



# NC Legislative Update: Hemp Legislation Passes House; Headed Back to Senate

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**On August 21, the North Carolina House of Representatives voted, by a narrow margin, to advance Senate Bill 315 – North Carolina Farm Act of 2019.**

While not the only issue addressed, hemp features prominently in this particular Farm Act. The version of this Act as approved by the House is different from the Senate version. Among other things, it

features a ban on smokable hemp which mirrors the ban featured by the Senate version. But the Senate version called for a ban in December of 2020, while the House version accelerates the effective date to May of 2020. It now travels back to the Senate for consideration, and it remains to be seen what will happen next.

## A Tale of Two Chambers

The bill has seen significantly different treatment in the two sides of the General Assembly. The Senate process was relatively typical and straightforward. While this version also included a ban on smokable hemp, that ban was pushed far out in order to give lawmakers, law enforcement, and industry participants the time they needed to work together to address issues of field testing, probable cause, and the like. This delayed ban was also designed to protect our State's hemp growers from losing the ability to sell their current crop.

Things have been more complicated in the House, where the industry and law enforcement's disagreements over the impact of the legislation on criminal enforcement have come to a head and embroiled lawmakers. The bill has labored there in committees for several weeks and, despite the pleas of the sponsoring Senators, undergone significant change. The current version of the bill, passed by the House, with all amendments engrossed is available [here](#). For comparison, the version originally passed by the Senate is available [here](#).

## What Comes Next?

Due to significant differences between the House and Senate versions, the Senate now has the opportunity to vote to concur or not with the House's changes. If the Senate votes to concur, the House version will be sent to the Governor, and upon receipt of his signature, would become law. If the Senate votes not to concur with the House version, conferees from both

chambers would be appointed to negotiate a final version of the bill. The Senate could also elect not to hold a concurrence vote at all, or could refuse to appoint conferees, which would prevent the bill's passage altogether. That would delay the process until the next legislative session, which we expect will begin in May of 2020.

Ward and Smith's Hemp Law team actively monitors local and national developments in order to react swiftly to keep clients informed and in-step with state and federal laws. Whether you are new to the industry or a seasoned entrepreneur, we can help you navigate the legal challenges to ensure that you and your business are properly protected.

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