

AMENDED IN ASSEMBLY JANUARY 5, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 25, 2005

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1147

Introduced by Assembly Member Leno

February 22, 2005

An act to amend ~~Sections 11018, 11054, 11357, 11358, 11359, 11360, 11361, and 11362.7~~ *Section 11018* of, and to add Section 11018.5 to, the Health and Safety Code, relating to industrial hemp.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Leno. Industrial hemp.

(1) Existing law makes it a crime to engage in any of various transactions relating to marijuana, except as otherwise authorized by law, such as the medical marijuana program. For the purposes of these provisions, marijuana is defined as not including the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

This bill would revise the definition of marijuana so that the term would ~~also~~ *instead* not include industrial hemp, ~~which the~~ *as defined, except where the plant is cultivated or processed for purposes not expressly allowed for.* The bill would define *industrial hemp* as an agricultural *field* crop that is limited to the nonpsychoactive varieties

of the *plant Cannabis-plant sativa L.* having no more than 3/10 of 1% tetrahydrocannabinol contained in the dried flowering tops, *that is cultivated from seed originating in California*, and that is cultivated and processed exclusively for the purpose of producing *the mature stalks of the plant*, fiber produced from the stalks, oil or cake made from the seeds of the plant, ~~or any other compound, manufacture, salt, derivative, mixture, or preparation~~ ~~produced from~~ of the mature stalks (except the resin or flowering tops extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. ~~The bill would make conforming changes to related provisions.~~ *The bill would provide that this definition of industrial hemp shall not be construed to authorize the cultivation, production, or possession of resin, flowering tops, or leaves that have been removed from the field of cultivation and separated from the other constituent parts of the industrial hemp plant; the transportation or sale across state borders of seed or any variety of Cannabis sativa L. that is capable of germination; or any cultivation of the industrial hemp plant that is not grown in a research setting or as an agricultural field crop. By revising the scope of application of existing crimes relating to marijuana, this bill would impose a state-mandated local program upon local governments.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11018 of the Health and Safety Code is
- 2 amended to read:
- 3 11018. "Marijuana" means all parts of the plant Cannabis
- 4 sativa L., whether growing or not; the seeds thereof; the resin
- 5 extracted from any part of the plant; and every compound,
- 6 manufacture, salt, derivative, mixture, or preparation of the plant,
- 7 its seeds or resin. It does not include industrial hemp, as defined
- 8 ~~in Section 11018.5, or the mature stalks of the plant, fiber~~

1 ~~produced from the stalks, oil or cake made from the seeds of the~~
2 ~~plant, any other compound, manufacture, salt, derivative,~~
3 ~~mixture, or preparation of the mature stalks (except the resin~~
4 ~~extracted therefrom), fiber, oil, or cake, or the sterilized seed of~~
5 ~~the plant which is incapable of germination. in Section 11018.5,~~
6 ~~except where the plant is cultivated or processed for purposes~~
7 ~~not expressly allowed for by Section 11018.5.~~

8 SEC. 2. Section 11018.5 is added to the Health and Safety
9 Code, to read:

10 11018.5. (a) ~~“Industrial hemp” refers to an agricultural~~
11 ~~means an agricultural field~~ crop that is limited to
12 nonpsychoactive varieties of the ~~Cannabis plant~~ *Cannabis*
13 *sativa L.*, having no more than three-tenths of one percent
14 tetrahydrocannabinol contained in the dried flowering tops, *that*
15 *is cultivated from seed originating in California*, and that is
16 cultivated and processed exclusively for the purpose of
17 producing ~~fiber~~ *the mature stalks of the plants, fiber produced*
18 *from the stalks, oil or cake made from the seeds of the plant, or*
19 *any other compound, manufacture, salt, derivative, mixture, or*
20 *preparation* ~~produced from~~ *of the mature stalks (except the resin*
21 *or flowering tops* extracted therefrom), fiber, oil, or cake, or the
22 sterilized seed of the plant which is incapable of germination.

23 (b) *This section shall not be construed to authorize the*
24 *following:*

25 (1) *The cultivation, production, or possession of resin,*
26 *flowering tops, or leaves that have been removed from the field*
27 *of cultivation and separated from the other constituent parts of*
28 *the industrial hemp plant.*

29 (2) *The transportation or sale across state borders of seed of*
30 *any variety of Cannabis sativa L. that is capable of germination.*

31 (3) *Any cultivation of the industrial hemp plant that is not*
32 *grown in a research setting or as an agricultural field crop.*

33 SEC. 3. *No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution because*
35 *the only costs that may be incurred by a local agency or school*
36 *district will be incurred because this act creates a new crime or*
37 *infraction, eliminates a crime or infraction, or changes the*
38 *penalty for a crime or infraction, within the meaning of Section*
39 *17556 of the Government Code, or changes the definition of a*

1 *crime within the meaning of Section 6 of Article XIII B of the*
2 *California Constitution.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Assembly,
January 4, 2006 (JR11)**

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