WEST VIRGINIA CODE: §19-12E-3

§19-12E-3. Definitions.

As used in this article:

(a) "Cannabidiol" or "CBD" means the compound by the same name derived from the hemp variety of the cannabis sativa L. plant;

(b) "Commercial sales" means the sale of products in the stream of commerce, at retail, wholesale, and online;

(c) "Commissioner" means the Commissioner of Agriculture or his or her designee;

(d) "Cultivating" means planting, watering, growing, and harvesting a plant or crop;

(e) "Department" means the West Virginia Department of Agriculture and its employees;

(f) "Handling" means possessing or storing hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process hemp. "Handling" also includes possessing or storing hemp plants in a vehicle for any period of time other than during its actual transport from the premises of one licensed person to cultivate or process industrial hemp to the premises of another licensed person. "Handling" does not mean possessing or storing finished hemp products;

(g) "Hemp" or "industrial hemp" means all parts and varieties of the plant Cannabis sativa L. and any part of the plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with no greater than 0.3% tetrahydrocannabinol, or the THC concentration for hemp defined in 7 U.S.C. § 5940, whichever is greater;

(h) "Hemp products" means all products derived from, or made by, processing hemp plants or plant parts, that are prepared in a form available for commercial sale;

(i) "Licensee" means an individual or business entity possessing a license issued by the Department to grow, handle, cultivate, or process hemp;

(j) "Marijuana" means all plant material from the genus cannabis containing more than one percent tetrahydrocannabinol or seeds of the genus capable of germination;

(k) "Processing" means converting an agricultural commodity into a marketable form; and

(l) "THC" means tetrahydrocannabinol. Notwithstanding any other provision of this code to the contrary, the THC found in industrial hemp shall not be considered to be THC for the purposes of qualifying as a controlled substance.

WV Legislature