



**Ninety-Seventh Legislature - First Session - 2001**  
**Committee Statement**  
**LB 273**

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**Hearing Date:** January 23, 2001

**Committee On:** Agriculture

**Introducers:** (Schrock, Burling, Chambers, Cunningham, Dierks, Schimek, Vrtiska, Cudaback)  
**Title:** Provide for cultivation of industrial hemp

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File  
 Advanced to General File with Amendments  
Indefinitely Postponed
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**Vote Results:**

- |                       |   |
|-----------------------|---|
| 7 Yes                 | Senators Burling, Cunningham, Dierks, McDonald, Schimek, Schrock, Vrtiska |
| 0 No                  |   |
| 0 Present, not voting |   |
| 1 Absent              | Senator Chambers  |
- 

**Proponents:**

Senator Ed Schrock, District #38  
Kurt Siedschlaw  
Jay Rempe  
Christian Elowsky  
Walt Bleich  
James R. Frager  
David Oenbring  
John K. Hansen  
Jacqueline Barnhardt  
Michelle Reeh  
Len Schropfer  
Leon Marquart  
Ron Marquart  
Paul A. Tripp  
Thomas Cook  
Thomas J. Ballanco  
Gregory C. Lauby

**Representing:**

Introducer  
University of Nebraska – Kearney  
Nebraska Farm Bureau Federation  
University of Nebraska – Lincoln  
Self  
Trailblazer RC&D  
Libertarian Party  
Nebraska Farmers Union  
Open Harvest Natural Foods Grocery  
The Body Shop  
Self  
Self  
Self  
Omaha NORML  
Slim Butte Land Use Association  
Self  
Self

**Opponents:**

Celeste Laird  
Susie Dugan  
Peggy Kelley

**Representing:**

Nebraska State Patrol  
PRIDE Omaha, Inc.  
PRIDE Omaha, Inc.

**Neutral:**

D'Anne Welch

**Representing:**

Self

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**Summary of purpose and/or changes:**

LB 273 recognizes industrial hemp as an oilseed and allows persons who obtain a license from the Department of Agriculture to grow, harvest, plant, possess, process, sell and buy industrial hemp. As introduced, industrial hemp is referred to as the species *cannibus sativa* "having no more than 3/10 of 1% Tetrahydrocannabinol" (THC).

Applications for a license to grow industrial hemp would require identification of applicant, legal description of land to be used for the cultivation, and a criminal background check. Persons with prior criminal records would be ineligible to obtain a license. Licensees would have the duty of providing documentation to the Dept. that seeds planted are certified industrial hemp seeds and grown under contract. Licensees also have a duty to notify the Dept. of the sale or distribution of any industrial hemp, including the names of persons to whom sold or distributed.

Sections 5 through 10 harmonize various other provisions of state law. References to *cannibus* in the Nebraska Noxious Weed Control Act, the Nebraska Seed Law, and in authorities of cities regarding nuisance abatement for excessive weed growth are modified to exclude industrial hemp. Section 8 and 9 amend definitions and the schedules of controlled substances under the Uniform Controlled Substances Act by modifying the definition of marijuana, hemp and hashish to exclude industrial hemp as described in the bill.

**Explanation of amendments, if any:**

The committee amendments strike the original provisions and become the bill. Sections 1 through 4 of the bill establishing procedures and requirements for licensure to grow and handle industrial hemp are carried over as sections 2 through 5 of the committee amendments with no substantive change. The committee amendments do make the following substantive changes:

1. Original sections 5, 6.,7, and 10 are omitted as the harmonizations found in these sections of the original bill would make unnecessary and unintended substantive changes unrelated to the purposes of the bill.
2. Adds a new subsection 1 to define industrial hemp as all parts of the plant *cannibus sativa* containing 1% or less concentration of THC by dry weight. The definition more accurately defines industrial hemp in reference to THC concentration by weight. The standard of THC concentration utilized in the definition encompasses most varieties of industrial hemp and accounts for the fact that THC concentration

may vary slightly due to growing conditions and other factors or when the plant parts are dry. 1% THC concentration is well below the concentrations typically found in marijuana.

3. Add a new section 6 to clarify that the Act is not to be construed to interfere with the enforcement of marijuana laws and clarifying that persons must be in compliance with the requirements set out in the bill for growing and handling industrial hemp to raise an affirmative defense against prosecution for marijuana violations.

4. Section 7 revises current section 8 of the bill which contains modifications of the definitions used in the Uniform Controlled Substances Act. The amendment excludes industrial hemp as defined by section 1 of the amendment which is in the possession of a person licensed to grow or handle industrial hemp from the definition of marijuana and industrial hemp resins from the definition of hashish. Original section 9 is also omitted as the revisions of definitions in the Uniform Controlled Substances Act eliminate the requirement to modify these terms as used in the Schedule of controlled substances.

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**Senator Merton L. Dierks, Chairperson**