**A** **BILL**

TO AMEND CHAPTER 55, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CULTIVATION OF INDUSTRIAL HEMP, SO AS TO REVISE THE DEFINITIONS OF TERMS CONTAINED IN THIS CHAPTER, TO PROVIDE A DEFINITION FOR THE TERM “HUMAN CONSUMPTION”, TO CREATE THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM, TO PROVIDE THAT INDUSTRIAL HEMP IS AN AGRICULTURAL CROP UPON WHICH AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT RESEARCH, TO PROVIDE THAT INDUSTRIAL HEMP OR HEMP PRODUCTS MAY NOT BE CONSIDERED AN ADULTERANT, TO PROVIDE PROVISIONS THAT REGULATE THE GROWING, SELLING, AND IMPORTATION OF INDUSTRIAL HEMP AND HEMP SEED, TO DELETE THE PROVISION THAT EXCLUDES INDUSTRIAL HEMP FROM THE DEFINITION OF MARIJUANA, TO REVISE THE PROVISION THAT SPECIFIES THAT CERTAIN CONDUCT REGARDING THE MANUFACTURING, DISTRIBUTION, PURCHASE, AND OTHER ACTIVITIES RELATING TO DISGUISING MARIJUANA TO MAKE IT APPEAR TO BE INDUSTRIAL HEMP, AND TO PROVIDE FOR LABORATORY TESTING OF INDUSTRIAL HEMP.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 55, Title 46 of the 1976 Code is amended to read:

“CHAPTER 55

Industrial Hemp Cultivation

Section 46‑55‑10. For the purposes of this chapter:

(1) ‘Industrial hemp products’ means all products made from any part of industrial hemp, including, but not limited to, cannabinoids cloth, construction materials, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil ~~for consumption, and seed~~ for cultivation ~~if the seeds originate from industrial hemp varieties~~ and supplements.

(2) ‘Industrial hemp’ means ~~all parts and varieties of the plant cannabis sativa, cultivated or possessed by a licensed grower, whether growing or not, that contain of no more tetrahydrocannabinol concentration than adopted by federal law in the Controlled Substances Act, 21 U.S.C. 801, et seq~~ the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a delta‑9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dried weight basis.

(3) ‘~~Tetrahydrocannabinol~~ delta‑9 tetrahydrocannabinol’ means the natural or synthetic equivalents or substances contained in the plant, or in the resinous extractives of cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

(4) ‘Human consumption’ means to ingest or topically apply to the skin or hair.

“Section 46‑55‑20. (1) The South Carolina Industrial Hemp Program is created.

(2) Industrial hemp is an agricultural crop. Any institution of higher education throughout the State may conduct research, pursuant to Public Law 113‑79. The institution may conduct research and, or pilot programs and may work with growers located in South Carolina. Once an institution of higher education engages in research on industrial hemp, the institution shall work in conjunction with the Department of Agriculture to identify solutions for applications, applicants, and new market opportunities for industrial hemp growers.

(3) It is lawful for an individual to cultivate, produce, or otherwise grow industrial hemp in this State to be used for any lawful purpose, including, but not limited to, the manufacture of industrial hemp products, and scientific, agricultural, or other research related to other lawful applications for industrial hemp.

(4) For the purposes of Chapter 25, Title 39, industrial hemp or industrial hemp products may not be considered to be an adulterant.

Section 46‑55‑30. ~~Industrial hemp is excluded from the definition of marijuana in Section 44‑53‑110.~~ (1) A grower may use any propagation method including, but not limited to, planting seeds or starts or the use of clones or cuttings, to produce industrial hemp. Nothing in this article limits or precludes a grower from propagating or cultivating noncertified industrial hemp seed.

(2) A person that grows industrial hemp pursuant to this chapter may import and resell industrial hemp seed.

(3) Growers or processors may retain and recondition any industrial hemp that tests between three‑tenths of one percent to one percent delta‑9 tetrahydrocannabinol on a dry weight basis. Industrial hemp products intended for human consumption must not exceed three‑tenths of one percent delta‑9 tetrahydrocannabinol.

(4) A grower growing consumable industrial hemp shall cultivate the industrial hemp without the use of inorganic pesticides or chemicals.

(5) Notwithstanding any other provision of law, a person engaged in cultivating, processing, selling, transporting, possessing, or otherwise distributing industrial hemp, or selling industrial hemp products from industrial hemp, is not subject to any civil or criminal actions under South Carolina law for engaging in these activities. Nothing in this chapter limits or precludes the importation or exportation of industrial hemp or industrial hemp products.

Section 46‑55‑40. ~~An individual who manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. The penalty provided for in this section may be imposed in addition to any other penalties provided by law.~~ (A) For purposes of this section:

(1) ‘Independent testing laboratory’ means any facility, entity, or site that offers or performs tests of industrial hemp or industrial hemp‑based products, that has been accredited by an independent accreditation body.

(2) ‘Accreditation body’ means an impartial organization that provides accreditation to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Corporation (ILAC) Mutual Recognition Arrangement for Testing.

(3) ‘Scope of accreditation’ means a document issued by the accreditation body which describes the methodologies, range, and parameters for testing for which the accreditation has been granted.

(B) Independent testing laboratories may test industrial hemp and industrial hemp products produced or processed by a grower or processor.

(C) All testing performed to meet regulatory requirements shall be included in an independent testing laboratory’s scope of accreditation.

(D) An independent testing laboratory shall demonstrate the ability to accurately quantitate individual cannabinoids in both their acidic and neutral forms down to 0.05 percent by weight including, but not limited to, delta9‑THC, delta9‑THCA, cannabidiol (CBD) and CBDA.

(E) Industrial hemp or industrial hemp products, intended for human consumption, shall be tested by an independent testing laboratory to confirm safe levels of potential contaminants including, but not limited to, pesticides, heavy metals, residual solvents, and microbiological contaminants.

Section 46‑55‑50. Industrial hemp is excluded from the definition of marijuana in Section 44‑53‑110.

Section 46‑55‑60. An individual who manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. The penalty provided for in this section may be imposed in addition to any other penalties provided by law.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑