

HCS SB 133 -- AGRICULTURE

SPONSOR: Cunningham (Shaul)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 13 to 8. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

This bill changes the laws relating to agriculture

#### ZONING CLASSIFICATIONS FOR SAW MILLS

This bill requires that for purposes of property zoning classifications, sawmills must be classified as agricultural property (Sections 64.002, 65.702, and 89.020, RSMo).

#### INDUSTRIAL HEMP

This bill modifies the requirements relating to the production of industrial hemp. In its main provisions, the bill:

- (1) Modifies the permit requirements to include anyone who sells or distributes industrial hemp seed or propagules and requires a producer of industrial hemp to obtain a registration from the Department of Agriculture;
- (2) Specifies that each individual parcel of ground or indoor cultivation facility with a separate legal description must obtain a separate registration unless the parcels are contiguous and owned by the same person;
- (3) Prohibits the department from issuing a registration or permit to a person who has been found guilty of or pled guilty to a felony in the last 10 years;
- (4) Modifies the fines for any person violating the requirements of an industrial hemp registration or industrial hemp propagule or seed permit;
- (5) Removes any acreage requirements for the growth of industrial hemp. Currently, under the Industrial Hemp Pilot Program, the Department of Agriculture can only issue a permit to a single registrant or permittee for a plot of no less than 10 acres and no more than 40 acres and a total of 2,000 acres statewide. The department can only issue a permit to an institute of higher education for a plot of less than 10 acres and a total of 20 acres statewide;

(6) Specifies that if a crop of industrial hemp exceeds the allowed THC concentration during the required testing, the crop must be retested. If when retested, the crop exceeds the allowed THC concentration, the department may order the producer to destroy the crop;

(7) Prohibits the department from regulating certain activities related to industrial hemp unless required by federal law; and

(8) Specifies that an institution of higher education based in Missouri or any research centers directed by the institution of higher education may engage in the research and study of industrial hemp as authorized under the Agricultural Act of 2014 or any successor law without being required to obtain a registration (Sections 195.740-195.767 and the repeal of 195.755 and 195.700).

#### SALE OF EGGS

This bill specifies that if the Director of the Department of Agriculture determines, after inquiry and opportunity for a hearing, that an individual has violated any of the laws relating to the sale of eggs, the director has the authority to assess a penalty of not more than \$500 per violation and not more than \$500 for each day the violation continues (Section 196.352).

#### INSPECTION OF AGRICULTURAL FACILITIES

This bill specifies that the Missouri departments of Agriculture and Natural Resources, the county sheriff for the county in which the facility is located, the United States Department of Agriculture, and any other federal or Missouri state agency with statutory or regulatory authority have exclusive authority to inspect the grounds or facilities in Missouri used for the production of eggs, milk or other dairy products, raising of livestock, or the production or raising of dogs or other animals not used to produce any food product. Unless requested by the owner of the facility, no other entity may inspect the grounds or facilities to enforce or carry out the laws or administrative rules of another state (Section 261.099).

#### DEPARTMENT OF AGRICULTURE FEES

This bill requires the Department of Agriculture to convene a work group every five years to review all fees charged by the department and submit a report to the General Assembly on any recommended changes to the fees. The bill also increases the fees for several programs and licenses within the department's Plant Industries Division.

In addition, every pesticide which is distributed or sold in Missouri must be registered with the Department of Agriculture and pay an annual fee product registered. The department director would be allowed to deposit up to 7% of the fee into the Pesticide Education Fund to be used for pesticide applicator certification programs, pesticide education programs, and pesticide waste and container disposal programs (Sections 261.140, 264.061, 266.031, 266.165, 266.190, 281.035, 281.038, 281.050, 281.260 and 281.265).

#### TREATED TIMBER LAW

This bill repeals the Missouri Treated Timber Law (Sections 280.005 - 280.140).

This bill contains an emergency clause for the section relating to the ability for institutions of higher education to grow and study industrial hemp (Section 195.767).

PROPONENTS: Supporters say that currently the only administrative option the department has for a violation of the laws relating to the sale of eggs is to suspend the individual's license. This bill would allow the department to assess a civil penalty instead of suspending the license.

Testifying for the bill were Senator Cunningham and the Missouri Department of Agriculture.

OPPONENTS: There was no opposition voiced to the committee.