

# An Act

ENROLLED HOUSE  
BILL NO. 2279

By: West (Josh), Ranson and  
Dollens of the House

and

Kidd of the Senate

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.

SUBJECT: Agriculture

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

8. "Hemp Program" means the Oklahoma Industrial Hemp Remediation Program and any final ruling from the USDA;

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

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

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

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

13. "State" means the State of Oklahoma;

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

15. "Tracking software" means software that is approved by the Department and is capable of transparently tracking hemp in any state or form whatsoever including, but not limited to, a certified seed, any stage of growth, processing or handling, and any hemp product; and

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

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

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

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

F. If the samples of the hemp concentrate are above the USDA levels for THC, the hemp concentrate shall be noncompliant with the Hemp Program and shall be destroyed in accordance with the CSA and DEA regulations found at 21 C.F.R., Section 1317.15, as enforced by federal, state and local law enforcement. The person holding the license for the noncompliant hemp concentrate shall promptly notify the Department and USDA of its intent to destroy the noncompliant hemp concentrate and verify destruction by submitting required documentation using the tracking software.

SECTION 2. This act shall become effective November 1, 2021.

Passed the House of Representatives the 9th day of March, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 15th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_