

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.

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:

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

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

Sec. 3. (Deleted by amendment.)

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

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

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

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

Sec. 8. (Deleted by amendment.)

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

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

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

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

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

Sec. 13. (Deleted by amendment.)

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

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

(b) Other agricultural or academic research.

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

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



- 1 **1. Establish and carry out an agricultural pilot program; and**
- 2 **2. Provide for the certification and registration of sites used**
- 3 **for growing or cultivating industrial hemp.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 453.096 1. "Marijuana" means:

19 (a) All parts of any plant of the genus Cannabis, whether

20 growing or not;

21 (b) The seeds thereof;

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

23 (d) Every compound, manufacture, salt, derivative, mixture or

24 preparation of the plant, its seeds or resin.

25 2. "Marijuana" does not include ~~that~~ :

26 **(a) Industrial hemp, as defined in section 7 of this act, which is**

27 **grown or cultivated pursuant to the provisions of sections 2 to 14,**

28 **inclusive, of this act; or**

29 **(b) The** mature stems of the plant, fiber produced from the

30 stems, oil or cake made from the seeds of the plant, any other

31 compound, manufacture, salt, derivative, mixture or preparation of

32 the mature stems (except the resin extracted therefrom), fiber, oil or

33 cake, or the sterilized seed of the plant which is incapable of

34 germination.

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

36 453.339 1. Except as otherwise provided in NRS 453.011 to

37 453.552, inclusive, a person who knowingly or intentionally sells,

38 manufactures, delivers or brings into this State or who is knowingly

39 or intentionally in actual or constructive possession of marijuana

40 shall be punished, if the quantity involved:

41 (a) Is 100 pounds or more, but less than 2,000 pounds, for a

42 category C felony as provided in NRS 193.130 and by a fine of not

43 more than \$25,000.

44 (b) Is 2,000 pounds or more, but less than 10,000 pounds, for a

45 category B felony by imprisonment in the state prison for a



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1 minimum term of not less than 2 years and a maximum term of not
2 more than 10 years and by a fine of not more than \$50,000.

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

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

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

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

10 2. For the purposes of this section:

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

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

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

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

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

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

21 1. Upon passage and approval for the purpose of adopting any
22 regulations and performing any other preparatory administrative
23 tasks necessary to carry out the provisions of this act; and

24 2. On January 1, 2016, for all other purposes.

