

Amendment No. 787

Assembly Amendment to Senate Bill No. 305 First Reprint	(BDR 49-656)
<b>Proposed by:</b> Assembly Committee on Natural Resources, Agriculture, and Mining	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JWP/BJE



Date: 5/21/2015

S.B. No. 305—Authorizes industrial hemp farming in this State under certain circumstances. (BDR 49-656)



## SENATE BILL NO. 305—SENATOR SEGERBLOM

MARCH 16, 2015

Referred to Committee on Natural Resources

SUMMARY—Authorizes industrial hemp farming in this State under certain circumstances. (BDR 49-656)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to agriculture; authorizing the growth or cultivation of industrial hemp in this State under certain circumstances; excluding industrial hemp authorized to be grown or cultivated in this State from the definition of marijuana for the purposes of certain crimes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits selling, manufacturing, delivering, bringing into the State or possessing any part of any plant of the genus *Cannabis*, whether growing or not. (NRS 453.339) On February 7, 2014, the President of the United States signed the Agricultural Act of 2014 into law. Section 7606 of the Act authorizes institutions of higher education and state departments of agriculture to cultivate industrial hemp for research purposes under an agricultural pilot program or for other agricultural or academic research. (7 U.S.C. § 5940)

**Section 13.5** of this bill authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or for other agricultural or academic research. **Section 13.5** also requires each site used to grow or cultivate industrial hemp to be certified by and registered with the Department. **Section 14** of this bill authorizes the State Board of Agriculture to adopt regulations to carry out these provisions. **It, and to restrict or prohibit the use of industrial hemp grown or cultivated pursuant to the provisions of this bill to manufacture cannabidiol or any preparation of cannabidiol.**

**Sections 28 and 29** of this bill exclude industrial hemp, as defined in **section 7** of this bill, which is grown or cultivated for such research purposes from certain crimes relating to marijuana.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Title 49 of NRS is hereby amended by adding thereto a new  
2 chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in this chapter, unless the context otherwise requires, the*  
5 *words and terms defined in sections 3 to 12, inclusive, of this act have the*  
6 *meanings ascribed to them in those sections.*

7       **Sec. 3.** (Deleted by amendment.)

8       **Sec. 3.5.** *“Agricultural pilot program” means a program to study the*  
9 *growth, cultivation or marketing of industrial hemp.*

10       **Sec. 4.** *“Department” means the State Department of Agriculture.*

11       **Sec. 5.** (Deleted by amendment.)

12       **Sec. 6.** (Deleted by amendment.)

13       **Sec. 7.** *“Industrial hemp” means the plant Cannabis sativa L. and any part*  
14 *of such plant, whether growing or not, with a THC concentration of not more*  
15 *than 0.3 percent on a dry weight basis.*

16       **Sec. 8.** (Deleted by amendment.)

17       **Sec. 8.5.** *“Institution of higher education” means:*

18       1. *A university, college or community college which is privately owned or*  
19 *which is part of the Nevada System of Higher Education; and*

20       2. *A postsecondary educational institution, as defined in NRS 394.099, or*  
21 *any other institution of higher education.*

22       **Sec. 9.** (Deleted by amendment.)

23       **Sec. 10.** (Deleted by amendment.)

24       **Sec. 11.** (Deleted by amendment.)

25       **Sec. 12.** *“THC” has the meaning ascribed to it in NRS 453A.155.*

26       **Sec. 13.** (Deleted by amendment.)

27       **Sec. 13.5.** 1. *An institution of higher education or the Department may*  
28 *grow or cultivate industrial hemp if the industrial hemp is grown or cultivated*  
29 *for:*

30       (a) *Purposes of research conducted under an agricultural pilot program; or*

31       (b) *Other agricultural or academic research.*

32       2. *Each site used for growing or cultivating industrial hemp in this State*  
33 *must be certified by and registered with the Department before growing or*  
34 *cultivating industrial hemp.*

35       **Sec. 14.** *The State Board of Agriculture may adopt regulations to carry out*  
36 *the provisions of this chapter, including, without limitation, regulations necessary*  
37 *to:*

38       1. *Establish and carry out an agricultural pilot program; ~~and~~*

39       2. *Provide for the certification and registration of sites used for growing or*  
40 *cultivating industrial hemp ~~and~~; and*

41       3. *Restrict or prohibit the use or processing of industrial hemp for the*  
42 *creation, manufacture, sale or use of cannabidiol or any compound, salt,*  
43 *derivative, mixture or preparation of cannabidiol.*

44       **Sec. 15.** (Deleted by amendment.)

45       **Sec. 16.** (Deleted by amendment.)

46       **Sec. 17.** (Deleted by amendment.)

47       **Sec. 18.** (Deleted by amendment.)

48       **Sec. 19.** (Deleted by amendment.)

49       **Sec. 20.** (Deleted by amendment.)

1       **Sec. 21.** (Deleted by amendment.)

2       **Sec. 22.** (Deleted by amendment.)

3       **Sec. 23.** (Deleted by amendment.)

4       **Sec. 24.** (Deleted by amendment.)

5       **Sec. 25.** (Deleted by amendment.)

6       **Sec. 26.** (Deleted by amendment.)

7       **Sec. 27.** (Deleted by amendment.)

8       **Sec. 28.** NRS 453.096 is hereby amended to read as follows:

9       453.096 1. "Marijuana" means:

10       (a) All parts of any plant of the genus Cannabis, whether growing or not;

11       (b) The seeds thereof;

12       (c) The resin extracted from any part of the plant; and

13       (d) Every compound, manufacture, salt, derivative, mixture or preparation of  
14       the plant, its seeds or resin.

15       2. "Marijuana" does not include ~~the~~ :

16       (a) *Industrial hemp, as defined in section 7 of this act, which is grown or*  
17       *cultivated pursuant to the provisions of sections 2 to 14, inclusive, of this act; or*

18       (b) *The mature stems of the plant, fiber produced from the stems, oil or cake*  
19       *made from the seeds of the plant, any other compound, manufacture, salt,*  
20       *derivative, mixture or preparation of the mature stems (except the resin extracted*  
21       *therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable*  
22       *of germination.*

23       **Sec. 29.** NRS 453.339 is hereby amended to read as follows:

24       453.339 1. Except as otherwise provided in NRS 453.011 to 453.552,  
25       inclusive, a person who knowingly or intentionally sells, manufactures, delivers or  
26       brings into this State or who is knowingly or intentionally in actual or constructive  
27       possession of marijuana shall be punished, if the quantity involved:

28       (a) Is 100 pounds or more, but less than 2,000 pounds, for a category C felony  
29       as provided in NRS 193.130 and by a fine of not more than \$25,000.

30       (b) Is 2,000 pounds or more, but less than 10,000 pounds, for a category B  
31       felony by imprisonment in the state prison for a minimum term of not less than 2  
32       years and a maximum term of not more than 10 years and by a fine of not more  
33       than \$50,000.

34       (c) Is 10,000 pounds or more, for a category A felony by imprisonment in the  
35       state prison:

36       (1) For life with the possibility of parole, with eligibility for parole  
37       beginning when a minimum of 5 years has been served; or

38       (2) For a definite term of 15 years, with eligibility for parole beginning  
39       when a minimum of 5 years has been served,

40       and by a fine of not more than \$200,000.

41       2. For the purposes of this section:

42       (a) "Marijuana" means all parts of any plant of the genus Cannabis, whether  
43       growing or not ~~H~~, *except for industrial hemp, as defined in section 7 of this act,*  
44       *which is grown or cultivated pursuant to the provisions of sections 2 to 14,*  
45       *inclusive, of this act.*

46       (b) The weight of marijuana is its weight when seized or as soon as practicable  
47       thereafter.

48       **Sec. 30.** (Deleted by amendment.)

49       **Sec. 31.** (Deleted by amendment.)

50       **Sec. 32.** (Deleted by amendment.)

51       **Sec. 33.** This act becomes effective:

- 1           1. Upon passage and approval for the purpose of adopting any regulations and  
2 performing any other preparatory administrative tasks necessary to carry out the  
3 provisions of this act; and
- 4           2. On January 1, 2016, for all other purposes.