

28 4-41-103, as last amended by Laws of Utah 2017, Chapter 345

29 ENACTS:

30 4-41-104, Utah Code Annotated 1953

31 4-41-105, Utah Code Annotated 1953



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 4-41-102 is amended to read:

34 **4-41-102. Definitions.**

35 For purposes of this chapter:

36 (1) "Agricultural pilot program" means a program to study the growth, cultivation, or
37 marketing of industrial hemp.

38 [~~(1)~~] (2) "Industrial hemp" means any part of a cannabis plant, whether growing or not,
39 with a concentration of less than 0.3% tetrahydrocannabinol by weight.

40 [~~(2)~~] (3) "Industrial hemp certificate" means a certificate issued by the department to a
41 higher education institution to grow or cultivate industrial hemp under Subsection 4-41-103(1).

42a **H→ (4) "Industrial hemp license" means a license issued by the department to a person for**
42b **the purpose of participating in a research pilot program.**

43 [~~(4)~~] (5) **←H** "Industrial hemp product" means a product derived from, or made
43a by, processing
44 industrial hemp plants or industrial hemp parts.

45 **H→** [~~(5)~~] (6) **←H** "Licensee" means an individual or business entity possessing a license
45a issued by the
46 department under this chapter to grow, cultivate, process, or market industrial hemp or an
47 industrial hemp product.

48 **H→** [~~(6)~~] (7) **←H** "Person" means:

49 (a) an individual, partnership, association, firm, trust, limited liability company, or
50 corporation; and

51 (b) an agent or employee of an individual, partnership, association, firm, trust, limited
52 liability company, or corporation.

53 **H→** [~~(7)~~] (8) **←H** "Research pilot program" means a program conducted by the
53a department in
54 collaboration with at least one licensee to study methods of cultivating, processing, or
55 marketing industrial hemp.

56 Section 2. Section 4-41-103 is amended to read:

57 **4-41-103. Industrial hemp -- Agricultural and academic research.**

58 (1) The department and its licensee may grow [~~or~~], cultivate, or process industrial

90 (b) an individual who has been convicted of a drug-related misdemeanor within the last
 91 10 years.

92 [~~(5)~~] (7) The department may set a fee, pursuant to Subsection 4-2-103(2), for the
 93 application of an industrial hemp certificate ~~H→~~ **and the application for an industrial**
 93a **hemp license ←H** .

94 Section 3. Section **4-41-104** is enacted to read:

95 **4-41-104. Product registration required for distribution -- Application -- Fees --**
 96 **Renewal.**

97 (1) An industrial hemp product that is not registered with the department may not be
 98 distributed in this state.

99 (2) A person seeking registration for an industrial hemp product shall:

100 (a) apply to the department on forms provided by the department; and

101 (b) submit an annual registration fee, determined by the department pursuant to
 102 Subsection 4-2-103(2), for each industrial hemp product the person intends to distribute in this
 103 state.

104 (3) The department may conduct tests, or require test results, to ensure that any claim
 105 made by an applicant about an industrial hemp product is accurate.

106 (4) Upon receipt by the department of a proper application and payment of the
 107 appropriate fee, as described in Subsection (2), the department shall issue a registration to the
 108 applicant allowing the applicant to distribute the registered hemp product in the state through
 109 June 30 of each year, subject to suspension or revocation for cause.

110 (5) The department shall mail, either through the postal service or electronically, forms
 111 for the renewal of a registration to a registrant at least 30 days before the day on which the
 112 registrant's registration expires.

113 Section 4. Section **4-41-105** is enacted to read:

114 **4-41-105. Unlawful acts.**

115 (1) It is unlawful for a person who is not a licensee to cultivate, handle, process, or
 116 market living industrial hemp plants, viable hemp seeds, leaf materials, or floral materials
 117 derived from industrial hemp.

118 (2) It is unlawful for any person to distribute or market an industrial hemp product that
 119 is not registered with the department pursuant to Section 4-41-104.

119a ~~H→~~ **(3) The department may seize and destroy hemp plants or products that do not comply**
 119b **with this chapter, including cannabis plants or products that contain a concentration of 0.3%**
 119c **tetrahydrocannabinol or greater by weight.**

120 [~~(3)~~] (4) ~~←H~~ Nothing in this chapter authorizes any person to violate federal law,
 120a regulation, or