**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3540**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, Kirby, Forrest, Atkinson and Hill

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Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Hemp Farming Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2020 House Prefiled

12/16/2020 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

1/12/2021 House Introduced and read first time ([House Journal‑page 231](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 231](file:///h:\hj\20210112.docx))

1/27/2021 House Member(s) request name added as sponsor: Atkinson, Hill

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**VERSIONS OF THIS BILL**

[12/16/2020](file:///p:\pprever\2021-22\3540_20201216.docx)

**A** **BILL**

TO AMEND SECTION 46‑55‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE HEMP FARMING ACT, SO AS TO ALTER THE DEFINITION OF “LICENSEE”; AND TO AMEND SECTION 46‑55‑20, AS AMENDED, SO AS TO REMOVE THE LICENSE REQUIREMENT TO HANDLE HEMP.

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

SECTION 1. Section 46‑55‑10(10) of the 1976 Code, as last amended by Act 14 of 2019, is further amended to read:

“(10) ‘Licensee’ means an individual or business entity possessing a license issued by the department under the authority of this chapter to cultivate~~, handle,~~ or process hemp.”

SECTION 2. Section 46‑55‑20 of the 1976 Code, as last amended by Act 14 of 2019, is further amended to read:

“Section 46‑55‑20. (A)(1) It is unlawful for a person to cultivate~~, handle,~~ or process hemp in this State without a hemp license issued by the department pursuant to the state plan. It is not unlawful for a person to handle hemp in this State without a hemp license issued by the department pursuant to the state plan.

(2) The department may charge application, license, and renewal of license fees reasonably calculated by the department to pay the cost of administering this chapter. Licensing fees for cultivators ~~and handlers~~ shall not exceed one thousand dollars annually per registrant, and licensing fees for processors shall not exceed the cost calculated by the department of the processor licensing program. Fees collected by the department pursuant to this item shall continuously be appropriated to the department for the purposes of carrying out the duties of the South Carolina industrial hemp program under this chapter.

(3) Any person seeking to cultivate~~, handle,~~ or process hemp shall undergo a state criminal records check, supported by fingerprints, by the State Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The State Law Enforcement Division is authorized to retain fingerprints for certification purposes and for notification of the department regarding criminal charges. No person who has been convicted of a felony relating to a controlled substance under state or federal law during a ten‑year period from the date of his conviction shall be eligible to obtain a license to cultivate~~, handle,~~ or process hemp.

(4) Any person who materially falsifies any information contained in an application to participate in the program established herein shall be ineligible to participate.

(5) The commissioner shall make information regarding a licensee and that information described in subsection (B)(1) accessible in real time to federal, state, and local law enforcement.

(B)(1) A person applying for a license to cultivate hemp shall provide to the department a legal description and global positioning coordinates sufficient to locate the fields or greenhouses used to cultivate hemp.

(2) A person applying for a license to cultivate~~, handle,~~ or process hemp shall provide the department with prior written consent:

(a) allowing representatives of the department, the State Law Enforcement Division, and local law enforcement agencies to enter onto all premises where hemp is cultivated, ~~handled,~~ processed, or stored for the purpose of conducting physical inspections, obtaining samples of hemp or hemp products, or otherwise ensuring compliance with the requirements of state law and any administrative regulations promulgated by the department; and

(b) to the testing procedure set forth in the state plan, using post‑decarboxylation or other similarly reliable methods, delta‑9 THC concentration levels of hemp produced in the State.”

SECTION 3. This act takes effect upon approval by the Governor.

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