

1 “(d) *PROVISIONS OF LAW REFERENCES.*—For pur-
2 poses”;

3 (B) in paragraph (11), by striking “or” at
4 the end;

5 (C) in paragraph (12), by striking the pe-
6 riod at the end and inserting “; or”; and

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

8 “(13) section 10109 of the Agriculture Improve-
9 ment Act of 2018.”.

10 **SEC. 10110. CLARIFICATION OF USE OF FUNDS FOR TECH-**
11 **NICAL ASSISTANCE.**

12 Section 11 of the Commodity Credit Corporation
13 Charter Act (15 U.S.C. 714i) is amended in the last sen-
14 tence by inserting after “activities” the following: “but ex-
15 cluding any amounts used to provide technical assistance
16 under title X of the Agriculture Improvement Act of 2018
17 or an amendment made by that title.”.

18 **SEC. 10111. HEMP PRODUCTION.**

19 The Agricultural Marketing Act of 1946 (7 U.S.C.
20 1621 et seq.) is amended by adding at the end the following:

21 **“Subtitle G—Hemp Production**

22 **“SEC. 297A. DEFINITIONS.**

23 “In this subtitle:

24 “(1) *HEMP.*—The term ‘hemp’ means the plant
25 *Cannabis sativa* L. and any part of that plant, in-

cluding the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“(2) *INDIAN TRIBE*.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

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

“(4) *STATE*.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico; and

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

“(5) *STATE DEPARTMENT OF AGRICULTURE*.—The term ‘State department of agriculture’ means the agency, commission, or department of a State government responsible for agriculture in the State.

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

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

2 “(a) *SUBMISSION.*—

3 “(1) *IN GENERAL.*—A State or Indian tribe de-
 4 siring to have primary regulatory authority over the
 5 production of hemp in the State or territory of the In-
 6 dian tribe shall submit to the Secretary, through the
 7 State department of agriculture (in consultation with
 8 the Governor and chief law enforcement officer of the
 9 State) or the Tribal government, as applicable, a plan
 10 under which the State or Indian tribe monitors and
 11 regulates that production as described in paragraph
 12 (2).

13 “(2) *CONTENTS.*—A State or Tribal plan re-
 14 ferred to in paragraph (1)—

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

16 “(i) a practice to maintain relevant
 17 information regarding land on which hemp
 18 is produced in the State or territory of the
 19 Indian tribe, including a legal description
 20 of the land, for a period of not less than 3
 21 calendar years;

22 “(ii) a procedure for testing, using
 23 post-decarboxylation or other similarly reli-
 24 able methods, delta-9 tetrahydrocannabinol
 25 concentration levels of hemp produced in the
 26 State or territory of the Indian tribe;

1 “(iii) a procedure for the effective dis-
2 posal of products that are produced in vio-
3 lation of this subtitle;

4 “(iv) a procedure to comply with the
5 enforcement procedures under subsection
6 (d);

7 “(v) a procedure for conducting annual
8 inspections of a random sample of hemp
9 producers—

10 “(I) to verify that hemp is not
11 produced in violation of this subtitle;
12 and

13 “(II) in a manner that ensures
14 that a hemp producer is subject to not
15 more than 1 inspection each year; and

16 “(vi) a certification that the State or
17 Indian tribe has the resources and personnel
18 to carry out the practices and procedures
19 described in clauses (i) through (v); and

20 “(B) may include any other practice or
21 procedure established by a State or Indian tribe,
22 as applicable, to the extent that the practice or
23 procedure is consistent with this subtitle.

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

1 “(A) *NO PREEMPTION.*—*Nothing in this*
 2 *subsection preempts or limits any law of a State*
 3 *or Indian tribe regulating the production of*
 4 *hemp, to the extent that law is consistent with*
 5 *this subtitle.*

6 “(B) *REFERENCES IN PLANS.*—*A State or*
 7 *Tribal plan referred to in paragraph (1) may*
 8 *include a reference to a law of the State or In-*
 9 *dian tribe regulating the production of hemp, to*
 10 *the extent that law is consistent with this sub-*
 11 *title.*

12 “(b) *APPROVAL.*—

13 “(1) *IN GENERAL.*—*Not later than 60 days after*
 14 *receipt of a State or Tribal plan under subsection (a),*
 15 *the Secretary shall—*

16 “(A) *approve the State or Tribal plan if the*
 17 *State or Tribal plan complies with subsection*
 18 *(a); or*

19 “(B) *disapprove the State or Tribal plan*
 20 *only if the State or Tribal plan does not comply*
 21 *with subsection (a).*

22 “(2) *AMENDED PLANS.*—*If the Secretary dis-*
 23 *approves a State or Tribal plan under paragraph*
 24 *(1)(B), the State, through the State department of ag-*
 25 *riculture (in consultation with the Governor and chief*

1 *law enforcement officer of the State) or the Tribal*
 2 *government, as applicable, may submit to the Sec-*
 3 *retary an amended State or Tribal plan that complies*
 4 *with subsection (a).*

5 “(3) *CONSULTATION.*—*The Secretary may con-*
 6 *sult with the Attorney General in carrying out this*
 7 *subsection.*

8 “(c) *TECHNICAL ASSISTANCE.*—*The Secretary may*
 9 *provide technical assistance to a State or Indian tribe in*
 10 *the development of a State or Tribal plan under subsection*
 11 *(a).*

12 “(d) *VIOLATIONS.*—

13 “(1) *IN GENERAL.*—*A violation of a State or*
 14 *Tribal plan approved under subsection (b) shall be*
 15 *subject to enforcement solely in accordance with this*
 16 *subsection.*

17 “(2) *NEGLIGENT VIOLATIONS.*—

18 “(A) *IN GENERAL.*—*A hemp producer in a*
 19 *State or the territory of an Indian tribe for*
 20 *which a State or Tribal plan is approved under*
 21 *subsection (b) shall be subject to subparagraph*
 22 *(B) of this paragraph if the State department of*
 23 *agriculture or Tribal government, as applicable,*
 24 *determines that the hemp producer has neg-*

1 *ligently violated the State or Tribal plan, in-*
2 *cluding by negligently—*

3 *“(i) failing to provide a legal descrip-*
4 *tion of land on which the producer produces*
5 *hemp;*

6 *“(ii) failing to obtain a license or other*
7 *required authorization from the State de-*
8 *partment of agriculture or Tribal govern-*
9 *ment, as applicable; or*

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

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

20 *“(i) a reasonable date by which the*
21 *hemp producer shall correct the negligent*
22 *violation; and*

23 *“(ii) a requirement that the hemp pro-*
24 *ducer shall periodically report to the State*
25 *department of agriculture or Tribal govern-*

1 *ment, as applicable, on the compliance of*
2 *the hemp producer with the State or Tribal*
3 *plan for a period of not less than the next*
4 *2 calendar years.*

5 “(C) *RESULT OF NEGLIGENT VIOLATION.*—
6 *Except as provided in subparagraph (D), a*
7 *hemp producer that negligently violates a State*
8 *or Tribal plan under subparagraph (A) shall not*
9 *as a result of that violation be subject to any*
10 *criminal or civil enforcement action by the Fed-*
11 *eral Government or any State government, Trib-*
12 *al government, or local government other than*
13 *the enforcement action authorized under sub-*
14 *paragraph (B).*

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

21 “(3) *OTHER VIOLATIONS.*—

22 “(A) *IN GENERAL.*—*If the State department*
23 *of agriculture or Tribal government in a State*
24 *or the territory of an Indian tribe for which a*
25 *State or Tribal plan is approved under sub-*

1 section (b), as applicable, determines that a
2 hemp producer in the State or territory has vio-
3 lated the State or Tribal plan with a culpable
4 mental state greater than negligence—

5 “(i) the State department of agri-
6 culture or Tribal government, as applicable,
7 shall immediately report the hemp producer
8 to—

9 “(I) the Attorney General; and

10 “(II) in the case of a State de-
11 partment of agriculture, the chief law
12 enforcement officer of the State; and

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

15 “(B) *FELONY*.—Any person convicted of a
16 felony relating to a controlled substance under
17 State or Federal law shall be ineligible—

18 “(i) to participate in the program es-
19 tablished under this section; and

20 “(ii) to produce hemp under any regu-
21 lations or guidelines issued under section
22 297D(a).

23 “(C) *FALSE STATEMENT*.—Any person who
24 materially falsifies any information contained in
25 an application to participate in the program es-

1 *tablished under this section shall be ineligible to*
 2 *participate in that program.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 4 *authorized to be appropriated such sums as are necessary*
 5 *to carry out this section.*

6 “(f) *EFFECT.—Nothing in this section prohibits the*
 7 *production of hemp in a State or the territory of an Indian*
 8 *tribe for which a State or Tribal plan is not approved*
 9 *under this section in accordance with section 297C or other*
 10 *Federal laws (including regulations).*

11 **“SEC. 297C. DEPARTMENT OF AGRICULTURE.**

12 “(a) *DEPARTMENT OF AGRICULTURE PLAN.—*

13 “(1) *IN GENERAL.—In the case of a State or In-*
 14 *dian tribe for which a State or Tribal plan is not ap-*
 15 *proved under section 297B, the production of hemp in*
 16 *that State or the territory of that Indian tribe shall*
 17 *be subject to a plan established by the Secretary to*
 18 *monitor and regulate that production in accordance*
 19 *with paragraph (2).*

20 “(2) *CONTENT.—A plan established by the Sec-*
 21 *retary under paragraph (1) shall include—*

22 “(A) *a practice to maintain relevant infor-*
 23 *mation regarding land on which hemp is pro-*
 24 *duced in the State or territory of the Indian*

1 *tribe, including a legal description of the land,*
2 *for a period of not less than 3 calendar years;*

3 *“(B) a procedure for testing, using post-*
4 *decarboxylation or other similarly reliable meth-*
5 *ods, delta-9 tetrahydrocannabinol concentration*
6 *levels of hemp produced in the State or territory*
7 *of the Indian tribe;*

8 *“(C) a procedure for the effective disposal of*
9 *products that are produced in violation of this*
10 *subtitle;*

11 *“(D) a procedure to comply with the en-*
12 *forcement procedures under subsection (c)(2);*

13 *“(E) a procedure for conducting annual in-*
14 *spections of a random sample of hemp pro-*
15 *ducers—*

16 *“(i) to verify that hemp is not pro-*
17 *duced in violation of this subtitle; and*

18 *“(ii) in a manner that ensures that a*
19 *hemp producer is subject to not more than*
20 *1 inspection each year; and*

21 *“(F) such other practices or procedures as*
22 *the Secretary considers to be appropriate, to the*
23 *extent that the practice or procedure is consistent*
24 *with this subtitle.*

1 “(b) *LICENSING.*—*The Secretary shall establish a pro-*
 2 *cedure to issue licenses to hemp producers in accordance*
 3 *with a plan established under subsection (a).*

4 “(c) *VIOLATIONS.*—

5 “(1) *IN GENERAL.*—*In the case of a State or In-*
 6 *dian tribe for which a State or Tribal plan is not ap-*
 7 *proved under section 297B, it shall be unlawful to*
 8 *produce hemp in that State or the territory of that*
 9 *Indian tribe without a license issued by the Secretary*
 10 *under subsection (b).*

11 “(2) *NEGLIGENT AND OTHER VIOLATIONS.*—*A*
 12 *violation of a plan established under subsection (a)*
 13 *shall be subject to enforcement in accordance with*
 14 *paragraphs (2) and (3) of section 297B(d), except*
 15 *that the Secretary shall carry out that enforcement*
 16 *instead of a State department of agriculture or Tribal*
 17 *government.*

18 “(3) *REPORTING TO ATTORNEY GENERAL.*—*In*
 19 *the case of a State or Indian tribe covered by para-*
 20 *graph (1), the Secretary shall report the production*
 21 *of hemp without a license issued by the Secretary*
 22 *under subsection (b) to the Attorney General.*

23 **“SEC. 297D. AUTHORITY TO ISSUE REGULATIONS AND**
 24 **GUIDELINES; EFFECT ON OTHER LAW.**

25 “(a) *AUTHORITY.*—

1 “(1) *IN GENERAL.*—*The Secretary shall have sole*
 2 *authority to issue Federal regulations and guidelines*
 3 *that relate to the production of hemp, including Fed-*
 4 *eral regulations and guidelines that relate to the im-*
 5 *plementation of sections 297B and 279C.*

6 “(2) *CONSULTATION WITH ATTORNEY GEN-*
 7 *ERAL.*—*The Secretary may consult with the Attorney*
 8 *General before issuing regulations and guidelines*
 9 *under paragraph (1).*

10 “(b) *EFFECT ON OTHER LAW.*—*Nothing in this sub-*
 11 *title shall affect or modify—*

12 “(1) *the Federal Food, Drug, and Cosmetic Act*
 13 *(21 U.S.C. 301 et seq.); or*

14 “(2) *the authority of the Commissioner of Food*
 15 *and Drugs and the Secretary of Health and Human*
 16 *Services under that Act.”.*

17 **SEC. 10112. RULE OF CONSTRUCTION.**

18 *Nothing in this title authorizes interference with the*
 19 *interstate commerce of hemp (as defined in section 297A*
 20 *of the Agricultural Marketing Act of 1946, as added by sec-*
 21 *tion 10111).*

22 **TITLE XI—CROP INSURANCE**

23 **SEC. 11101. DEFINITIONS.**

24 *Section 502(b) of the Federal Crop Insurance Act (7*
 25 *U.S.C. 1502(b)) is amended—*