WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 3011

(By Delegates Manypenny, Walker, Swartzmiller, Canterbury and Ambler)

Passed March 8, 2014
In effect ninety days from passage.
AN ACT to amend and reenact §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, all relating to removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed to grow hemp for industrial purposes in the state or as part of a complete defense to a prosecution for the possession or cultivation of marijuana: and limiting the cultivation of industrial hemp to research conducted by the Commissioner of Agriculture and institutions of higher learning authorized by the Commissioner to do so.

Be it enacted by the Legislature of West Virginia:

That §19-12E-5 and §19-12E-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-5. Industrial hemp - licensing.

(a) A person growing industrial hemp for commercial purposes shall apply to the commissioner for license on a form prescribed by the commissioner.

(b) The application for a license must include the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp.

(c) The commissioner shall require each first-time applicant for a license to file a set of the applicant’s fingerprints, taken by a law-enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the criminal investigation bureau of the department of justice for state processing and with the federal Bureau of Investigation for federal processing. All of the costs associated with the criminal history check are the responsibility of the applicant. Criminal history records provided to the department under this section are confidential. The commissioner may use the records only to determine if an applicant is eligible to receive a license for the production of industrial hemp.

(d) If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license which is valid until December 31, of the year of application. An individual licensed under this section is presumed to be growing industrial hemp for commercial purposes.

(e) Notwithstanding any provision of this article or the provisions of chapter sixty-a of this code to the contrary, only the Department of Agriculture and state institutions of higher learning licensed and authorized by the commissioner to do so may lawfully grow or cultivate industrial hemp in this state.

(a) It is a complete defense to a prosecution for the possession or cultivation of marijuana pursuant to the provisions of article four, chapter sixty-a of this code that defendant was growing industrial hemp pursuant to the provisions of this article.

(b) This section is not a defense to a charge of criminal sale or distribution of marijuana as defined in chapter sixty-a of this code which does not meet the definition of industrial hemp.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 21st day of March, 2014.

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:05 AM