



SPONSOR: Sen. Delcollo & Sen. Ennis & Rep. Wilson &  
Rep. Carson  
Sen. Richardson; Reps. Q. Johnson, Keeley, Paradee,  
Yearick

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 266

AN ACT TO AMEND TITLE 3 RELATING TO THE CULTIVATION OF INDUSTRIAL HEMP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 101, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 101. Powers.

The Department of Agriculture may:

(11) Adopt any policies and regulations necessary to permit the cultivation of industrial hemp when federal law permits the cultivation of industrial hemp beyond agricultural or academic research.

Section 2. Amend § 1601, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1601. Definitions.

As used in this chapter:

(3) "Grain" means includes, but is not limited to, corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans, mixed grain and any other food grains, feed grains, hemp, and oilseeds which standards have been established in the United States Grain Standards Act, 7 U.S.C. Chapter 3 [7 U.S.C. §§ 71-87k].

SYNOPSIS

Under federal law, the cultivation of industrial hemp is only permitted for agricultural or academic research. There is federal legislation pending that may lift the restrictions on the cultivation of industrial hemp. Delaware law does not prohibit the cultivation of industrial hemp and Chapter 28 of Title 3 permits the cultivation of industrial hemp for agricultural or academic research to the maximum extent permitted by federal law.

Industrial hemp is used in a wide range of products, including fibers, textiles, paper, construction and insulation materials, cosmetic products, animal feed, food, and beverages. Hemp comes from the same plant as marijuana, the Cannabis Sativa L but has a much lower amount of tetrahydrocannabinol (THC), the compound that causes the intoxication, than marijuana.

The Department of Agriculture does not regulate industrial agriculture by specific crops, but instead, Title 3 has chapters on topics that impact agriculture broadly, regarding the regulation of areas such as pesticides, seeds, and grain inspection.

This Act permits the Department of Agriculture to adopt any policies and regulations necessary to permit the cultivation of industrial hemp when federal law permits the cultivation of industrial hemp beyond agricultural or academic research and adds hemp to the definition of “grain” in Chapter 16 of Title 3. It requires a three-fifths vote because regulating industrial hemp may require the revision of regulations that would expand existing fees to hemp cultivation. This Act thus positions Delaware to immediately permit the industrial cultivation of hemp if and when the federal restrictions are repealed.

Author: Senator Delcollo