

1 INTERIM STUDY PROPOSAL 2021-009

2 State of Arkansas

3 93rd General Assembly

4 Regular Session, 2021

A Bill

CRH/CRH

HOUSE BILL

5
6 By: Representative M. Davis

7 Filed with: Arkansas Legislative Council

8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS INDUSTRIAL HEMP
10 PRODUCTION ACT; AND FOR OTHER PURPOSES.

Subtitle

11 TO AMEND THE ARKANSAS INDUSTRIAL HEMP
12 PRODUCTION ACT.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 2-15-503(5), concerning the definition of
22 "industrial hemp" as established by Acts 2021, No. 565, is amended to read as
23 follows:

24 (5) "Hemp" or ~~Industrial~~ "industrial hemp" means the plant
25 Cannabis sativa L. and any part of ~~the~~ that plant, whether growing or not,
26 including the seeds ~~of the plant~~ thereof and all derivatives, extracts,
27 cannabinoids, isomers, acids, salts, and salts of isomers, ~~whether growing or~~
28 ~~not or not artificially produced, that contains with a tetrahydrocannabinol~~
29 delta-9-tetrahydrocannabinol concentration of ~~no~~ not more than ~~that adopted~~
30 ~~by federal law under the Agricultural Marketing Act, 7 U.S.C. § 1639o, as it~~
31 ~~existed on January 1, 2021~~ three-tenths of one percent (0.3%) on a dry weight
32 basis;

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34 SECTION 2. Arkansas Code § 2-15-503(10) and (11), concerning the
35 definitions of "tetrahydrocannabinol" and "total available

1 tetrahydrocannabinol" as established by Acts 2021, No. 565, are amended to
2 read as follows:

3 (10) "Tetrahydrocannabinol" means ~~the natural or synthetic~~
4 ~~equivalents of the substances contained in the plant, or in the resinous~~
5 ~~extractives of, Cannabis sativa, or any synthetic substances, compounds,~~
6 ~~salts, or derivatives of the plant or chemicals and their isomers with~~
7 ~~similar chemical structure and pharmacological activity~~ delta-9-
8 tetrahydrocannabinol or delta-9-THC; and

9 (11) "Total available tetrahydrocannabinol" means the sum of
10 concentrations of:

11 (A) Tetrahydrocannabinol in the original sample submitted
12 for analysis; and

13 (B) Tetrahydrocannabinol derived from
14 tetrahydrocannabinolic acid in the sample through the laboratory procedure of
15 post-decarboxylation, using gas or liquid chromatography techniques.

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17 SECTION 3. Arkansas Code § 2-15-506, established by Acts 2021, No.
18 565, is amended to read as follows:

19 2-15-506. Federal laws regarding industrial hemp.

20 (a) If any part of this subchapter conflicts with a provision of
21 federal law relating to industrial hemp, the federal provision shall control
22 to the extent of the conflict.

23 (b) The Department of Agriculture shall not prohibit the production or
24 sale of any hemp product authorized by federal law.

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26 SECTION 4. Arkansas Code § 2-15-514, established by Acts 2021, No.
27 565, is amended to read as follows:

28 2-15-514. Transportation of industrial hemp.

29 (a) ~~Industrial hemp~~ Living industrial hemp plants, viable hemp seed,
30 or leaf found off the premises of a licensee is contraband and subject to
31 seizure by any law enforcement officer unless the individual has in his or
32 her possession the documents required by subsection (b) of this section.

33 (b) An individual transporting or having in his or her possession
34 ~~industrial hemp~~ living industrial hemp plants, viable hemp seed, or leaf
35 shall also have in his or her possession either:

36 (1) A grower license issued under this subchapter; or

1 (2) A bill of lading or other proper documentation demonstrating
2 that the industrial hemp was legally imported or is otherwise legally present
3 in this state under applicable state and federal laws relating to industrial
4 hemp.
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6 SECTION 5. Arkansas Code § 2-15-516(a)(1), concerning the prohibited
7 acts of a grower as established by Acts 2021, No. 565, is amended to read as
8 follows:

9 (1) Grow, process, sell or transfer, or permit the sale or
10 transfer of living industrial hemp plants, viable hemp seed, or leaf, ~~or~~
11 ~~floral material~~ to any person in a manner inconsistent with this subchapter
12 or State Plant Board rule;
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15 Referred by Representative M. Davis

16 Prepared by: CRH/CRH
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