

By: Representative Baria

To: Agriculture; Judiciary B

HOUSE BILL NO. 1201

1 AN ACT TO AUTHORIZE THE GROWING AND HANDLING OF INDUSTRIAL  
 2 HEMP; TO DEFINE CERTAIN TERMS; TO REQUIRE THE LICENSING OF HEMP  
 3 GROWERS BY THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO REQUIRE  
 4 RECORD KEEPING, SEED RETENTION AND INSPECTIONS; TO PROVIDE FOR  
 5 FEES FOR LICENSING; TO PROVIDE FOR THE REVOCATION OF LICENSES AND  
 6 IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND  
 7 SECTIONS 41-29-113 AND 69-1-13, MISSISSIPPI CODE OF 1972, IN  
 8 CONFORMITY; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** The following words and phrases shall have the  
 11 meanings ascribed herein, unless the context clearly indicates  
 12 otherwise:

13 (a) "Agricultural hemp seed" means Cannabis sativa seed  
 14 that meets any labeling, quality and other standards set by the  
 15 Commissioner of Agriculture and Commerce and that is intended for  
 16 sale or is sold to, or purchased by, licensed growers for  
 17 planting.

18 (b) "Crop" means any contiguous field of industrial  
 19 hemp grown under a single license.

20 (c) "Grower" means a person, joint venture or  
 21 cooperative that produces industrial hemp.



22 (d) "Handler" means a person, joint venture or  
23 cooperative that receives industrial hemp for processing into  
24 commodities, products or agricultural hemp seed.

25 (e) "Industrial hemp":

26 (i) Means all nonseed parts and varieties of the  
27 Cannabis sativa plant, whether growing or not, that contain a  
28 cropwide average tetrahydrocannabinol concentration that does not  
29 exceed three-tenths percent (.03%) on a dry weight basis.

30 (ii) Means any Cannabis sativa seed that:

- 31 1. Is part of a growing crop;
- 32 2. Is retained by a grower for future  
33 planting; or
- 34 3. Is for processing into, or use as,  
35 agricultural hemp seed.

36 (iii) Does not mean industrial hemp commodities or  
37 products.

38 **SECTION 2.** (1) Industrial hemp production and possession,  
39 and commerce in industrial hemp commodities and products, are  
40 authorized in this state. Industrial hemp is an agricultural  
41 product that is subject to regulation by the Department of  
42 Agriculture and Commerce.

43 (2) All growers and handlers must have an industrial hemp  
44 license issued by the department. Growers and handlers engaged in  
45 the production of agricultural hemp seed must also have an  
46 agricultural hemp seed production permit.



47           (3) An application for an industrial hemp license or  
48 agricultural hemp seed production permit must include:

49                   (a) The name and address of the applicant;

50                   (b) The name and address of the industrial hemp  
51 operation of the applicant;

52                   (c) The global positioning system coordinates and legal  
53 description for the property used for the industrial hemp;

54                   (d) If the industrial hemp license or agricultural hemp  
55 seed production permit application is by a grower, information  
56 sufficient to establish that the industrial hemp crop of the  
57 applicant will be at least two and one-half (2.5) acres in size;  
58 and

59                   (e) Any other information required by the department by  
60 rule.

61           (4) An industrial hemp license or agricultural hemp seed  
62 production permit is valid for a three-year term unless revoked  
63 and may be renewed as provided by department rule. An industrial  
64 hemp license or agricultural hemp seed production permit is a  
65 personal privilege that is nontransferable.

66           (5) An agricultural hemp seed production permit authorizes a  
67 grower or handler to produce and handle agricultural hemp seed for  
68 sale to licensed industrial hemp growers and handlers. A seller  
69 of agricultural hemp seed shall ensure that the seed complies with  
70 any standards set by the Commissioner of Agriculture and Commerce.



71 The department shall make available to growers information that  
72 identifies sellers of agricultural hemp seed.

73 (6) Subject to department guidelines, a grower may retain  
74 seed from each industrial hemp crop to ensure a sufficient supply  
75 of seed for that grower for the following year. A grower does not  
76 need an agricultural hemp seed production permit in order to  
77 retain seed for future planting. Seed retained by a grower may  
78 not be sold or transferred and does not need to meet the  
79 department's agricultural hemp seed standards.

80 (7) Every grower or handler must keep records as required by  
81 department rule. Upon not less than three (3) days' notice, the  
82 department may subject the required records to inspection or audit  
83 during normal business hours. The department may make an  
84 inspection or audit for the purpose of ensuring compliance with:

- 85 (a) A provision of this section;  
86 (b) Department rules;  
87 (c) Industrial hemp license or agricultural hemp seed  
88 production permit requirements, terms or conditions; or  
89 (d) A final department order directed to the grower's  
90 or handler's industrial hemp operations or activities.

91 (8) In addition to any inspection conducted, the department  
92 may inspect any industrial hemp crop during the crop's growth  
93 phase and take a representative composite sample for field  
94 analysis. If a crop contains an average tetrahydrocannabinol  
95 concentration exceeding three-tenths percent (0.3%) on a dry



96 weight basis, the department may detain, seize or embargo the  
97 crop.

98 (9) The department may charge growers and handlers  
99 reasonable fees as determined by the department. Monies from fees  
100 charged under this subsection shall be continuously appropriated  
101 to the department for purposes of carrying out the duties of the  
102 department under this act.

103 **SECTION 3.** (1) In addition to any other liability or  
104 penalty provided by law, the Department of Agriculture and  
105 Commerce may revoke or refuse to issue or renew an industrial hemp  
106 license or an agricultural hemp seed production permit and may  
107 impose a civil penalty for violation of:

108 (a) A license or permit requirement;

109 (b) License or permit terms or conditions;

110 (c) Department rules relating to growing or handling  
111 industrial hemp; or

112 (d) A final order of the department that is  
113 specifically directed to the grower's or handler's industrial hemp  
114 operations or activities.

115 (2) The department may not impose a civil penalty under this  
116 section that exceeds Two Thousand Five Hundred Dollars  
117 (\$2,500.00).

118 (3) The department may revoke or refuse to issue or renew an  
119 industrial hemp license or an agricultural hemp seed production  
120 permit for violation of any rule of the department that pertains





- 146 (13) Betameprodine;
- 147 (14) Betamethadol;
- 148 (15) Betaprodine;
- 149 (16) Clonitazene;
- 150 (17) Dextromoramide;
- 151 (18) Diampromide;
- 152 (19) Diethylthiambutene;
- 153 (20) Difenoquin;
- 154 (21) Dimenoxadol;
- 155 (22) Dimepheptanol;
- 156 (23) Dimethylthiambutene;
- 157 (24) Dioxaphetyl butyrate;
- 158 (25) Dipipanone;
- 159 (26) Ethylmethylthiambutene;
- 160 (27) Etonitazene;
- 161 (28) Etoxadine;
- 162 (29) Furethidine;
- 163 (30) Hydroxypethidine;
- 164 (31) Ketobemidone;
- 165 (32) Levomoramide;
- 166 (33) Levophenacymorphan;
- 167 (34) 3-methylfentanyl;
- 168 (35) 3-methylthiofentanyl;
- 169 (36) Morpheridine;
- 170 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);



- 171 (38) Noracymethadol;
- 172 (39) Norlevorphanol;
- 173 (40) Normethadone;
- 174 (41) Norpipanone;
- 175 (42) Para-fluorofentanyl;
- 176 (43) PEPAP
- 177 (1-(-2-phenylethyl)-4-phenyl-4-acetoxypiperidine);
- 178 (44) Phenadoxone;
- 179 (45) Phenampromide;
- 180 (46) Phenomorphan;
- 181 (47) Phenoperidine;
- 182 (48) Piritramide;
- 183 (49) Proheptazine;
- 184 (50) Properidine;
- 185 (51) Propiram;
- 186 (52) Racemoramide;
- 187 (53) Thiofentanyl;
- 188 (54) Tilidine;
- 189 (55) Trimeperidine.

190 (b) **Opiate derivatives.** Any of the following opium  
191 derivatives, their salts, isomers and salts of isomers, unless  
192 specifically excepted, whenever the existence of these salts,  
193 isomers and salts of isomers is possible within the specific  
194 chemical designation:

- 195 (1) Acetorphine;





- 196 (2) Acetyldihydrocodeine;
- 197 (3) Benzylmorphine;
- 198 (4) Codeine methylbromide;
- 199 (5) Codeine-N-Oxide;
- 200 (6) Cyprenorphine;
- 201 (7) Desomorphine;
- 202 (8) Dihydromorphine;
- 203 (9) Drotebanol;
- 204 (10) Etorphine; (except hydrochloride salt);
- 205 (11) Heroin;
- 206 (12) Hydromorphenol;
- 207 (13) Methyldesorphine;
- 208 (14) Methyldihydromorphine;
- 209 (15) Monoacetylmorphine;
- 210 (16) Morphine methylbromide;
- 211 (17) Morphine methylsulfonate;
- 212 (18) Morphine-N-Oxide;
- 213 (19) Myrophine;
- 214 (20) Nicocodeine;
- 215 (21) Nicomorphine;
- 216 (22) Normorphine;
- 217 (23) Pholcodine;
- 218 (24) Thebacon.
- 219 (c) **Hallucinogenic substances.** Any material, compound,
- 220 mixture or preparation which contains any quantity of the



221 following substances, their salts, isomers (whether optical,  
222 positional, or geometric) and salts of isomers, unless  
223 specifically excepted, whenever the existence of these salts,  
224 isomers and salts of isomers is possible within the specific  
225 chemical designation:

- 226 (1) 3,4-methylenedioxy amphetamine;
- 227 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 228 (3) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 229 (4) 2,5-dimethoxy-4(n) propylthiophenethylamine  
230 (2C-T-7);
- 231 (5) 3,4-methylenedioxymethamphetamine (MDMA);
- 232 (6) 3,4,5-trimethoxy amphetamine;
- 233 (7) Alpha-methyltryptamine (Also known as AMT);
- 234 (8) Bufotenine;
- 235 (9) Diethyltryptamine;
- 236 (10) Dimethyltryptamine;
- 237 (11) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 238 (12) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 239 (13) Alpha-ethyltryptamine;
- 240 (14) 4-methyl-2,5-dimethoxyamphetamine;
- 241 (15) Hashish;
- 242 (16) Ibogaine;
- 243 (17) Lysergic acid diethylamide (LSD);
- 244 (18) Marihuana;
- 245 (19) Mescaline;



246 (20) Peyote;  
247 (21) N-ethyl-3-piperidyl benzilate;  
248 (22) N-methyl-3-piperidyl benzilate;  
249 (23) Phencyclidine;  
250 (24) Psilocybin;  
251 (25) Psilocyn;  
252 (26) Tetrahydrocannabinols, meaning  
253 tetrahydrocannabinols contained in a plant of the genus Cannabis  
254 (cannabis plant), as well as the synthetic equivalents of the  
255 substances contained in the cannabis plant, or in the resinous  
256 extractives of such plant, and/or synthetic substances,  
257 derivatives, and their isomers with similar chemical structure and  
258 pharmacological activity to those substances contained in the  
259 plant such as the following:

- 260 (A) -1 cis or trans tetrahydrocannabinol;  
261 (B) -6 cis or trans tetrahydrocannabinol;  
262 (C) -3,4 cis or trans tetrahydrocannabinol.

263 (Since nomenclature of these substances is not  
264 internationally standardized, compounds of these structures,  
265 regardless of atomic positions are covered.)

266 ("Tetrahydrocannabinols" excludes dronabinol and nabilone.)

267 However, the following products are exempted from control:  
268 THC-containing industrial products and industrial hemp as  
269 regulated in Sections 1 through 3 of House Bill No. \_\_\_\_\_, 2014  
270 Regular Session, (e.g., (i) paper, rope and clothing made from



271 cannabis stalks); (ii) processed cannabis plant materials used for  
272 industrial purposes, such as fiber retted from cannabis stalks for  
273 use in manufacturing textiles or rope; (iii) animal feed mixtures  
274 that contain sterilized cannabis seeds and other ingredients (not  
275 derived from the cannabis plant) in a formula designed, marketed  
276 and distributed for nonhuman consumption; and (iv) personal care  
277 products that contain oil from sterilized cannabis seeds, such as  
278 shampoos, soaps, and body lotions (provided that such products do  
279 not cause THC to enter the human body);

- 280 (27) 2,5-dimethoxyamphetamine;
- 281 (28) 4-bromo-2,5-dimethoxyamphetamine;
- 282 (29) 4-bromo-2,5-dimethoxyphenylethylamine;
- 283 (30) 4-methoxyamphetamine;
- 284 (31) Ethylamine analog of phencyclidine (PCE);
- 285 (32) Pyrrolidine analog of phencyclidine (PHP, PCPy);
- 286 (33) Thiophene analog of phencyclidine;
- 287 (34) Parahexyl;
- 288 (35) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);
- 289 (36) 3,4-methylenedioxy-N-ethylamphetamine (also known  
290 as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenylethylamine,  
291 N-ethyl MDA, MDE, MDEA);
- 292 (37) N-hydroxy-3,4-methylenedioxyamphetamine (also  
293 known as N-hydroxy MDA, N-OHMDA, and  
294 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylethylamine);
- 295 (38) Salvia divinorum;



296 (39) Synthetic cannabinoids:  
297 (A) (6aR,10aR)-9-(hydroxymethyl)-6,  
298 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
299 chromen-1-ol (also known as HU-210 or  
300 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);  
301 (B) Naphthoylindoles and naphthylmethylinindoles,  
302 being any compound structurally derived from 3-(1-naphthoyl)indole  
303 or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted  
304 in the indole ring to any extent, or in the naphthyl ring to any  
305 extent;  
306 (C) Naphthoylpyrroles, being any compound  
307 structurally derived from 3-(1-naphthoyl)pyrrole, whether or not  
308 substituted in the pyrrole ring to any extent, or in the naphthyl  
309 ring to any extent;  
310 (D) Naphthylmethylindenes, being any compound  
311 structurally derived from 1-(1-naphthylmethyl)indene, whether or  
312 not substituted in the indene ring to any extent or in the  
313 naphthyl ring to any extent;  
314 (E) Phenylacetylindoles, being any compound  
315 structurally derived from 3-phenylacetylindole, whether or not  
316 substituted in the indole ring to any extent or in the phenyl ring  
317 to any extent;  
318 (F) Cyclohexylphenols, being any compound  
319 structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether



320 or not substituted in the cyclohexyl ring to any extent or in the  
321 phenolic ring to any extent;

322 (G) Benzoylindoles, whether or not substituted in  
323 the indole ring to any extent or in the phenyl ring to any extent;

324 (H) Adamantoylindoles, whether or not substituted  
325 in the indole ring to any extent or in the adamantoyl ring system  
326 to any extent;

327 (I) Tetrahydro derivatives of cannabinol and  
328 3-alkyl homologues of cannabiniol or of its tetrahydro  
329 derivatives, except where contained in cannabis or cannabis resin.

330 (d) **Depressants.** Unless specifically excepted or unless  
331 listed in another schedule, any material, compound, mixture, or  
332 preparation which contains any quantity of the following  
333 substances having a depressant effect on the central nervous  
334 system, including their salts, isomers, and salts of isomers,  
335 whenever the existence of such salts, isomers, and salts of  
336 isomers is possible within the specific chemical designation:

337 (1) Gamma-hydroxybutyric acid (other names include:  
338 GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic  
339 acid; sodium oxybate; sodium oxybutyrate);

340 (2) Mecloqualone;

341 (3) Methaqualone.

342 (e) **Stimulants.** Any material, compound, mixture or  
343 preparation which contains any quantity of the following central  
344 nervous system stimulants including optical salts, isomers and



345 salts of isomers unless specifically excepted or unless listed in  
346 another schedule:

347 (1) Aminorex;

348 (2) N-benzylpiperazine (also known as BZP;  
349 1-benzylpiperazine);

350 (3) Fenethylamine;

351 (4) N-ethyl-amphetamine;

352 (5) 4-methylaminorex (also known as  
353 2-amino-4-methyl-5-phenyl-2-oxazoline);

354 (6) Any material, compound, mixture or preparation  
355 which contains any quantity of N,N-dimethylamphetamine. (Other  
356 names include: N,N,-alpha-trimethyl-benzeneethanamine, and  
357 N,N-alpha-trimethylphenethylamine);

358 (7) Cathinone, methcathinone, 4-methylmethcathinone  
359 (mephedrone), methylenedioxypropylamphetamine (MDPV), and, unless  
360 listed in another schedule, any compound other than bupropion that  
361 is structurally derived from 2-Amino-1-phenyl-1-propanone by  
362 modification in any of the following ways:

363 (i) By substitution in the phenyl ring to any  
364 extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide  
365 substituents, whether or not further substituted in the phenyl  
366 ring by one or more other univalent substituents;

367 (ii) By substitution at the 3-position with an  
368 alkyl substituent;



369 (iii) By substitution at the nitrogen atom with  
370 alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a  
371 cyclic structure.

372 **SECTION 5.** Section 69-1-13, Mississippi Code of 1972, is  
373 amended as follows:

374 69-1-13. The following are the duties of the Commissioner of  
375 Agriculture and Commerce:

376 (a) He shall encourage the proper development of  
377 agriculture, horticulture and kindred industries.

378 (b) He shall encourage the organization of neighborhood  
379 and county agricultural clubs and associations, and out of these  
380 the organization of the state agricultural association.

381 (c) He shall collect and publish statistics and such  
382 other information regarding such industries of this state and of  
383 other states as may be of benefit in developing the agricultural  
384 resources of the state. To this end he shall put himself in  
385 connection and shall cooperate with the agricultural department of  
386 other states and with the Commissioner of Agriculture of the  
387 United States, and shall provide for the proper and careful  
388 distribution of all documents and information coming into his  
389 possession on account of the department that may be of interest  
390 and benefit to the people of the state.

391 (d) He shall cause to be investigated the diseases of  
392 grain, cotton, fruit and other crops grown in this state and also  
393 remedies for such diseases, and also the habits and propagation of





394 the various insects that are injurious to the crops of the state  
395 and the proper mode of their destruction.

396 (e) He shall investigate the subject of grasses and  
397 report upon their value and the cultivation of the varieties best  
398 adapted to the different sections of the state.

399 (f) He shall inquire into the subjects connected with  
400 dairying that he may deem of interest to the people of the state,  
401 and in this connection the raising of stock and poultry, the  
402 obtaining of such as are of most value, and the breeding and  
403 propagation of the same; and shall encourage raising of fish and  
404 the culture of bees.

405 (g) He shall investigate the subjects of subsoiling,  
406 drainage, etc., and the best modes of effecting each, and of  
407 irrigation and what portions of the state can be best benefited  
408 thereby.

409 (h) He shall investigate and report upon the culture of  
410 wool and the utility and profit of sheep-raising, also the culture  
411 of silk and its manufacture and preparation for market.

412 (i) He shall investigate and report on the question of  
413 broadening the market for cotton and cotton goods in the United  
414 States and foreign countries.

415 (j) He shall cause a proper collection of agricultural  
416 statistics to be made annually, and to this end shall furnish  
417 blank forms to the tax assessors of each county, and it is made  
418 the special duty of the tax assessor to whom said blanks are



419 furnished to report to the bureau a list of all public or private  
420 ginners in his county, with their post offices, upon the demand of  
421 the commissioner. It shall be the duty of the commissioner to  
422 furnish to such ginner a form or forms of report to be made to the  
423 bureau at such time as the commissioner may direct. A failure to  
424 make such reports on the part of the ginner or assessor as  
425 required by said commissioner shall be deemed a misdemeanor, and,  
426 upon conviction, punished as provided by law. It shall be the  
427 duty of the members of the boards of supervisors and the county  
428 tax assessor of each county in this state to make such reports as  
429 may be required by this bureau touching the matter within the  
430 scope of this chapter; and failure of any supervisor or tax  
431 assessor to make such report when required shall be deemed a  
432 misdemeanor and shall be punished as provided by law.

433 (k) He shall appoint county correspondents who shall  
434 report to him from time to time, as may be desired.

435 (l) He shall collect specimens of wood suitable for  
436 manufacture and other purposes, and specimens of agricultural,  
437 mineral, phosphate and marl deposits of the state; cause correct  
438 analysis of such as may be deemed expedient to be made and  
439 recorded in a substantial book to be kept for this purpose.

440 (m) He shall also, as soon as practicable, prepare a  
441 convenient handbook with necessary illustrated maps, which shall  
442 contain all necessary information as to the mines, mineral,  
443 forest, soil, and other products, climate, water, waterpower for



444 the establishing of factories, land, flowers, fisheries,  
445 mountains, streams, and all other statistics as are best adapted  
446 to the giving of proper information and the attraction of  
447 advantages which the state affords to immigrants, and shall make  
448 illustrated expositions thereof whenever practicable at  
449 international and state expositions.

450 (n) He shall have the primary responsibility for  
451 developing programs that will enhance the marketing of the state's  
452 agricultural products to both national and international markets.

453 (o) He shall perform the duties as required in Sections  
454 1 through 3 of House Bill No. , 2014 Regular Session, regarding  
455 industrial hemp.

456 **SECTION 6.** This act shall take effect and be in force from  
457 and after July 1, 2014.

