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S.B. 209

SENATE BILL NO. 209—SENATORS D. HARRIS, RATTI, PARKS,
BROOKS, CANNIZZARO; AND DONDERO LOOP

FEBRUARY 18, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to industrial hemp.
(BDR 49-584)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to industrial hemp; requiring the State Board of Agriculture and the State Department of Agriculture to adopt regulations requiring the testing of a commodity or product made using industrial hemp which is intended for human consumption; requiring that the protocols and procedures for such testing be substantially similar to the protocols and procedures for the testing of certain marijuana products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Department of Taxation to adopt regulations setting
2 forth the procedures for the testing by an independent testing laboratory of
3 marijuana, edible marijuana products and marijuana-infused products sold by a
4 medical marijuana establishment. (NRS 453A.370) Existing law similarly requires
5 the Department to adopt regulations setting forth requirements for the testing of
6 marijuana and marijuana products sold by a marijuana establishment. (NRS
7 453D.200) This bill requires similar testing be done on commodities or products
8 made using industrial hemp which are intended for human consumption.

9 Existing law authorizes an institution of higher education or the State
10 Department of Agriculture to grow or cultivate industrial hemp for certain purposes
11 related to research. (NRS 557.070) Existing law requires any other person who
12 wishes to grow or handle industrial hemp or produce agricultural hemp seed to
13 register with the Department. (NRS 557.200) **Section 1** of this bill requires the
14 State Board of Agriculture to: (1) adopt regulations requiring the testing of
15 commodities or products made using industrial hemp grown for certain purposes
16 related to research which are intended for human consumption; and (2) set forth
17 procedures for such testing that are substantially similar to those adopted by the
18 Department of Taxation with regard to marijuana products. **Section 2** of this bill



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19 imposes a similar requirement on the State Department of Agriculture for
20 commodities or products made using any other industrial hemp grown in this State
21 which are intended for human consumption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 557.080 is hereby amended to read as follows:

2 557.080 1. The State Board of Agriculture may adopt
3 regulations to carry out the provisions of NRS 557.010 to 557.080,
4 inclusive, including, without limitation, regulations necessary to:

5 ~~1.~~ (a) Establish and carry out an agricultural pilot program;

6 ~~2.~~ (b) Provide for the certification and registration of sites
7 used for growing or cultivating industrial hemp; and

8 ~~3.~~ (c) Restrict or prohibit the use or processing of industrial
9 hemp for the creation, manufacture, sale or use of cannabidiol or
10 any compound, salt, derivative, mixture or preparation of
11 cannabidiol.

12 2. *If the regulations adopted pursuant to subsection 1 do not*
13 *prohibit the use or processing of industrial hemp for the creation,*
14 *manufacture, sale or use of commodities or products made using*
15 *industrial hemp which are intended for human consumption, the*
16 *State Board of Agriculture shall adopt regulations requiring the*
17 *testing of any commodity or product made using industrial hemp*
18 *which is intended for human consumption and setting forth*
19 *protocols and procedures for such testing. Such procedures and*
20 *protocols must be substantially similar to those adopted by the*
21 *Department of Taxation with regard to the testing of edible*
22 *marijuana products, marijuana-infused products and marijuana*
23 *products pursuant to NRS 453A.370 and 453D.200.*

24 3. *As used in this section:*

25 (a) *“Edible marijuana products” has the meaning ascribed to*
26 *it in NRS 453A.101.*

27 (b) *“Intended for human consumption” has the meaning*
28 *ascribed to it in NRS 557.270.*

29 (c) *“Marijuana-infused products” has the meaning ascribed to*
30 *it in NRS 453A.112.*

31 (d) *“Marijuana products” has the meaning ascribed to it in*
32 *NRS 453D.030.*

33 **Sec. 2.** NRS 557.270 is hereby amended to read as follows:

34 557.270 1. A grower, handler or producer may submit
35 industrial hemp or a commodity or product made using industrial
36 hemp to an independent testing laboratory for testing pursuant to
37 this section and an independent testing laboratory may perform such
38 testing.



1 2. A handler may not sell a commodity or product made using
2 industrial hemp which is intended for human consumption unless
3 the commodity or product has been submitted to an independent
4 testing laboratory for testing and the independent testing laboratory
5 has confirmed that the commodity or product satisfies the standards
6 established by the Department for the content and quality of
7 industrial hemp.

8 3. *The Department shall adopt regulations requiring the*
9 *testing of any commodity or product made using industrial hemp*
10 *which is intended for human consumption and setting forth*
11 *protocols and procedures for such testing. Such procedures and*
12 *protocols must be substantially similar to those adopted by the*
13 *Department of Taxation with regard to the testing of edible*
14 *marijuana products, marijuana-infused products and marijuana*
15 *products pursuant to NRS 453A.370 and 453D.200.*

16 4. The Department shall adopt regulations establishing
17 protocols and procedures for the testing of commodities and
18 products made using industrial hemp, including, without limitation,
19 determining appropriate standards for sampling and for the size of
20 batches for testing.

21 ~~4.~~ 5. The Department may adopt regulations requiring the
22 submission of a sample of a crop of industrial hemp by a grower to
23 an independent testing laboratory to determine whether the crop has
24 a THC concentration of not more than 0.3 percent on a dry weight
25 basis. The regulations may include, without limitation:

26 (a) Protocols and procedures for the testing of a crop, including,
27 without limitation, determining appropriate standards for sampling
28 and for the size of batches for testing; and

29 (b) A requirement that an independent testing laboratory provide
30 the results of the testing directly to the Department in a manner
31 prescribed by the Department.

32 ~~5.~~ 6. As used in this section:

33 (a) *“Edible marijuana products” has the meaning ascribed to*
34 *it in NRS 453A.101.*

35 (b) *“Independent testing laboratory” means a facility certified as*
36 *an independent testing laboratory pursuant to NRS 453A.368.*

37 ~~6.~~ (c) *“Intended for human consumption” means intended for*
38 *ingestion or inhalation by a human or for topical application to the*
39 *skin or hair of a human.*

40 (d) *“Marijuana-infused products” has the meaning ascribed to*
41 *it in NRS 453A.112.*

42 (e) *“Marijuana products” has the meaning ascribed to it in*
43 *NRS 453D.030.*

