

ASSEMBLY, No. 2719

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2014

Sponsored by:

Assemblyman REED GUSCIORA
District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides for industrial hemp farming.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning industrial hemp and supplementing Title 4 of
2 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. a. As used in this act, “industrial hemp” means an
8 agricultural product that is any variety of *Cannabis sativa* L. with a
9 delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry
10 weight basis.

11 b. Notwithstanding any other law, or rule or regulation adopted
12 pursuant thereto, to the contrary, a person may plant, grow, harvest,
13 possess, process, distribute, buy, or sell industrial hemp in the State,
14 provided the person complies with the rules and regulations adopted
15 pursuant to section 2 of this act.

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17 2. a. In consultation with the Attorney General, the Secretary of
18 Agriculture shall adopt, pursuant to the “Administrative Procedure
19 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
20 providing for the administrative and enforcement responsibilities of
21 the Department of Agriculture pursuant to this act, including, but
22 not necessarily limited to:

23 (1) establishment of approved varieties of industrial hemp and
24 methods to distinguish it from any type of marijuana;

25 (2) protocols for testing plant parts during growth for delta-9-
26 tetrahydrocannabinol;

27 (3) guidelines for monitoring the growth and harvest of
28 industrial hemp;

29 (4) penalties necessary for the administration and enforcement
30 of this act; and

31 (5) any other issues required to implement this act.

32 b. The Secretary of Agriculture may defer to the Attorney
33 General rulemaking on any of the issues enumerated above if they
34 determine in the interest of public safety, that the issue is better
35 addressed by the Department of Law and Public Safety than by the
36 Department of Agriculture.

37 c. When developing and adopting rules and regulations
38 pursuant to this section, the Secretary of Agriculture and the
39 Attorney General shall work together and in cooperation with
40 federal authorities to ensure that:

41 (1) no marijuana with value as a controlled substance regulated
42 under the federal Controlled Substances Act, 21 United States
43 Code, Section 802 (16), or for use as medical marijuana in the
44 State, is planted, grown, harvested, possessed, processed, bought, or
45 sold pursuant to this act; and

46 (2) the Drug Enforcement Administration in the United States
47 Department of Justice may enforce the laws of the United States
48 restricting the planting, growth, harvesting, possession, processing,

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1 purchase, and sale of plants, seeds, and related byproducts with a
2 delta-9-tetrahydrocannabinol concentration of more than 0.3% on a
3 dry weight basis.

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5 3. a. Annually, at the time required under the rules and
6 regulations adopted pursuant to section 2 of this act, each person
7 planting, growing, harvesting, processing, distributing, or selling
8 industrial hemp, or possessing industrial hemp for any such
9 purposes, shall:

10 (1) file with the Secretary of Agriculture documentation
11 indicating that the industrial hemp is a type and variety of hemp
12 approved by the secretary as having a concentration of no more than
13 0.3% delta-9-tetrahydrocannabinol by dry weight; and

14 (2) notify the Secretary of Agriculture and the Attorney General
15 of any sale or distribution of industrial hemp and the name and
16 address of each person to whom the industrial hemp was sold or
17 distributed during the calendar year.

18 b. Any person violating this act shall be subject to penalties
19 established pursuant to section 2 of this act or pursuant to other
20 applicable State and federal laws.

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22 4. This act shall take effect immediately.

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25 STATEMENT

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27 This bill establishes that any person may plant, grow, harvest,
28 possess, process, distribute, buy, or sell industrial hemp in the State
29 provided the person complies with the Department of Agriculture or
30 Attorney General's rules and regulations adopted pursuant to
31 section 2 of the bill. The bill defines industrial hemp as an
32 agricultural product that is any variety of *Cannabis sativa* L. with a
33 delta-9-tetrahydrocannabinol concentration of 0.3% or less on a dry
34 weight basis. As an agricultural product, the production of
35 industrial hemp would be subject to the protections of the "Right to
36 Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the land used for its
37 production eligible for valuation and taxation pursuant to the
38 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et
39 seq.)

40 The bill also requires any person planting, growing, harvesting,
41 processing, buying, and selling industrial hemp, and possessing
42 industrial hemp for these purposes to:

43 1) file with the Secretary of Agriculture documentation
44 indicating that the industrial hemp is a type and variety of hemp
45 approved by the secretary as having a concentration of no more than
46 0.3% delta-9-tetrahydrocannabinol by dry weight; and

47 2) notify the Secretary of Agriculture and the Attorney General
48 of any sale or distribution of industrial hemp by the person and the

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1 name and address of each person to whom the industrial hemp was
2 sold or distributed during the calendar year.

3 Finally, the bill provides for penalties for violating the bill's
4 provisions, to be set forth in the rules and regulations adopted
5 pursuant to section 2 of the bill.