources; and then to the
Committee on the Judiciary]

1 A BILL to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating
2 to requiring industrial hemp grower licensees to file a copy of that license with the sheriff
3 of the county where the hemp is to be grown and the local detachment of the West Virginia
4 State Police; and providing that failure to do so renders the license null and void.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-5. Industrial hemp – licensing; filing license with local law enforcement.

1 (a) A person growing industrial hemp for commercial purposes shall apply to the
2 commissioner for license on a form prescribed by the commissioner.

3 (b) The application for a license must include the name and address of the applicant and
4 the legal description of the land area to be used for the production of industrial hemp.

5 (c) The commissioner shall require each first-time applicant for a license to file a set of the
6 applicant's fingerprints, taken by a law-enforcement officer, and any other information necessary
7 to complete a statewide and nationwide criminal history check with the criminal investigation
8 bureau of the department of justice for state processing and with the Federal Bureau of
9 Investigation for federal processing. All of the costs associated with the criminal history check
10 are the responsibility of the applicant. Criminal history records provided to the department under
11 this section are confidential. The commissioner may use the records only to determine if an
12 applicant is eligible to receive a license for the production of industrial hemp.

13 (d) If the applicant has completed the application process to the satisfaction of the
14 commissioner, the commissioner shall issue the license which is valid until December 31, of the
15 year of application. An individual licensed under this section is presumed to be growing industrial
16 hemp for commercial purposes.

17 (e) Notwithstanding any provision of this article, rule or the provisions of chapter 60A of
18 this code to the contrary, the Commissioner of Agriculture may license qualified persons and state
19 institutions of higher learning to lawfully grow or cultivate industrial hemp in this state, but

20 institutions of higher learning may only lawfully grow industrial hemp for research and educational
21 purposes.

22 (f) Within 60 days of being issued a license, the licensee shall file a copy of that license
23 with the sheriff of the county where the hemp is to be grown and the local detachment of the
24 West Virginia State Police. Failure to do so renders the license null and void.

NOTE: The purpose of this bill is to require industrial hemp grower licensees to file a copy of that license with the sheriff of the county where the hemp is to be grown and the local detachment of the West Virginia State Police. The bill provides that failure to do so renders the license null and void.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.