

§ 5940. Legitimacy of industrial hemp research

(a) In general

Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

- (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

(b) Definitions

In this section:

(1) Agricultural pilot program

The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and

(B) in a manner that—

- (i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;
- (ii) requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and
- (iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

(2) Industrial hemp

The term “industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(3) State department of agriculture

The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

(Pub. L. 113-79, title VII, §7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114-95, title IX, §9215(f), Dec. 10, 2015, 129 Stat. 2166.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95 struck out “the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.)” before “chapter 81” in introductory provisions.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

CHAPTER 89—PECAN PROMOTION AND RESEARCH

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§ 6001. Findings and declaration of policy

(a) Findings

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

(b) Policy

It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing (through adequate assessments on pecans produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, industry information, and consumer information designed to—

- (1) strengthen the pecan industry's position in the marketplace;
- (2) maintain and expand existing domestic and foreign markets and uses for pecans; and
- (3) develop new markets and uses for pecans.

(c) Construction

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce pecans.

(Pub. L. 101-624, title XIX, §1906, Nov. 28, 1990, 104 Stat. 3838.)

SHORT TITLE

Pub. L. 101-624, title XIX, §1901, Nov. 28, 1990, 104 Stat. 3838, as amended by Pub. L. 102-237, title VIII, §801, Dec. 13, 1991, 105 Stat. 1882, provided that: "This title [enacting this chapter and chapters 90 to 93 of this title and sections 2109, 2278, and 4610a of this title, amending sections 1787, 2101, 2106 to 2108, 2110, 2116, 2611 to 2614, 2617 to 2619, 2622 to 2624, 4602, 4606, 4608, and 4612 of this title, and enacting provisions set out as notes under sections 2101, 2611, 2625, 4601, and 4603 of this title] may be cited as the 'Agricultural Promotion Programs Act of 1990'."

Pub. L. 101-624, title XIX, §1905, Nov. 28, 1990, 104 Stat. 3838, provided that: "This subtitle [subtitle A (§§1905-1918) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Pecan Promotion and Research Act of 1990'."

§ 6002. Definitions

As used in this chapter—

(1) Board

The term "Board" means the Pecan Marketing Board established in section 6005(b) of this title.

(2) Commerce

The term "commerce" means interstate, foreign, or intrastate commerce.

(3) Conflict of interest

The term "conflict of interest" means a situation in which a member has a direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture, or other business entity dealing directly or indirectly with the Board.

(4) Consumer information

The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of pecans.

(5) Department

The term "Department" means the Department of Agriculture.

(6) District

The term "district" means a geographical area of the United States, as determined by

the Board and approved by the Secretary, in which there is produced approximately one-fourth of the volume of pecans produced in the United States.

(7) First handler

The term "first handler" means the first person who buys or takes possession of pecans from a grower for marketing. If a grower markets pecans directly to consumers, such grower shall be considered the first handler with respect to pecans grown by such grower.

(8) Grower

The term "grower" means any person engaged in the production and sale of pecans in the United States who owns, or who shares the ownership and risk of loss of, such pecans.

(9) Grower-sheller

The term "grower-sheller" means a person who—

- (A) shells pecans, or has pecans shelled for such person, in the United States; and
- (B) during the immediately previous year, grew 50 percent or more of the pecans such person shelled or had shelled for such person.

(10) Handle

The term "handle" means receipt of in-shell pecans by a sheller or first handler, including pecans produced by such sheller or first handler.

(11) Importer

The term "importer" means any person who imports pecans from outside of the United States for sale in the United States.

(12) Industry information

The term "industry information" means information and programs that will lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the pecan industry.

(13) In-shell pecan

The term "in-shell pecan" means a pecan that has a shell that has not been removed.

(14) To market

The term "to market" means to sell or offer to dispose of pecans in any channel of commerce.

(15) Member

The term "member" means a member of the Board.

(16) Pecan

The term "pecan" means the nut of the pecan tree *carya illinoensis*.

(17) Person

The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(18) Plan

The term "plan" means a plan issued under section 6003 of this title.

(19) Promotion

The term "promotion" means any action taken by the Board, pursuant to this chapter,