

determines that the hemp producer has negligently violated the State or Tribal plan, including by negligently—

- (i) failing to provide a legal description of land on which the producer produces hemp;
- (ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or
- (iii) producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(B) Corrective action plan

A hemp producer described in subparagraph (A) shall comply with a plan established by the State department of agriculture or Tribal government, as applicable, to correct the negligent violation, including—

- (i) a reasonable date by which the hemp producer shall correct the negligent violation; and
- (ii) a requirement that the hemp producer shall periodically report to the State department of agriculture or Tribal government, as applicable, on the compliance of the hemp producer with the State or Tribal plan for a period of not less than the next 2 calendar years.

(C) Result of negligent violation

A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any State government, Tribal government, or local government.

(D) Repeat violations

A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) 3 times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

(3) Other violations

(A) In general

If the State department of agriculture or Tribal government in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b), as applicable, determines that a hemp producer in the State or territory has violated the State or Tribal plan with a culpable mental state greater than negligence—

- (i) the State department of agriculture or Tribal government, as applicable, shall immediately report the hemp producer to—
 - (I) the Attorney General; and
 - (II) the chief law enforcement officer of the State or Indian tribe, as applicable; and
- (ii) paragraph (1) of this subsection shall not apply to the violation.

(B) Felony

(i) In general

Except as provided in clause (ii), any person convicted of a felony relating to a

controlled substance under State or Federal law before, on, or after December 20, 2018, shall be ineligible, during the 10-year period following the date of the conviction—

- (I) to participate in the program established under this section or section 1639q of this title; and
- (II) to produce hemp under any regulations or guidelines issued under section 1639r(a) of this title.

(ii) Exception

Clause (i) shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 5940 of this title before December 20, 2018.

(C) False statement

Any person who materially falsifies any information contained in an application to participate in the program established under this section shall be ineligible to participate in that program.

(f) Effect

Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—

- (1) for which a State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 1639q of this title or other Federal laws (including regulations); and
- (2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.

(Aug. 14, 1946, ch. 966, title II, §297B, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4909.)

§ 1639q. Department of Agriculture

(a) Department of Agriculture plan

(1) In general

In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 1639p of this title, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2).

(2) Content

A plan established by the Secretary under paragraph (1) shall include—

- (A) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;
- (B) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;
- (C) a procedure for the effective disposal of—
 - (i) plants, whether growing or not, that are produced in violation of this subsection; and

(ii) products derived from those plants;

(D) a procedure to comply with the enforcement procedures under subsection (c)(2);

(E) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subchapter; and

(F) such other practices or procedures as the Secretary considers to be appropriate, to the extent that the practice or procedure is consistent with this subchapter.

(b) Licensing

The Secretary shall establish a procedure to issue licenses to hemp producers in accordance with a plan established under subsection (a).

(c) Violations

(1) In general

In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 1639p of this title, it shall be unlawful to produce hemp in that State or the territory of that Indian tribe without a license issued by the Secretary under subsection (b).

(2) Negligent and other violations

A violation of a plan established under subsection (a) shall be subject to enforcement in accordance with paragraphs (2) and (3) of section 1639p(e) of this title, except that the Secretary shall carry out that enforcement instead of a State department of agriculture or Tribal government.

(3) Reporting to Attorney General

In the case of a State or Indian tribe covered by paragraph (1), the Secretary shall report the production of hemp without a license issued by the Secretary under subsection (b) to the Attorney General.

(d) Information sharing for law enforcement

(1) In general

The Secretary shall—

(A) collect the information described in paragraph (2); and

(B) make the information collected under subparagraph (A) accessible in real time to Federal, State, territorial, and local law enforcement.

(2) Content

The information collected by the Secretary under paragraph (1) shall include—

(A) contact information for each hemp producer in a State or the territory of an Indian tribe for which—

(i) a State or Tribal plan is approved under section 1639p(b) of this title; or

(ii) a plan is established by the Secretary under this section;

(B) a legal description of the land on which hemp is grown by each hemp producer described in subparagraph (A); and

(C) for each hemp producer described in subparagraph (A)—

(i) the status of—

(I) a license or other required authorization from the State department of ag-

riculture or Tribal government, as applicable; or

(II) a license from the Secretary; and

(ii) any changes to the status.

(Aug. 14, 1946, ch. 966, title II, §297C, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4912.)

§ 1639r. Regulations and guidelines; effect on other law

(a) Promulgation of regulations and guidelines; report

(1) Regulations and guidelines

(A) In general

The Secretary shall promulgate regulations and guidelines to implement this subchapter as expeditiously as practicable.

(B) Consultation with Attorney General

The Secretary shall consult with the Attorney General on the promulgation of regulations and guidelines under subparagraph (A).

(2) Report

The Secretary shall annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing updates on the implementation of this subchapter.

(b) Authority

Subject to subsection (c)(3)(B), the Secretary shall have sole authority to promulgate Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of sections 1639p and 1639q of this title.

(c) Effect on other law

Nothing in this subchapter shall affect or modify—

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

(2) section 262 of title 42; or

(3) the authority of the Commissioner of Food and Drugs and the Secretary of Health and Human Services—

(A) under—

(i) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(ii) section 262 of title 42; or

(B) to promulgate Federal regulations and guidelines that relate to the production of hemp under the Act described in subparagraph (A)(i) or the section described in subparagraph (A)(ii).

(Aug. 14, 1946, ch. 966, title II, §297D, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4913.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(1), (3)(A)(i), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.