

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2538

By: Kannady

AS INTRODUCED

An Act relating to agriculture; amending Section 4, Chapter 64, O.S.L. 2018, as amended by Section 5, Chapter 91, O.S.L. 2019 and Section 6, Chapter 64, O.S.L. 2018, as amended by Section 6, Chapter 91, O.S.L. 2019 (2 O.S. Supp. 2020, Sections 3-404 and 3-406), which relate to the Oklahoma Industrial Hemp Program; directing the Oklahoma Department of Agriculture, Food, and Forestry to establish rules to regulate cross-pollination; requiring a buffer zone between industrial hemp crops; directing the Department to establish certain deadlines and limits; requiring the Department establish certain registry; and providing an effective date.

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

SECTION 1. AMENDATORY Section 4, Chapter 64, O.S.L. 2018, as amended by Section 5, Chapter 91, O.S.L. 2019 (2 O.S. Supp. 2020, Section 3-404), is amended to read as follows:

Section 3-404. A. A person intending to engage in industrial hemp growth, cultivation, handling or processing authorized under the Oklahoma Industrial Hemp Program shall apply to the Oklahoma Department of Agriculture, Food, and Forestry for a license prior to planting, handling or processing the industrial hemp.

1. The application shall include:

- a. the name and address of the applicant,
- b. the legal description, global positioning system location, and map of the land area on which the applicant will engage in industrial hemp growth and cultivation operations, handling operations or processing operations, and
- c. a statement of intended end use.

2. By submitting an application, the applicant acknowledges and agrees that:

- a. information provided to the Department may be provided to law enforcement agencies,
- b. the applicant shall allow and fully cooperate with any inspection and sampling that the Department deems necessary,
- c. the applicant will submit all required reports by the applicable due dates specified by the Department, and
- d. the applicant has the legal right to cultivate, handle or process industrial hemp on the registered land area and shall grant the Department access for inspection and sampling.

B. The Department shall establish rules to help prevent cross-pollination of industrial hemp crops. Applications shall not be approved unless a buffer zone, as defined by the Department, is

1 provided between licensees' land areas on which the licensees will  
2 engage in industrial hemp growth.

3 C. The Department shall establish deadlines for submitting  
4 applications and limits for the number of applications seeking to  
5 engage in industrial hemp growth in areas that are in close  
6 approximation.

7 D. The Department shall collect a nonrefundable fee from the  
8 applicant at the time of application. The Department shall set a  
9 fee schedule based on the size and use of the land area on which the  
10 licensee will conduct industrial hemp growing or cultivation  
11 operations and shall set the fee at a level sufficient to generate  
12 the amount of monies necessary to cover the Department's direct  
13 costs in implementing the Oklahoma Industrial Hemp Program. Denied  
14 applications for a license may be resubmitted within a twelve-month  
15 period. The Department may waive the fee for resubmitted  
16 applications.

17 ~~C.~~ E. A license issued pursuant to this section is valid for  
18 one (1) year. In order to continue engaging in industrial hemp  
19 growth and cultivation operations in Oklahoma, the licensee shall  
20 annually apply for a license in accordance with subsection A of this  
21 section. The Department may set a separate fee schedule for renewal  
22 of existing licenses in good standing.

23 ~~D.~~ F. All industrial hemp plant material shall be planted,  
24 grown and harvested under a valid license. Any plant material that

1 is not harvested in the license period in which it was planted or  
2 volunteer plants that are not destroyed must be declared for  
3 inclusion in a subsequent license.

4 ~~F.~~ G. If the licensee wishes to alter the land area on which  
5 the licensee will conduct industrial hemp growth, cultivation,  
6 handling or processing operations within thirty (30) days of any new  
7 license, before altering the area, the licensee shall submit to the  
8 Department an updated legal description, global positioning system  
9 location, and map specifying the proposed alterations.

10 ~~F.~~ H. Each licensee shall report any changes to information  
11 provided in the license application within ten (10) days of such  
12 change to the Department.

13 ~~G.~~ I. A licensee shall maintain all records pertaining to the  
14 license and growing records for a minimum of three (3) years.

15 ~~H.~~ J. The Department shall promulgate rules necessary to  
16 implement the licensing program and to implement the Oklahoma  
17 Industrial Hemp Program.

18 ~~I.~~ K. The Department shall promulgate rules to facilitate  
19 transportation of industrial hemp.

20 SECTION 2. AMENDATORY Section 6, Chapter 64, O.S.L.  
21 2018, as amended by Section 6, Chapter 91, O.S.L. 2019 (2 O.S. Supp.  
22 2020, Section 3-406), is amended to read as follows:  
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1       Section 3-406. A. At least thirty (30) days prior to harvest,  
2 each licensee shall file a harvest report on a form approved by the  
3 Department that includes:

4       1. A statement of intended disposition of its industrial hemp  
5 crop; and

6       2. The harvest date or dates, location and yield of each  
7 variety cultivated within a registered land area.

8       B. A licensee shall notify the Department immediately of any  
9 changes in a reported harvest date by more than five (5) days.

10       C. The Department shall establish a registry of licensees and  
11 harvest reports approved by the Department that is accessible by the  
12 public on their website. The registry shall allow licensees and  
13 potential applicants to determine areas and locations of industrial  
14 hemp crops.

15       SECTION 3. This act shall become effective November 1, 2021.

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