

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2975

By: West (Josh)

COMMITTEE SUBSTITUTE

An Act relating to agriculture; creating the Oklahoma Industrial Hemp Remediation Program; defining terms; declaring certain concentration to be deemed a compliant hemp product; requiring certain hemp products be destroyed; requiring certain notification; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-601 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Industrial Hemp Remediation Program".

B. As used in the Oklahoma Industrial Hemp Remediation Program, the following words and terms, and any derivative of such words or

terms, shall have the following meanings, unless the context clearly indicates otherwise:

1. "Cannabis" means a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof. Cannabis refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry-weight basis has not yet been determined.

2. "Certified laboratory" means the laboratory operated by the Department of Agriculture, Food and Forestry or a laboratory located in Oklahoma that is certified by the Department.

3. "Commercial sale" means the sale of a product in the stream of commerce at retail, at wholesale or on the Internet.

4. "CSA" means the federal Controlled Substances Act.

5. "DEA" means the United States Drug Enforcement Administration.

6. "Department" means the Oklahoma Department of Agriculture, Food and Forestry.

7. "Hemp" means the plant Cannabis sativa L. and any part of such plant including, but not limited to, the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, and grown from a certified seed with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis. Hemp and

1 hemp-derived cannabinoids, including cannabidiol, shall be  
2 considered an agricultural commodity and not a controlled substance  
3 due to the presence of hemp or hemp-derived cannabinoids.

4 8. "Hemp Program" means the Oklahoma Hemp Industrial Reform  
5 Program and any final ruling from the USDA.

6 9. "Law enforcement" means any federal, state or local agencies  
7 responsible for maintaining public order and enforcing the law.

8 10. "License" means the written authorization by the Department  
9 for any person to grow, process, handle or transport certified seeds  
10 or hemp in this state.

11 11. "Person" means any natural person or any corporation,  
12 general partnership, limited partnership, limited liability  
13 partnership, limited liability company, trust, estate, charitable  
14 organization, joint stock company, joint venture, association or any  
15 other business similar organization recognized by the state.

16 12. "Processor" means any person who is licensed by the  
17 Department to process hemp in this state.

18 13. "State" means the State of Oklahoma.

19 14. "THC" means delta-9 tetrahydrocannabinol, which is a  
20 psychoactive component in cannabis plants.

21 15. "Tracking software" means software that is approved by the  
22 Department and is capable of transparently tracking hemp in any  
23 state or form whatsoever including, but not limited to, a certified  
24

1 seed, any stage of growth, processing or handling, and any hemp  
2 product.

3 16. "USDA" means the United States Department of Agriculture.

4 C. In the event that any hemp produced under the Hemp Program  
5 is determined by testing results to be noncompliant with the Hemp  
6 Program, the person holding the license for the noncompliant hemp  
7 may request approval from the Department to remediate the  
8 noncompliant hemp.

9 D. If the Department approves the remediation of the  
10 noncompliant hemp, the person holding the license shall promptly  
11 have the noncompliant hemp extracted by a licensed processor into  
12 concentrated form and the hemp concentrate shall be sampled by a  
13 certified laboratory for compliance with USDA levels for THC in  
14 concentrated form.

15 E. If the samples of the hemp concentrate are below USDA levels  
16 for THC, the hemp concentrate shall be compliant as a hemp product  
17 under with the Hemp Program and may be used in commercial sales.

18 F. If the samples of the hemp concentrate are above the USDA  
19 levels for THC, the hemp concentrate shall be noncompliant with the  
20 Hemp Program and shall be destroyed in accordance with the CSA and  
21 DEA regulations found at 21 CFR 1317.15 as enforced by federal,  
22 state and local law enforcement. The person holding the license for  
23 the noncompliant hemp concentrate shall promptly notify the  
24 Department and USDA of its intent to destroy the noncompliant hemp

1 concentrate and verify destruction by submitting required  
2 documentation using the tracking software.

3 SECTION 2. This act shall become effective November 1, 2020.

4

5 57-2-11349 AMM 02/26/20

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24