**A** **BILL**

TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 55 CONCERNING INDUSTRIAL HEMP; TO PROVIDE THAT IT IS LAWFUL TO GROW INDUSTRIAL HEMP IN THIS STATE; TO CLARIFY THAT INDUSTRIAL HEMP IS EXCLUDED FROM THE DEFINITION OF MARIJUANA; TO PROHIBIT GROWING INDUSTRIAL HEMP AND MARIJUANA ON THE SAME PROPERTY OR OTHERWISE GROWING MARIJUANA IN CLOSE PROXIMITY TO INDUSTRIAL HEMP TO DISGUISE THE MARIJUANA GROWTH; AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds that:

(1) Hemp is a fiber and oilseed crop with a wide variety of uses, including twine, rope, paper, construction materials, carpeting, and clothing, and has the potential for use as a cellulosic ethanol biofuel;

(2) Hemp seeds have been used in making industrial oils, cosmetics, medicines, and food;

(3) Hemp and marijuana are genetically different cultivars of the same plant species and are scientifically distinguishable from each other;

(4) Hemp is grown for scientific, economic, and environmental uses while marijuana is grown for narcotic use; and

(5) Research and development related to hemp has the potential to provide a cash crop for South Carolina’s farmers with broad commercial application that will enhance the economic diversity and stability of our State’s agricultural industry.

SECTION 2. Title 46 is amended by adding:

“Chapter 55

Industrial Hemp Cultivation

Section 46‑55‑10. For the purposes of this chapter:

(1) ‘Industrial hemp products’ means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and seed for cultivation if the seeds originate from industrial hemp varieties.

(2) ‘Industrial hemp’ means all parts and varieties of the plant cannabis sativa, cultivated or possessed by a licensed grower, whether growing or not, that contain of no more tetrahydrocannabinol concentration than adopted by federal law in the Controlled Substances Act, 21 U.S.C. 801, et. seq.

(3) ‘Tetrahydrocannabinol’ means the natural or synthetic equivalents or substances contained in the plant, or in the resinous extractives of cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

Section 46‑55‑20. It is lawful for an individual to cultivate, produce, or otherwise grow industrial hemp in this State to be used for any lawful purpose, including, but not limited to, the manufacture of industrial hemp products, and scientific, agricultural, or other research related to other lawful applications for industrial hemp.

Section 46‑55‑30. Industrial hemp is excluded from the definition of marijuana in Section 44‑53‑110.

Section 46‑55‑40. An individual who manufactures, distributes, dispenses, delivers, purchases, aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, purchase, or possesses with the intent to manufacture, distribute, dispense, deliver, or purchase marijuana on property used for industrial hemp production, or in a manner intended to disguise the marijuana due to its proximity to industrial hemp, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. The penalty provided for in this section may be imposed in addition to any other penalties provided by law.”

SECTION 3. This act takes effect upon approval by the Governor.

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