

**AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. COMER OF KENTUCKY**

At the end of title VII, add the following:

1 **Subtitle G—INDUSTRIAL HEMP**

2 SEC. 7701. SHORT TITLE.

3This Act may be cited as the “Hemp Farming Act
4of 2018”.

5 SEC. 7702. HEMP PRODUCTION.

6The Agricultural Marketing Act of 1946 (7 U.S.C.
71621 et seq.) is amended by adding at the end the fol-
8lowing:

9 **“Subtitle G—Hemp Production**

10 **“SEC. 297A. DEFINITIONS.**

11“In this subtitle:

12“(1) HEMP.—The term ‘hemp’ means the plant
13Cannabis sativa L. and any part of that plant, in-
14cluding the seeds thereof and all derivatives, ex-
15tracts, cannabinoids, isomers, acids, salts, and salts
16of isomers, whether growing or not, with a delta-9
17tetrahydrocannabinol concentration of not more than
180.3 percent on a dry weight basis.

19“(2) INDIAN TRIBE.—The term ‘Indian tribe’
20has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 “(3) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Agriculture.

5 “(4) STATE.—The term ‘State’ means—

6 “(A) a State;

7 “(B) the District of Columbia;

8 “(C) the Commonwealth of Puerto Rico;

9 and

10 “(D) any other territory or possession of
11 the United States.

12 “(5) STATE DEPARTMENT OF AGRICULTURE.—

13 The term ‘State department of agriculture’ means
14 the agency, commission, or department of a State
15 government responsible for agriculture in the State.

16 “(6) TRIBAL GOVERNMENT.—The term ‘Tribal
17 government’ means the governing body of an Indian
18 tribe.

19 **“SEC. 297B. STATE AND TRIBAL PLANS.**

20 “(a) SUBMISSION.—

21 “(1) IN GENERAL.—A State or Indian tribe de-
22 siring to have primary regulatory authority over the
23 production of hemp in the State or territory of the
24 Indian tribe shall submit to the Secretary, through
25 the State department of agriculture (in consultation

1 with the Governor and chief law enforcement officer
2 of the State) or the Tribal government, as applica-
3 ble, a plan under which the State or Indian tribe
4 monitors and regulates that production as described
5 in paragraph (2).

6 “(2) CONTENTS.—A State or Tribal plan re-
7 ferred to in paragraph (1)—

8 “(A) shall only be required to include—

9 “(i) a practice to maintain relevant in-
10 formation regarding land on which hemp is
11 produced in the State or territory of the
12 Indian tribe, including a legal description
13 of the land, for a period of not less than
14 3 calendar years;

15 “(ii) a procedure for testing, using
16 post-decarboxylation or other similarly reli-
17 able methods, delta-9 tetrahydrocannabinol
18 concentration levels of hemp produced in
19 the State or territory of the Indian tribe;

20 “(iii) a procedure for the effective dis-
21 posal of products that are produced in vio-
22 lation of this subtitle; and

23 “(iv) a procedure to comply with the
24 enforcement procedures under subsection
25 (d); and

1 “(B) may include any other practice or
2 procedure established by a State or Indian
3 tribe, as applicable, to the extent that the prac-
4 tice or procedure is consistent with this subtitle.

5 “(3) RELATION TO STATE AND TRIBAL LAW.—

6 “(A) NO PREEMPTION.—Nothing in this
7 subsection preempts or limits any law of a
8 State or Indian tribe regulating the production
9 of hemp, to the extent that law is consistent
10 with this subtitle.

11 “(B) REFERENCES IN PLANS.—A State or
12 Tribal plan referred to in paragraph (1) may
13 include a reference to a law of the State or In-
14 dian tribe regulating the production of hemp, to
15 the extent that law is consistent with this sub-
16 title.

17 “(b) APPROVAL.—

18 “(1) IN GENERAL.—Not later than 60 days
19 after receipt of a State or Tribal plan under sub-
20 section (a), the Secretary shall—

21 “(A) approve the State or Tribal plan if
22 the State or Tribal plan complies with sub-
23 section (a); or

1 “(B) disapprove the State or Tribal plan
2 only if the State or Tribal plan does not comply
3 with subsection (a).

4 “(2) AMENDED PLANS.—If the Secretary dis-
5 approves a State or Tribal plan under paragraph
6 (1)(B), the State, through the State department of
7 agriculture (in consultation with the Governor and
8 chief law enforcement officer of the State) or the
9 Tribal government, as applicable, may submit to the
10 Secretary an amended State or Tribal plan that
11 complies with subsection (a).

12 “(c) TECHNICAL ASSISTANCE.—The Secretary may
13 provide technical assistance to a State or Indian tribe in
14 the development of a State or Tribal plan under subsection
15 (a).

16 “(d) VIOLATIONS.—

17 “(1) IN GENERAL.—A violation of a State or
18 Tribal plan approved under subsection (b) shall be
19 subject to enforcement solely in accordance with this
20 subsection.

21 “(2) NEGLIGENT VIOLATIONS.—

22 “(A) IN GENERAL.—A hemp producer in a
23 State or the territory of an Indian tribe for
24 which a State or Tribal plan is approved under
25 subsection (b) shall be subject to subparagraph

1 (B) of this paragraph if the State department
2 of agriculture or Tribal government, as applica-
3 ble, determines that the hemp producer has
4 negligently violated the State or Tribal plan, in-
5 cluding by negligently—

6 “(i) failing to provide a legal descrip-
7 tion of land on which the producer pro-
8 duces hemp;

9 “(ii) failing to obtain a license or
10 other required authorization from the
11 State department of agriculture or Tribal
12 government, as applicable; or

13 “(iii) producing *Cannabis sativa* L.
14 with a delta-9 tetrahydrocannabinol con-
15 centration of more than 0.3 percent on a
16 dry weight basis.

17 “(B) CORRECTIVE ACTION PLAN.—A hemp
18 producer described in subparagraph (A) shall
19 comply with a plan established by the State de-
20 partment of agriculture or Tribal government,
21 as applicable, to correct the negligent violation,
22 including—

23 “(i) a reasonable date by which the
24 hemp producer shall correct the negligent
25 violation; and

1 “(ii) a requirement that the hemp
2 producer shall periodically report to the
3 State department of agriculture or Tribal
4 government, as applicable, on the compli-
5 ance of the hemp producer with the State
6 or Tribal plan for a period of not less than
7 the next 2 calendar years.

8 “(C) RESULT OF NEGLIGENT VIOLA-
9 TION.—Except as provided in subparagraph
10 (D), a hemp producer that negligently violates
11 a State or Tribal plan under subparagraph (A)
12 shall not be subject to any criminal or civil en-
13 forcement action by the Federal Government or
14 any State government, Tribal government, or
15 local government other than the enforcement
16 action authorized under subparagraph (B).

17 “(D) REPEAT VIOLATIONS.—A hemp pro-
18 ducer that negligently violates a State or Tribal
19 plan under subparagraph (A) 3 times in a 5-
20 year period shall be ineligible to produce hemp
21 for a period of 5 years beginning on the date
22 of the third violation.

23 “(3) OTHER VIOLATIONS.—If the State depart-
24 ment of agriculture or Tribal government in a State
25 or the territory of an Indian tribe for which a State

1 or Tribal plan is approved under subsection (b), as
2 applicable, determines that a hemp producer in the
3 State or territory has violated the State or Tribal
4 plan with a culpable mental state greater than neg-
5 ligence—

6 “(A) the State department of agriculture
7 or Tribal government, as applicable, shall im-
8 mediately report the hemp producer to—

9 “(i) the Attorney General; and

10 “(ii) in the case of a State department
11 of agriculture, the chief law enforcement
12 officer of the State; and

13 “(B) paragraph (1) of this subsection shall
14 not apply to the violation.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated such sums as are nec-
17 essary to carry out this section.

18 “(f) EFFECT.—Nothing in this section prohibits the
19 production of hemp in a State or the territory of an Indian
20 tribe for which a State or Tribal plan is not approved
21 under this section in accordance with other Federal laws
22 (including regulations).

1 **“SEC. 297C. AUTHORITY TO ISSUE REGULATIONS AND**
2 **GUIDELINES.**

3 “The Secretary shall have sole authority to issue Fed-
4 eral regulations and guidelines that relate to the produc-
5 tion of hemp, including Federal regulations and guidelines
6 that relate to the implementation of section 297B.”.

7 **SEC. 7703. FUNDING FOR HEMP RESEARCH.**

8 (a) SUPPLEMENTAL AND ALTERNATIVE CROPS.—
9 Section 1473D(c)(3)(E) of the National Agricultural Re-
10 search, Extension, and Teaching Policy Act of 1977 (7
11 U.S.C. 3319d(c)(3)(E)) is amended by inserting “(includ-
12 ing hemp (as defined in section 297A of the Agricultural
13 Marketing Act of 1946))” after “material”.

14 (b) CRITICAL AGRICULTURAL MATERIALS.—Section
15 5(b)(9) of the Critical Agricultural Materials Act (7
16 U.S.C. 178c(b)(9)) is amended by inserting “, and includ-
17 ing hemp (as defined in section 297A of the Agricultural
18 Marketing Act of 1946)” after “hydrocarbon-containing
19 plants”.

20 **SEC. 7704. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.**

21 (a) IN GENERAL.—Section 7606 of the Agricultural
22 Act of 2014 (7 U.S.C. 5940) is amended—

23 (1) by redesignating subsections (a) and (b) as
24 subsections (b) and (a), respectively, and moving the
25 subsections so as to appear in alphabetical order;

1 (2) in subsection (b) (as so redesignated), in
2 the subsection heading, by striking “IN GENERAL”
3 and inserting “INDUSTRIAL HEMP RESEARCH”; and

4 (3) by adding at the end the following:

5 “(c) STUDY AND REPORT.—

6 “(1) IN GENERAL.—The Secretary shall con-
7 duct a study of agricultural pilot programs—

8 “(A) to determine the economic viability of
9 the domestic production and sale of industrial
10 hemp; and

11 “(B) that shall include a review of—

12 “(i) each agricultural pilot program;
13 and

14 “(ii) any other agricultural or aca-
15 demic research relating to industrial hemp.

16 “(2) REPORT.—Not later than 120 days after
17 the date of enactment of this subsection, the Sec-
18 retary shall submit to Congress a report describing
19 the results of the study conducted under paragraph
20 (1).”.

21 (b) REPEAL.—Effective on the date that is 1 year
22 after the date of enactment of this Act, section 7606 of
23 the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed.

1 **SEC. 7705. FEDERAL CROP INSURANCE.**

2 (a) DEFINITION OF HEMP.—Section 502(b) of the
3 Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amend-
4 ed—

5 (1) by redesignating paragraphs (8) through
6 (11) as paragraphs (9) through (12), respectively;
7 and

8 (2) by inserting after paragraph (7) the fol-
9 lowing:

10 “(8) HEMP.—The term ‘hemp’ has the meaning
11 given the term in section 297A of the Agricultural
12 Marketing Act of 1946.”.

13 (b) INSURANCE PERIOD.—Section 508(a)(2) of the
14 Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is
15 amended by striking “and sweet potatoes” and inserting
16 “sweet potatoes, and hemp”.

17 (c) SUBMISSION OF POLICIES AND MATERIALS TO
18 BOARD.—Section 508(h) of the Federal Crop Insurance
19 Act (7 U.S.C. 1508(h)) is amended—

20 (1) in paragraph (1)(B)—

21 (A) by redesignating clauses (i) through
22 (iii) as subclauses (I) through (III), respec-
23 tively, and indenting appropriately;

24 (B) in the matter preceding subclause (I)
25 (as so redesignated), by striking “The Corpora-
26 tion shall” and inserting the following:

1 “(i) IN GENERAL.—The Corporation
2 shall”;

3 (C) in clause (i)(I) (as so redesignated), by
4 inserting “subject to clause (ii),” before “will
5 likely”; and

6 (D) by adding at the end the following:

7 “(ii) WAIVER FOR HEMP.—The Cor-
8 poration may waive the viability and mar-
9 ketability requirement under clause (i)(I)
10 in the case of a policy or pilot program re-
11 lating to the production of hemp.”; and

12 (2) in paragraph (3)(C)—

13 (A) in clause (ii), by striking “and” at the
14 end;

15 (B) in clause (iii), by striking the period at
16 the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(iv) in the case of reviewing policies
19 and other materials relating to the produc-
20 tion of hemp, may waive the viability and
21 marketability requirement under subpara-
22 graph (A)(ii)(I).”.

23 (d) AGRICULTURAL COMMODITY.—Section 518 of the
24 Federal Crop Insurance Act (7 U.S.C. 1518) is amended
25 by inserting “hemp,” before “aquacultural species”.

1 (e) RESEARCH AND DEVELOPMENT AUTHORITY.—
2 Section 522(b) of the Federal Crop Insurance Act (7
3 U.S.C. 1522(b)) is amended—

4 (1) in paragraph (2), by adding at the end the
5 following:

6 “(K) WAIVER FOR HEMP.—The Board
7 may waive the viability and marketability re-
8 quirements under this paragraph in the case of
9 research and development relating to a policy to
10 insure the production of hemp.”; and

11 (2) in paragraph (3)—

12 (A) by striking “The Corporation” and in-
13 serting the following:

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), the Corporation”; and

16 (B) by adding at the end the following:

17 “(B) WAIVER FOR HEMP.—The Corpora-
18 tion may waive the marketability requirement
19 under subparagraph (A) in the case of research
20 and development relating to a policy to insure
21 the production of hemp.”.

22 **SEC. 7706. CONFORMING CHANGES TO CONTROLLED SUB-**
23 **STANCES ACT.**

24 (a) IN GENERAL.—Section 102(16) of the Controlled
25 Substances Act (21 U.S.C. 802(16)) is amended—

1 (1) by striking “(16) The” and inserting
2 “(16)(A) Subject to subparagraph (B), the”; and

3 (2) by striking “Such term does not include
4 the” and inserting the following:

5 “(B) The term ‘marihuana’ does not include—

6 “(i) hemp, as defined in section 297A of the
7 Agricultural Marketing Act of 1946; or

8 “(ii) the”.

9 (b) TETRAHYDROCANNABINOL.—Schedule I, as set
10 forth in section 202(c) of the Controlled Substances Act
11 (21 U.S.C. 812(c)), is amended in subsection (c)(17) by
12 inserting after “Tetrahydrocannabinols” the following: “,
13 except for tetrahydrocannabinols in hemp (as defined
14 under section 297A of the Agricultural Marketing Act of
15 1946)”.

16 **SEC. 7707. RULE OF CONSTRUCTION.**

17 Nothing in this Act authorizes interference with the
18 interstate commerce of hemp (as defined in section 297A
19 of the Agricultural Marketing Act of 1946, as added by
20 section 7702).

