

**SENATE, No. 3110**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED DECEMBER 16, 2013

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Establishes an industrial hemp license.

**CURRENT VERSION OF TEXT**

As introduced.



S3110 SCUTARI

2

1 AN ACT concerning the production of industrial hemp and  
2 supplementing Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. As used in this act, “industrial hemp” means any variety of  
8 Cannabis sativa L. with a delta-9-tetrahydrocannabinol  
9 concentration of 0.3% or less on a dry weight basis, and that is  
10 grown or possessed by a hemp producer licensed pursuant to section  
11 3 of this act.

12

13 2. Notwithstanding any other law, or rule or regulation adopted  
14 pursuant thereto, to the contrary, a person licensed pursuant to  
15 section 3 of this act may plant, grow, harvest, possess, process, sell  
16 and buy industrial hemp.

17

18 3. a. A person seeking to grow industrial hemp for commercial  
19 purposes shall apply to the Secretary of Agriculture for an industrial  
20 hemp license as provided for in this section. The application shall  
21 include the name and address of the applicant, and documentation  
22 and the legal description of the land area to be used for the growing  
23 and production of industrial hemp, including a map, aerial  
24 photograph of the land area, or global positioning coordinates  
25 sufficient for locating the production fields.

26 b. Except for employees of the New Jersey Agricultural  
27 Experiment Station or Cook College at Rutgers, The State  
28 University, a person making an application pursuant to subsection a.  
29 of this section shall also submit the first time such an application is  
30 made, a set of the applicant’s fingerprints to be taken by a law  
31 enforcement officer in the manner prescribed in the rules and  
32 regulations adopted pursuant to section 7 of this act, and any other  
33 information necessary to complete a nationwide and Statewide  
34 criminal history and background check by the Department of Law  
35 and Public Safety and the Federal Bureau of Investigation. All  
36 costs associated with this criminal history and background check  
37 shall be the responsibility of the applicant and shall be paid at the  
38 time that the fingerprints are taken by the law enforcement officer.

39 c. The criminal history, background check, and other  
40 information collected pursuant to subsections a. and b. of this  
41 section shall be confidential, and may only be used in determining  
42 an applicant’s eligibility for an industrial hemp license. No person  
43 with a prior criminal conviction shall be eligible for an industrial  
44 hemp license.

45 d. Upon review of the submitted application and the  
46 documentation and other information obtained pursuant to  
47 subsection a. and b. of this section, the Secretary of Agriculture  
48 shall approve or disapprove issuing the applicant an industrial hemp

**S3110 SCUTARI**

1 license. Prior to approving or disapproving a first-time applicant,  
2 the Secretary of Agriculture shall forward the submitted application  
3 and the documentation and other information obtained pursuant to  
4 subsection a. and b. of this section to the Department of Law and  
5 Public Safety and request a determination from that department  
6 concerning the applicant's eligibility for the industrial hemp license  
7 in terms of law and public safety considerations. Subsequent  
8 applications from the same applicant shall be reviewed by the  
9 Secretary of Agriculture for approval or disapproval, and copies of  
10 approved applications shall be forwarded to the Department of Law  
11 and Public Safety. Records of all applications shall be maintained  
12 by the Department of Agriculture and the Department of Law and  
13 Public Safety.

14 e. Upon approving an application for an industrial hemp  
15 license, the Secretary of Agriculture shall notify the applicant of the  
16 approval. Upon notification by the Attorney General pursuant to  
17 subsection b. of section 4 of this act, the Secretary of Agriculture  
18 shall request payment from the applicant of the license fee  
19 established pursuant to paragraph (4) of subsection a. of section 6 of  
20 this act, and upon receipt thereof, shall issue to the applicant the  
21 industrial hemp license.

22 f. An approved industrial hemp license shall be valid only for  
23 the site or sites specified in the license application and for the  
24 period of one year from the date of issuance, unless adjusted by the  
25 Department of Agriculture to allow for the normal growing season  
26 and reasonable harvesting, processing, and sale or distribution time.  
27 The license may be renewed as provided by the rules and  
28 regulations adopted pursuant to subsection a. of section 6 of this  
29 act.

30 g. The Secretary of Agriculture, at the secretary's discretion or  
31 upon the request of the Attorney General, may, after a hearing,  
32 revoke or deny renewal of an industrial hemp license at any time  
33 that it is discovered the licensed hemp producer is guilty of  
34 wrongdoing in connection with industrial hemp production, sale or  
35 distribution, or has submitted false information or documentation  
36 pursuant to this section.

37 h. An applicant denied a license or license renewal, or who has  
38 a license revoked pursuant to this section, shall have the right to an  
39 administrative hearing and decision, and the matter shall be treated  
40 as a contested case, under the "Administrative Procedure Act,"  
41 P.L.1968, c.410 (C.52:14B-1 et seq.).

42

43 4. a. No license may be issued pursuant to section 3 of this act  
44 unless:

45 (1) the President of the United States and the United States  
46 Congress enact federal legislation or take other federal action to  
47 exclude industrial hemp from the definition of marihuana for the

**S3110 SCUTARI**

1 purposes of the federal Controlled Substances Act, 21 United States  
2 Code, Section 802 (16); or

3 (2) the Drug Enforcement Administration in the United States  
4 Department of Justice takes affirmative steps towards issuing a  
5 permit to industrial hemp producers in states with laws similar to  
6 this act, under Chapter 13 of Title 21 of the United States Code or  
7 other appropriate federal authority.

8 b. The Attorney General shall notify the Secretary of  
9 Agriculture when the requirements of either paragraph (1) or (2) of  
10 subsection a. of this section have been met.

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12 5. Annually, at the time required under the rules and  
13 regulations adopted pursuant to section 6 of this act, each licensed  
14 hemp producer shall file with the Secretary of Agriculture  
15 documentation indicating that the seeds planted were a type and  
16 variety of hemp approved by the secretary as having a concentration  
17 of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight  
18 and a copy of any contract entered into by the licensed hemp  
19 producer to grow industrial hemp. At the conclusion of the  
20 licensing period, the licensed hemp producer shall notify the  
21 Secretary of Agriculture and the Attorney General of the sale or  
22 distribution of industrial hemp grown by the licensed hemp  
23 producer and the name and address of each person to whom the  
24 industrial hemp was sold or distributed during the licensing period.

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26 6. a. In consultation with the Attorney General, the Secretary  
27 of Agriculture shall adopt, pursuant to the “Administrative  
28 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
29 regulations providing for the administrative and enforcement  
30 responsibilities of the Department of Agriculture pursuant to this  
31 act, including, but not necessarily limited to:

32 (1) the establishment of approved varieties of industrial hemp;

33 (2) protocols for testing plant parts during growth for delta-9-  
34 tetrahydrocannabinol;

35 (3) guidelines for monitoring the growth and harvest of  
36 industrial hemp;

37 (4) licensing and other fees collected pursuant to subsection e.  
38 of section 3 of this act or any other provision of this act;

39 (5) other application requirements, licensing renewal  
40 procedures, and provisions for adjusting the licensing term dates  
41 pursuant to subsection f. of section 3 of this act; and

42 (6) any other issues required to implement this act.

43 b. The Secretary of Agriculture may defer to the Attorney  
44 General rulemaking on any of the issues enumerated above if they  
45 determine in the interest of public safety, that the issue is better  
46 addressed by the Department of Law and Public Safety than by the  
47 Department of Agriculture.

**S3110 SCUTARI**

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1       7. In consultation with the Secretary of Agriculture, the  
2 Attorney General shall adopt, pursuant to the “Administrative  
3 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
4 regulations providing for the taking of fingerprints and the other  
5 procedures and documentation required pursuant to subsection b. of  
6 section 3 of this act, and any other provisions necessary for the  
7 implementation of this act.

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9       8. This act shall take effect immediately.

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**STATEMENT**

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14       This bill establishes an industrial hemp license for planting,  
15 growing, harvesting, possessing, processing, selling and buying  
16 industrial hemp. The bill provides specific application procedures  
17 and requirements, including fingerprinting and criminal background  
18 checks for license applicants.

19       The bill also specifies that no license may be issued unless:

20       1) The President of the United States and the United States  
21 Congress enact federal legislation or take other federal action to  
22 exclude industrial hemp from the definition of marihuana for the  
23 purposes of the Controlled Substances Act, 21 United States Code,  
24 Section 802 (16); or

25       2) the Drug Enforcement Administration in the United States  
26 Department of Justice takes affirmative steps towards issuing a  
27 permit under 21 United States Code, Chapter 13, Subchapter 1, Part  
28 C to industrial hemp producers in states with laws similar to this  
29 bill.

30       The Attorney General is charged with notifying the Secretary of  
31 Agriculture when either of these requirements is met.

32       Finally, the bill authorizes the Secretary of Agriculture to adopt  
33 rules and regulations for the bill’s implementation and to defer any  
34 rulemaking issues to the Attorney General that are better addressed  
35 for the public’s safety by the Department of Law and Public Safety,  
36 and it authorizes the Attorney General to adopt rules and  
37 regulations necessary to implement the bill.