CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE
Karen Ross, Secretary

March 19, 2020

To: Interested Industrial Hemp Cultivation Applicants

Subject: California Industrial Hemp Cultivation Requirements

Thank you for your interest in registering to cultivate industrial hemp in California.

In accordance with Sections 81003 and 81004 of the California Food and Agricultural Code and Section 4901 in Title 3 of California Code of Regulations, industrial hemp growers and breeders are required to register prior to planting.

California requirements for industrial hemp cultivation can be found in Division 24 of the California Food and Agricultural Code (FAC) and in Title 3 of the California Code of Regulations (CCR). It is important to understand the cultivation requirements outlined in law and regulations. A copy of the current laws and regulations are included in the application packet for your convenience. Please review the law and regulations prior to submitting your application to your county agricultural commissioner's office.

CDFA has adopted 3 CCR Sections 4901, 4902, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 pertaining to industrial hemp application, criminal history report, sampling and testing for THC Content, harvest, and destruction through emergency rulemaking. These emergency regulations may be subjected to changes as CDFA will propose to amend and permanently adopt the emergency regulations through the regular rulemaking process in accordance with California Administrative Procedure Act (APA).

The U.S. Domestic Hemp Production Program was established by the U.S. Department of Agriculture (USDA) through an interim final rule on October 31, 2019. The interim final rule provides the requirements for State and Tribal regulatory plans submitted to USDA for review and approval. Please note that additional regulations pertaining to cutivation will be developed and promulgated through the regular rulemaking process in accordance with the APA as CDFA prepares to submit a state regulatory plan to USDA for review and approval by May 1, 2020.

CDFA will notify all registrants and the public via our electronic mailing list when any regulations are posted and available for public comment and when CDFA submits a state regulatory plan to USDA for reviewand approval.

For information regarding any additional local restrictions that may apply to any proposed activities, please contact the applicable county and/or city officials, including the county agricultural commissioner's office. The following counties may have additional restrictions on industrial hemp cultivation: Amador, Calaveras, Glenn, Humboldt, Lassen, Mariposa, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Sacramento, San Luis Obispo, Santa Barbara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

For additional information on California's hemp law, and to sign up to receive updates on the status of industrial hemp from CDFA, please visit us online at https://www.cdfa.ca.gov/plant/industrialhemp/.

Attachments: California Industrial Hemp Law and Regulations
Industrial Hemp Registration Application

CALIFORNIA
INDUSTRIAL HEMP LAW
AND REGULATIONS

EXTRACTS FROM THE

CALIFORNIA FOOD AND AGRICULTURAL CODE

Division 24, Sections 81000-81015

CALIFORNIA CODE OF REGULATIONS

Title 3, Division 4, Chapter 8
Article 1. Registration of Industrial Hemp Growers
Article 2. Regulations for Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

Rev. 03/18/20

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California Industrial Hemp Law

The following sections are extracts from Division 24 the California Food and Agricultural Code. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Food and Agricultural Code published by the California State Legislature.

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

(4) "Established agricultural research institution" means an institution that is either of the following:

(A) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers.

(B) An institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

(5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.

(6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

(7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.

(8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "THC" means delta-9 tetrahydrocannabinol.

(10) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall remain operative only until the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)), and as of January 1 of the following year is repealed.

(Amended by Stats. 2019, Ch. 838, Sec. 2. (SB 153) Effective January 1, 2020. Repealed on the date prescribed by its own provisions. See later operative version added by Sec. 3 of Stats. 2019, Ch. 838.)

81000. Definitions.

(a) For purposes of this division, the following terms have the following meanings:

(1) "Approved state plan" means a state plan for California that is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)) and in effect.

(2) "Board" means the Industrial Hemp Advisory Board.

(3) "Cultivar" means a variety of industrial hemp.

(4) "Established agricultural research institution" means an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research.

(5) "Hemp breeder" means an individual or a public or private institution or organization that is registered with the commissioner to develop cultivars intended for sale or research.

(6) "Industrial hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

(7) "Industrial hemp program" means growth of industrial hemp pursuant to this division and, if in effect, an approved state plan.

(8) "Premises" has the same meaning as defined in subdivision (ap) of Section 26001 of the Business and Professions Code.

(9) "Research plan" means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.

(10) "THC" means delta-9 tetrahydrocannabinol.

(11) "Variety development plan" means a strategy devised by a hemp breeder, or applicant hemp breeder, detailing their planned approach to growing and developing a new cultivar for industrial hemp.

(b) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

(Repealed (in Sec. 2) and added by Stats. 2019, Ch. 838, Sec. 3. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81001. (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:

(1) Five of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.

(4) One member of the board shall be a county agricultural commissioner.

(5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.

(6) Two members of the board shall be representatives of businesses that sell industrial hemp products.

(7) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

(Amended by Stats. 2019, Ch. 838, Sec. 4. (SB 153) Effective January 1, 2020.)

81002. (a) Except when grown by a registered established agricultural research institution or by a registered hemp breeder developing a new cultivar, industrial hemp shall be grown only if it is on the list of approved cultivars, or produced by clonal propagation of industrial hemp that is on the list of approved cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved cultivars shall include all of the following:

(1) Industrial hemp cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.

(2) Industrial hemp cultivars that have been certified by the Organization of Economic Cooperation and Development.

(3) California varieties of industrial hemp cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved cultivars by adding, amending, or removing cultivars.

(2) The adoption, amendment, or repeal of the list of approved cultivars, and the adoption of a methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a cultivar is added, amended, or removed from the list of approved cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a cultivar from the list of approved cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

(A) Indicate that the methodology and procedure are adopted pursuant to this division.

(B) State that the methodology and procedure are being transmitted for filing.

(C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved cultivars, and any addition, amendment, or removal from that list.

(Amended by Stats. 2019, Ch. 838, Sec. 5. (SB 153) Effective January 1, 2020.)

81003. (a) (1) Except for an established agricultural research institution subject to Section 81004.5 or a hemp breeder subject to Section 81004, and before cultivation, a grower of industrial hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) The approved cultivar to be grown, including the state or county of origin.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each grower of industrial hemp.

(B) A legal description of the land on which the grower engages in industrial hemp cultivation.

(C) Registration status of the grower of industrial hemp.

(f) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 6. (SB 153) Effective January 1, 2020.)

81004. (a) (1) Except when grown by an established agricultural research institution subject to Section 81004.5, and before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(C) A variety development plan, which shall include all of the following:

(i) If a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification.

(ii) The industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar.

(iii) A plan for testing all of the plants grown.

(iv) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(v) The measures that will be taken to prevent the unlawful use of industrial hemp under this division.

(vi) A procedure for the maintenance of records documenting the development of the new cultivar.

(3) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(4) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the industrial hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue a hemp breeder registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts industrial hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate industrial hemp on the changed or altered land area.

(d) A registrant that wishes to change the cultivar grown shall submit to the commissioner the name of the new, approved cultivar to be grown. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate the new cultivar.

(e) A registrant developing a new cultivar who wishes to change any provision of the variety development plan shall submit to the commissioner the revised variety development plan. Once the commissioner has

received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that the registrant may cultivate under the revised variety development plan.

(f) All records pertaining to the variety development plan shall be kept and maintained by the hemp breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each hemp breeder.

(B) A legal description of the land on which the hemp breeder engages in industrial hemp cultivation.

(C) Registration status of the hemp breeder.

(h) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(Amended by Stats. 2019, Ch. 838, Sec. 7. (SB 153) Effective January 1, 2020.)

81004.5. (a) (1) Before cultivating hemp for agricultural or academic research, an established agricultural research institution shall register with the commissioner of the county in which it intends to cultivate.

(2) The registration application shall include all of the following:

(A) The name, physical address, and mailing address of the applicant.

(B) The legal description, Global Positioning System coordinates, and map of the geographic area where the applicant plans to engage in hemp cultivation or storage, or both.

(C) A research plan that shall include all of the following:

(i) The hemp varieties that will be used and, if applicable, how those varieties will be used for purposes of agricultural or academic research.

(ii) A plan for testing all of the plants cultivated.

(iii) The measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent.

(iv) The measures that will be taken to prevent the unlawful use of hemp under this division.

(v) A procedure for the maintenance of records documenting the agricultural or academic research.

(3) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration if it will continue cultivating hemp beyond that term.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met and that the applicant is eligible to participate in the hemp program, in accordance with Sections 81012 to 81014, inclusive, the commissioner shall issue an established agricultural research institution registration to the applicant.

(c) A registrant that wishes to change or alter the land area on which the registrant conducts hemp cultivation or storage, or both, shall, before any alteration or change, submit to the commissioner an updated registration with the legal description, Global Positioning System coordinates, and map specifying the proposed land change or alteration. Once the commissioner has received the change to the registration and the commissioner determines that the requirements pursuant to this division are met, the commissioner shall notify the registrant that it may cultivate hemp on the changed or altered land area.

(d) A registrant conducting agricultural or academic research who wishes to change any provision of the research plan shall submit to the commissioner a revised research plan. Once the commissioner has received the revised research plan, and the commissioner determines that the requirements of this division are met, the commissioner shall notify the registrant that it may cultivate under the revised research plan.

(e) All records pertaining to the research plan shall be kept and maintained by the established agricultural research institution and be available upon request by the commissioner or a law enforcement agency.

(f) (1) The commissioner shall transmit information collected under this section to the department.

(2) The following information shall be transmitted by the commissioner to the department no more than 10 business days, and submitted by the department to the United States Department of Agriculture no more than 30 business days, after the date on which it is collected, or, in the case of subparagraph (C), the date of a change in registration status:

(A) Contact information for each registered established agricultural research institution.

(B) A legal description of the land on which the established agricultural research institution engages in hemp cultivation.

(C) Registration status of the established agricultural research institution.

(g) The department and the commissioner shall retain information collected under this section for at least three years after collecting or receiving it.

(h) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 8. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81005. (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

(Amended by Stats. 2019, Ch. 838, Sec. 9. (SB 153) Effective January 1, 2020.)

81006. Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) Except when grown by a registered established agricultural research institution or a registered hemp breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall not be cultivated on a premises licensed by the department to cultivate or process cannabis. Industrial hemp, regardless of its THC content, that is cultivated on a premises licensed by the department for cannabis cultivation shall be considered cannabis as defined in subdivision (f) of Section 26001 of the Business and Professions Code and subject to licensing and regulatory requirements for cannabis pursuant to Division 10 (commencing with Section 26000) of the Business and Professions Code.

(d) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(e) (1) Except when industrial hemp is grown by a registered established agricultural research institution and tested in accordance with an approved research plan or by a registered hemp breeder and tested in accordance with an approved variety development plan, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or hemp breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the registrant's proof of registration.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method. The testing method shall use postdecarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall

indicate the percentage concentration of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage concentration of THC that is equal to or less than 0.3 percent, the laboratory shall provide the person who requested the testing not less than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage concentration of THC that is greater than 0.3 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage concentration of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent but does not exceed 1 percent.

(10) A registered established agricultural research institution or a registered hemp breeder shall obtain laboratory results in accordance with its approved research plan or variety development plan. The secretary may authorize a registered established agricultural research institution or hemp breeder to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage concentration of THC that is greater than 0.3 percent in accordance with its approved research plan or variety development plan if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the 0.3 percent THC limit established in this division.

(11) A registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

(Amended by Stats. 2019, Ch. 838, Sec. 10. (SB 153) Effective January 1, 2020. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64.)

81007. As part of the registration program established pursuant to this division, the department may establish and carry out, by regulation, an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940) in accordance with the purposes of that section.

(Added by Stats. 2018, Ch. 986, Sec. 6. (SB 1409) Effective January 1, 2019.)

81008. Attorney General Reports; Requirements.

(a) Not later than January 1, 2019, the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:

(1) A field of industrial hemp being used to disguise marijuana cultivation.

(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.5. Section operative January 1, 2017, pursuant to Section 81010. Repealed on January 1, 2023, or later as prescribed by its own provisions.)

81009. Not later than January 1, 2019, or five years after the provisions of this division are authorized under federal law, whichever is later, the board, in consultation with the Hemp Industries Association, or its successor industry association, shall report the following to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety:

(a) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in California.

(b) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in other states that may have permitted industrial hemp cultivation.

(Added by Stats. 2013, Ch. 398, Sec. 4. (SB 566) Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)

81010. This division, and Section 221 shall become operative on January 1, 2017.

(Amended by Stats. 2017, Ch. 27, Sec. 112. (SB 94) Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64, making Division 24 (commencing with Section 81000) operative on January 1, 2017.)

81011. Before cultivating industrial hemp, an established agricultural research institution shall provide the Global Positioning System coordinates of the planned cultivation site to the commissioner of the county in which the site is located.

(Added by Stats. 2018, Ch. 986, Sec. 7. (SB 1409) Effective January 1, 2019.)

81012. (a) Enforcement of the approved state plan shall comply with subdivision (e) of Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)).

(b) A grower of industrial hemp, established agricultural research institution, or hemp breeder that the secretary determines has violated a provision of this division listed in the approved state plan or an additional requirement listed pursuant to subdivision (b) of Section 81015, including, but not limited to, by failing to provide a legal description of the land on which industrial hemp is grown, failing to register as required, or exceeding the 0.3 percent THC limit established in this division, shall be subject to the following consequences:

(1) For a negligent violation, as determined by the secretary, the consequences under state laws for a violation of this division shall be as follows:

(A) If the violation is not a repeat violation subject to subparagraph (B), the grower of industrial hemp, established agricultural research institution, or hemp breeder shall comply with a corrective action plan, to be established by the secretary, that includes both of the following:

(i) A reasonable date by which the grower of industrial hemp, established agricultural research institution, or hemp breeder shall correct the negligent violation.

(ii) A requirement that the grower of industrial hemp, established agricultural research institution, or hemp breeder shall periodically report to the secretary, for a period of at least the next two calendar years, on its compliance with this division or the approved state plan.

(B) A grower of industrial hemp, established agricultural research institution, or hemp breeder that commits a negligent violation three times in a five-year period shall be ineligible to participate in the industrial hemp program for a period of five years beginning on the date of the finding of the third violation.

(2) For a violation committed intentionally, or with recklessness or gross negligence, the secretary shall immediately report the grower of industrial hemp, established agricultural research institution, or hemp breeder to the Attorney General of the United States and the Attorney General of this state, as applicable.

(c) This section shall become operative as of the date on which a state plan for California is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)).

(Added by Stats. 2019, Ch. 838, Sec. 11. (SB 153) Effective January 1, 2020. Operative on the date prescribed by its own provisions.)

81013. Any person convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020, shall be ineligible, during the 10-year period following the date of the conviction, to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 12. (SB 153) Effective January 1, 2020.)

81014. A person that materially falsifies any information contained in an application or registration under Section 81003 or 81004, or other application to participate in the industrial hemp program, shall be ineligible to participate in the industrial hemp program.

(Added by Stats. 2019, Ch. 838, Sec. 13. (SB 153) Effective January 1, 2020.)

81015. (a) On or before May 1, 2020, the secretary, in consultation with the Governor and the Attorney General, shall develop and submit to the United States Secretary of Agriculture a state plan, consistent with this division, pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (added by Section 10113 of the federal Agriculture Improvement Act of 2018 (Public Law 115-334)), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section.

(b) In an annex to the state plan, the secretary shall list the provisions of this division that are included in the state plan, and any additional requirements in the state plan, that shall be subject to enforcement pursuant to Section 81012.

(Added by Stats. 2019, Ch. 838, Sec. 14. (SB 153) Effective January 1, 2020.)

Registration Fees

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 1. Registration of Industrial Hemp Growers

4900. Registration Fees

(a) The Secretary establishes the following fees for registration of growers of industrial hemp for commercial purposes and seed breeders to be submitted along with the registration application as authorized in sections 81003 and 81004 of the Food and Agricultural Code:

(1) Prior to cultivation, a fee of nine-hundred dollars ($900) per applicant shall be submitted with the application to the commissioner.

(2) A separate registration is required for each county in which the applicant intends to grow industrial hemp.

(3) This registration is valid for one year from date of issuance by the commissioner.

(b) The Secretary establishes the following fees for registration renewal of growers of industrial hemp for commercial purposes and seed breeders:

(1) Upon expiration of registration, a fee of nine-hundred dollars ($900) per registrant shall be due to the commissioner in each county in which the applicant intends to continue to grow industrial hemp.

(2) Renewed registration is valid for one year from date of issuance of renewal by the commissioner.

Note: Authority cited: Sections 407, 483, and 81005, Food and Agricultural Code.
Reference: Sections 81003, 81004, and 81005, Food and Agricultural Code.

Registration Application and Criminal History Report

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 1. Registration of Industrial Hemp Growers

Section 4901. Registration Application for Industrial Hemp.

(a) Definitions.

(1) "Cultivation site" means contiguous land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(b) Registration.

(1) Except for an established agricultural research institution subject to Food and Agricultural Code section 81004.5 or a hemp breeder subject to Food and Agricultural Code section 81004, before cultivation, a grower of hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation. The registration application for growers of hemp shall include:

(A) the name, physical address, and contact information of the applicant, including mailing address, telephone number, and email (if available),

(B) the business type (sole proprietor, partnership, corporation, limited liability corporation, or specified other), business name(s) including all DBAs ("doing business as"), and the employer identification number (EIN) of the business entity,

(C) the name(s) and title(s) of all key participants as defined in Section 4902(a)(2),

(D) the legal description, Global Positioning System coordinates, and map of the cultivation site(s),

(E) the approved cultivar to be grown, including the state or country of origin, and

(F) the applicant's signature certifying the following:

1. the information provided on the application is true and correct,

2. the cultivation site(s) to be registered for industrial hemp cultivation is not on premises licensed by the department to cultivate or process cannabis,

3. the applicant shall comply with all the requirements outlined in Division 24 of the Food and Agricultural Code and this chapter, and

4. any changes to the registration shall be provided to the commissioner in accordance with Section 4901(c).

(2) Except for an established agricultural research institution subject to Food and Agricultural Code section 81004.5, before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation. The registration application for hemp breeders shall include:

(A) the name, physical address, and contact information of the applicant, including mailing address, telephone number, and email (if available),

(B) the business type (sole proprietor, partnership, corporation, limited liability corporation, specified other), business name(s) including all DBAs ("doing business as"), and the employer identification number (EIN) of the business entity,

(C) the name(s) and title(s) of all key participants as defined in Section 4902(a)(2),

(D) the legal description, Global Positioning System coordinates, and map of the cultivation site(s),

(E) a variety development plan, which shall include:

1. the name of the seed-certifying agency that will be conducting the certification if a new cultivar is to be certified by a seed-certifying agency,

2. the hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar,

3. a plan for testing the THC concentration of all the plants grown,

4. the measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent,

5. the measures that will be taken to prevent the unlawful use of hemp under Division 24 of the Food and Agricultural Code and this chapter, and

6. a procedure for the maintenance of records documenting the development of the new cultivar, and

(F) the applicant's signature certifying the following:

1. the information provided on the application is true and correct,

2. the cultivation site(s) to be registered for hemp cultivation is not on premises licensed by the department to cultivate or process cannabis,

3. the applicant shall comply with all the requirements outlined in Division 24 of the Food and Agricultural Code and this chapter, and

4. any changes to the registration shall be provided to the commissioner in accordance with Section 4901(c).

(3) Each registration application shall be accompanied with:

(A) the registration or renewal fee in accordance with Section 4900, and

(B) criminal history reports for all key participants in accordance with Section 4902.

(c) Alterations or changes to registration.

(1) Registrants shall submit an updated registration application to the commissioner for any of the following alterations or changes:

(A) Any alterations or changes to business name, contact information, or key participants as defined by Section 4902(a)(2) must be submitted within 15 calendar days of the change.

(2) Any alterations or changes to cultivation sites, approved cultivars, or variety development plans must be approved by the commissioner prior to planting.

(d) Registration renewal.

(1) A registrant shall submit a registration application to the commissioner in each county in which the applicant intends to renew the registration at least 30 calendar days prior to the expiration of registration. Renewal applications received less than 30 calendar days from registration expiration may result in noncompliance with Section 4901(b).

(e) Commissioner approval, refusal, or revocation.

(1) Once the commissioner receives the application for registration, registration amendment, or renewal and determines that the requirements pursuant to Division 24 of the Food and Agricultural Code and this chapter are met, the commissioner shall issue a registration to the applicant and notify the registrant that it may cultivate hemp using the registered cultivar(s), cultivation site(s), and variety development plan(s).

(2) If the commissioner determines that the application for registration or renewal does not meet the requirements outlined Division 24 of the Food and Agricultural Code and this chapter, the commissioner shall provide written notification to the applicant of the deficiencies in the application. The applicant shall have 30 calendar days from the receipt of the notification to provide the requested information to the commissioner. If the requested information is not provided within the timeframe, the commissioner will deny registration.

(A) If registration is denied due to deficiencies in the application for registration or renewal, the applicant must submit a new application and registration or renewal fee to the commissioner in order to register to cultivate hemp.

Note: Authority cited: Sections 407, 81003, 81004, 81005, 81006, and 81013, Food and Agricultural Code.
Reference: Sections 81003, 81004, 81005, 81006, and 81013, Food and Agricultural Code.

Section 4902. Criminal History Report for Industrial Hemp Registration.

(a) Definitions.

(1) “Criminal history report” means the Federal Bureau of Investigation’s Identity History Summary.

(2) “Key Participants” means any person in the entity producing industrial hemp who is:

(A) a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation producing industrial hemp, or

(B) a person with executive managerial control over the entity producing industrial hemp, including persons such as a chief executive officer, chief operating officer and chief financial officer.

(C) This definition does not include a person in a management position with no executive managerial control over the entity producing industrial hemp, such as farm, field, or shift managers.

(3) "Disqualifying conviction" means any plea of guilty or nolo contendere, or any finding of guilt for a State or Federal felony related to a controlled substance, except:

(A) when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged, or

(B) where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed.

(b) Registration requirements.

(1) Before cultivation, a criminal history report for each key participant listed pursuant to Section 4901 shall be submitted along with the registration application to the commissioner. A registration application will not be considered complete without all required criminal history reports.

(A) Any registration applications approved by the commissioner prior to April 30, 2020 must comply with Section 4902(b) by April 30, 2020. Any registrations that do not comply with Section 4902(b) by April 30, 2020 shall be revoked.

(2) Any changes to key participants must be reported along with criminal history reports for any additional key participants to the commissioner as an amendment to the registration within 15 calendar days of the change.

(3) Except as provided in Section 4902(b)(3)(A), all criminal history reports must be dated within 60 calendar days of submission of the registration application.

(A) All criminal history reports submitted pursuant to Section 4902(b)(1)(A) must be dated within 60 calendar days of submission of the amendment to the registration application.

(4) Registrants shall notify the commissioner in writing within 48 hours of the registrant or a key participant receiving a disqualifying conviction.

(5) If an applicant, registrant, or key participant is found to have a disqualifying conviction as defined in Section 4902(a)(3), the applicant or key participant shall be ineligible to participate in the hemp program for ten (10) years from the date of the conviction.

(6) Any falsification of criminal history reports shall be considered as materially falsifying information in an application or registration and shall result in revocation or refusal of registration and ineligibility to participate in the industrial hemp program.

Note: Authority cited: Sections 407, 81003, 81004, and 81013, Food and Agricultural Code. Reference: Sections 81003, 81004, 81013, and 81014, Food and Agricultural Code.

Regulations for Industrial Hemp Cultivation

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 2. Regulations for Industrial Hemp Cultivation

4920. List of Approved Seed Cultivars

(a) The Secretary, as provided in Section 81002 of the Food and Agricultural Code, adopts the following list of approved seed cultivars.

(1) Industrial hemp seed or propagative materials certified as breeder, foundation, registered, or certified seed or stock by one of the following agencies:

(A) Member organizations of the Association of Official Seed Certifying Agencies,

(B) Organization of Economic Cooperation and Development, or

(C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.

(2) Industrial hemp seed or propagative materials produced in a quality assurance program approved by one of the following agencies:

(A) Member organizations of the Association of Official Seed Certifying Agencies,

(B) Organization of Economic Cooperation and Development, or

(C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.

(3) Industrial hemp seed or propagative materials produced by an authorized participant in a state industrial hemp agricultural pilot program, pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940).

(A) The crop from which the seed or propagative materials were harvested from shall have been tested in accordance with a testing method approved by the regulatory authority in the state of origin and found to have no more than three-tenths of one percent tetrahydrocannabinol (THC) on a dry weight basis.

(B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).

(4) Industrial hemp seeds or tissue culture plants imported from outside the United States that meets federal importation requirements.

(A) The crop from which the seeds or tissue culture plants were harvested from shall have been tested in accordance with a testing method approved by the department of agriculture in the country of origin and found to have no more than three-tenths of one percent THC on a dry weight basis.

(B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).

(C) For the purposes of this section, the term “tissue culture” means in vitro material introduced into culture from nodal cuttings at a particular time and from a single plant and grown in aseptic conditions to be used as a source of propagative material.

(5) Industrial hemp seed or propagative materials produced in California in accordance with the provisions of Division 24 of the Food and Agricultural Code and this chapter.

(A) The crop from which the seed or propagative materials were harvested from shall have been tested by a department-approved laboratory and found to have no more than three-tenths of one percent THC on a dry weight basis.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code. Reference: Sections 81001 and 81002, Food and Agricultural Code

4921. Methodology and Procedure to Update the List of Approved Seed Cultivars

(a) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.

(1) Upon request from the chair of the Board, or of any four members of the Board, the Department shall schedule a public hearing to consider a proposal to update the list of approved seed cultivars by adding, amending, or removing seed cultivars. A notice and text of the proposal shall be made available to the public no less than 30 days prior to the hearing.

(2) The public hearing to consider a proposal to update the list of approved seed cultivars shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory board.

(3) The public hearing shall include:

(A) Presentation of the proposal to update the list of approved seed cultivars;

(B) Presentation of the purpose for the update; and

(C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.

(4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny a proposal for recommendation to the Secretary.

(5) Upon recommendation by the Board to adopt a proposal and approval by the Secretary, the Department shall amend the list of approved seed cultivars and shall submit the amended list to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant

to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.

(6) The Department shall post the list of approved seed cultivars to its website and shall provide electronic and/or mail notification of amendments to list of approved seed cultivars to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the list of approved seed cultivars via an electronic mail listserv.

(b) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.

(1) By motion, the Board may recommend amending the methodology and procedure in subsection (a). In consultation with the chair of the Board, the Department shall schedule a public hearing to consider the recommendation, and a notice and text of the proposed amendment shall be made available to the public no less than 30 days prior to the hearing.

(2) The public hearing to consider a proposal to amend the methodology and procedure shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory Board.

(3) The public hearing shall include:

(A) Presentation of the proposal to amend the methodology and procedure;

(B) Presentation of the purpose for the amendment; and

(C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.

(4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny the proposal for recommendation to the Secretary.

(5) Upon recommendation by the Board to adopt the amendment and approval by the Secretary, the Department shall amend the methodology and procedure, and shall submit the amended methodology and procedure to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.

(6) The Department shall provide electronic and/or mail notification of the amendment to the methodology and procedure to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the methodology and procedure via an electronic mail listserv.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code.
Reference: Sections 81001 and 81002, Food and Agricultural Code.

4940. Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp

(a) Sampling Timeframe.

(1) Sampling shall occur no more than 30 days before harvest.

(2) Any changes to the harvest date may require additional testing for THC content prior to harvest.

(b) Sampling Request and Pre-Harvest Report.

(1) In order to request sampling, registrants shall submit a pre-harvest report to the commissioner at least 30 days before harvest to initiate the sampling process. The pre-harvest report shall include the:

(A) registrant's registration number,

(B) name and contact information of the registrant,

(C) anticipated harvest date,

(D) name of the seed cultivar(s),

(E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop,

(F) Name and contact information of the laboratory to conduct the testing for THC content.

(2) The commissioner, or a third-party sampler designated by the commissioner, shall schedule a sampling date within 30 days of the anticipated harvest date.

(3) Registrants shall notify the commissioner of any changes to the above information no less than 5 calendar days prior to the scheduled sampling date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4941. Sampling Procedures for Testing Industrial Hemp for THC Content

(a) Collection of Samples.

(1) Samples for THC testing shall be collected by the commissioner, or a third-party sampler designated by the commissioner.

(2) The commissioner, or designated sampler, shall verify that the sample collection site corresponds to the registered location using GPS coordinates prior to the collection of the samples.

(3) The registrant must be present to observe the collection of samples and allow the commissioner, or designated sampler, access to all industrial hemp plants within the registered land area and all areas and facilities used for cultivation.

(b) Sample Volume and Composition.

(1) Each primary sample shall include all parts of the plant, including stems, stalks, flowers, leaves, seeds, and buds from:

(A) If two or more lateral branches are present, the terminal 18 inches of the top lateral branch and terminal 18 inches of one lateral branch from the lower one-third of the plant. If any branch is less than 18 inches, the whole branch shall be taken.

(B) If two lateral branches are not present, the terminal 18 inches from the terminal bud at the top of the plant. If the plant is less than 18 inches tall, the whole plant shall be taken.

(2) A composite sample shall consist of at least five primary samples from different plants.

(3) A separate composite sample shall be taken for:

(A) Each cultivar within each contiguous field, and

(B) Indoor and outdoor growing areas shall be treated as separate fields.

(4) When feasible, the commissioner, or designated sampler, should not collect samples within 10 feet of field edges.

(c) Handling of Samples.

(1) All plant material collected for a composite sample shall be placed together in a permeable bag and kept in a manner not conducive to mold growth.

(2) The bag containing the composite sample shall be sealed and labeled in a manner to detect tampering and ensure chain of custody. Sample labels shall be signed by both the registrant and the commissioner or designated sampler.

(3) Samples shall be labeled with a unique sample identification number and accompanied by the following documentation:

(A) The registrant's proof of registration,

(B) The pre-harvest report,

(C) Seed certification documentation for the seed cultivar used,

(D) The THC testing report for each certified seed cultivar used, and

(E) A sample analysis request form with chain of custody information provided by the testing laboratory.

(4) Samples shall be delivered to the testing laboratory within 24 hours of collection. The testing laboratory shall document the chain of custody by signing the sample label upon receiving the sample. A copy of the signed chain of custody documentation shall be provided by the testing laboratory to the commissioner or designated sampler.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4942. Approved Testing Method for Testing Industrial Hemp for THC Content

(a) Sampling Preparation.

(1) The laboratory shall maintain chain of custody upon receiving the samples.

(2) Each composite sample shall be maintained and tested separately for THC content.

(3) All parts of the plant included in the composite sample shall be processed and tested as a single sample. No plant parts shall be removed during the sample preparation and testing.

(4) All parts of the plant included in the composite sample shall be dried until the weight of the composite sample remains constant after drying intervals. Drying temperature must not

exceed 90 degrees Celsius. Dried composite samples shall be milled to a homogenous powder-like consistency and combined before analysis.

(b) Suitable analytical instrumentation used to determine THC content in industrial hemp includes the following:

(1) Gas chromatography with flame ionization detector

(2) Gas chromatography coupled with mass spectrometry

(3) Liquid chromatography coupled with mass spectrometry

(4) Liquid chromatography coupled with ultraviolet detector

(c) Analytical instrumentation used must be able to establish a validated limit of quantification (LOQ) of one-tenth of 1 percent or lower for total THC content.

(d) Sample Retention.

(1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall retain the sample for a minimum of 30 days from the testing date.

(2) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the laboratory shall retain the sample for a minimum of 60 days from the testing date.

(3) If the laboratory test report indicates a percentage content of THC that exceeds 1 percent, the laboratory shall retain the sample for a minimum of 90 days from the testing date.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4943. Approved Laboratory for Testing Industrial Hemp for THC Content

(a) Testing of industrial hemp for THC content shall be conducted by a laboratory with International Organization for Standardization (ISO) / International Electrotechnical Commission (IEC) 17025 accreditation using a validated method for total THC analysis.

(b) The laboratory shall retain, and make available to the commissioner upon request, a copy of the ISO/IEC 17025 certificate of accreditation.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4944. Notification of Laboratory Test Report

(a) Laboratories shall provide a laboratory test report to the registrant and commissioner within 10 days of the collection of samples.

(1) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the registrant no fewer than 10 original copies with wet signatures and the commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory. The laboratory shall

retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(2) If the laboratory test report indicates a percentage content of THC that exceeds three-tenths of 1 percent, the laboratory shall provide both the registrant and commissioner one or more copies of the laboratory test report, signed by an employee authorized to sign by the laboratory.

(b) Laboratories shall issue a laboratory test report for each composite sample. The laboratory test report shall include the:

(1) registration number,

(2) unique sample identification number,

(3) name and contact information of the registrant,

(4) name of the sampler,

(5) dates of the sample collection and testing,

(6) name of the cultivar tested,

(7) physical address, Global Positioning System coordinates, general description of the location, and acreage of the field sampled,

(8) name of approved analytical instrumentation used and the limit of quantification (LOQ),

(9) name of the person receiving the sample,

(10) name of the person testing the sample,

(11) percentage content of THC, a post-decarboxylation value or a calculated value using a conversion formula of delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid, on a dry weight basis, and words “PASSED AS CALIFORNIA INDUSTRIAL HEMP” or “FAILED AS CALIFORNIA INDUSTRIAL HEMP” at or near the top of page.

(A) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words “PASSED AS CALIFORNIA INDUSTRIAL HEMP” shall appear.

(B) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words “FAILED AS CALIFORNIA INDUSTRIAL HEMP” shall appear.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4945. Approved Testing Method for Retesting of Industrial Hemp for THC Content

(a) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, additional samples for retesting shall be collected in accordance with the sampling procedures outlined in Section 4941 and tested in accordance with the testing procedures outlined in Sections 4942 through 4944.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4946. Final Disposition for Registered Industrial Hemp Crops

(a) Registrants may harvest the sampled crop upon receipt of a laboratory test report that indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent.

(1) Registrants shall submit a harvest report to the commissioner within 72 hours following the completion of the harvest. The harvest report shall include the:

(A) registration number,

(B) name and contact information of the registrant,

(C) date(s) of harvest,

(D) name of the cultivar(s) and unique sample identification number(s),

(E) physical address, Global Positioning System coordinates, general description of the location, and acreage of the harvested crop.

(2) The commissioner may confirm the harvest of the crop by conducting field inspections.

(b) Registrants shall destroy a crop that does not comply with the three-tenths of 1 percent THC limit in accordance with the provisions of Section 4950 within the following timeframes:

(1) If a laboratory test report indicates a percentage content of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after the registrant's receipt of the laboratory test report.

(2) If a second laboratory test report indicates a percentage content of THC exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after the registrant's receipt of the second laboratory test report.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

Destruction of Industrial Hemp Crops

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

California Code of Regulations
Title 3. Food and Agriculture
Division 4. Plant Industry
Chapter 8. Industrial Hemp Cultivation
Article 3. Abatement and Enforcement

4950. Destruction of Non-Compliant Industrial Hemp Crops

(a) Any industrial hemp crop that does not meet the requirements of Division 24 of the Food and Agricultural Code and this chapter shall be destroyed in a manner approved by the commissioner:

(1) Unless otherwise specified in 4946 (b), any non-compliant industrial hemp crop shall be destroyed as soon as practical, but no later than 45 days after the registrant's receipt of notification of abatement from the commissioner.

(b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:

(1) Registration number, if applicable;

(2) Name and contact information of the grower;

(3) Anticipated destruction date(s) of the crop to be destroyed;

(4) Name of the cultivar(s) and unique sample identification number(s), if applicable;

(5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and

(6) Proposed destruction method.

(c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.

(d) The commissioner shall confirm the destruction of the crop by conducting inspections.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

4950.1 Voluntary Destruction of Industrial Hemp Crops

(a) Any industrial hemp grower that wishes to voluntarily destroy a crop shall do so in a manner approved by the commissioner.

(b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:

(1) Registration number, if applicable;

(2) Name and contact information of the grower;

(3) Anticipated destruction date(s) of the crop to be destroyed;

(4) Name of the cultivar(s) and unique sample identification number(s), if applicable;

(5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and

(6) Proposed destruction method.

(c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.

(d) The commissioner shall confirm the destruction of the crop by conducting inspections.

Note: Authority cited: Sections 407 and 81006, Food and Agricultural Code
Reference: Sections 81000, 81006, Food and Agricultural Code

State of California
DEPARTMENT OF FOOD & AGRICULTURE
Pest Exclusion/Nursery, Seed, and Cotton Program
Rev. 03/20 Pg. 1

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE

INDUSTRIAL HEMP REGISTRATION APPLICATION FOR BREEDERS

☐ New
☐ Renewal
Previous Registration #: _____

REGISTRANT INFORMATION

Applicant Name (Last, First, Middle Initial or entity name):		
Mailing Address:		
City:	*State:*	*Zip:*
Primary Contact Name (Last, First, Middle Initial): ☐ Same as applicant		
Phone Number:	*Email (optional):*	

BUSINESS INFORMATION

Business Name:		
DBA ("doing business as") Names:		
Business Type: ☐ Sole Proprietor ☐ Partnership ☐ Corporation ☐ Limited Liability Corporation ☐ Other:		*EIN:*
Principal Business Address: ☐ Same as mailing address		
City:	*State:*	*Zip:*

KEY PARTICIPANT INFORMATION

Full Name (Last, First, Middle Initial) including Self	Business Title	County Use Only
		☐ Approved ☐ Not Approved
		☐ Approved ☐ Not Approved
		☐ Approved ☐ Not Approved
		☐ Approved ☐ Not Approved
		☐ Approved ☐ Not Approved
		☐ Approved ☐ Not Approved

REQUIRED: Attach criminal history report for each key participant.

County Use Only:				
Date Received:	Registration #:	Issue Date:	Expiration Date:	Reviewed By:

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE

INDUSTRIAL HEMP REGISTRATION APPLICATION FOR BREEDERS

Applicant Name:

CULTIVATION SITE #1 INFORMATION

☐ Additional Cultivation Sites Attached

Total Sites: _____ **Site #:** 1 **of** _____

Physical Address:		
City:	*Zip:*	*Site Purpose:* ☐ Cultivation ☐ Storage ☐ Both
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area) *Latitude:* *Longitude:*	*Size:* ☐ Acres ☐ Square Feet	
Legal Description of Site: **REQUIRED: Attach a map showing boundaries of this growing area.**		
Is this site on a premise that is or will be licensed to cultivate or process cannabis?	☐ Yes ☐ No	
County Use Only: Site #: 001	☐ Approved ☐ Not Approved	

VARIETY DEVELOPMENT PLAN

All breeders are required to submit a variety development plan for registration.

REQUIRED: Attach variety development plan.

FEE AND PAYMENT INFORMATION	Fees	Fees Submitted
Industrial Hemp Breeder Annual Registration Fee	$900	**$** _____

SUBMIT APPLICATION TO COUNTY AGRICULTURAL COMMISSIONER ALONG WITH CHECK OR MONEY ORDER PAYABLE TO "CDFA Cashier":

County of Please Select
Agricultural Commissioner's Office

By signing below, I hereby certify that:

- The information submitted on this application is true and correct to the best of my knowledge and belief.
- The cultivation site(s) on this application is not on a premise that is licensed by the department to cultivate or process cannabis.
- I will comply with all requirements outlined in Division 24 of California Food and Agricultural Code and in Title 3 of California Code of Regulations.
- I understand that any changes to the cultivation site and/or variety development plan must be provided to the county agricultural commissioner prior to planting.

_____	_____	_____
Signature	**Print Name and Title**	**Date**

County Use Only:

State of California
DEPARTMENT OF FOOD & AGRICULTURE
Pest Exclusion/Nursery, Seed, and Cotton Program
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Add More Supplemental Forms

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE

INDUSTRIAL HEMP REGISTRATION SUPPLEMENTAL FORM FOR ADDITIONAL CULTIVATION SITE

Applicant Name:

CULTIVATION SITE INFORMATION

Site #: _____ **of** _____

Physical Address:		
City:	*Zip:*	*Site Purpose:* ☐ Cultivation ☐ Storage ☐ Both
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area) *Latitude:* *Longitude:*	*Size:* ☐ Acres ☐ Square Feet	
Legal Description of Site: **REQUIRED: Attach a map showing boundaries of this growing area.**		
Is this site on a premise that is or will be licensed to cultivate or process cannabis?	☐ Yes ☐ No	
County Use Only: Site #:	☐ Approved ☐ Not Approved	

CULTIVATION SITE INFORMATION

Site #: _____ **of** _____

Physical Address:		
City:	*Zip:*	*Site Purpose:* ☐ Cultivation ☐ Storage ☐ Both
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area) *Latitude:* *Longitude:*	*Size:* ☐ Acres ☐ Square Feet	
Legal Description of Site: **REQUIRED: Attach a map showing boundaries of this growing area.**		
Is this site on a premise that is or will be licensed to cultivate or process cannabis?	☐ Yes ☐ No	
County Use Only: Site #:	☐ Approved ☐ Not Approved	

CULTIVATION SITE INFORMATION

Site #: _____ **of** _____

Physical Address:		
City:	*Zip:*	*Site Purpose:* ☐ Cultivation ☐ Storage ☐ Both
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area) *Latitude:* *Longitude:*	*Size:* ☐ Acres ☐ Square Feet	
Legal Description of Site: **REQUIRED: Attach a map showing boundaries of this growing area.**		
Is this site on a premise that is or will be licensed to cultivate or process cannabis?	☐ Yes ☐ No	
County Use Only: Site #:	☐ Approved ☐ Not Approved	

County Use Only:

INDUSTRIAL HEMP REGISTRATION APPLICATION FOR BREEDERS INSTRUCTIONS

REGISTRATION REQUIREMENTS

Who Must Register

California Food and Agricultural Code (FAC) Sections 81003 and 81004 require registration prior to cultivation.

- Any person who cultivates industrial hemp for all purposes other than variety development must complete *Industrial Hemp Registration Application for Growers*
- Any person who cultivates industrial hemp for new variety development purposes must complete *Industrial Hemp Registration Application for Breeders*

The annual registration fee is $900.00 (nine hundred dollars) for one year from the date of registration issuance (Section 4900 in Title 3 of California Code of Regulations (CCR)). Registration is not automatically renewed.

APPLICATION INSTRUCTIONS

All information provided must be complete, legible, and accurate. Any incomplete sections or illegible information may delay the processing of the registration. The commissioner will notify the applicant of any incomplete information on the application. Applicant has 30 calendar days from the receipt of the notification to provide the requested information (3 CCR Section 4901(e)). If requested information is not received within the timeframe, registration will be denied. The applicant must submit a new registration application and registration fee for review and approval.

Registrant Information
Applicant must complete all sections for the registrant information. Applicant may be an individual or a business entity. Email address is optional. All correspondences, including the proof of registration, will be sent to the mailing address provided on the application.

Business Information
Applicant must complete all sections for the business information.

- **Business Name** is the business entity that participates in the cultivation of industrial hemp.
- List all **DBAs** ("doing business as") that are related to the business entity pertaining to industrial hemp cultivation.
- Indicate the **Business Type** for the entity.
- Provide the **EIN** (employer tax identification number) for the business entity.
- Provide the **Principal Business Address** for the business entity listed in Business Name section. The address cannot be a P.O. Box.

Key Participant Information
Applicant must list the **Full Name** and **Business Title** for all key participant(s), including the applicant. Key participant includes a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation/entity producing industrial hemp.

A criminal history report must be submitted for each key participant in accordance with 3 CCR Section 4902(b)(1). The criminal history report must be dated within 60 calendar days of the submission of the registration application.

Cultivation Site Information
Applicant must complete all sections for each cultivation site within the county and list all the approved cultivar(s) to be planted for each cultivation site. Additional cultivation sites and/or approved cultivars must be listed on the supplemental form.

- A **Cultivation Site** is a contiguous land area where the applicant intends to engage in industrial hemp cultivation, storage, or both. Each noncontiguous field is considered a separate cultivation site.
- **Total Sites** is the total number of cultivation sites to be used for industrial hemp cultivation within the county.
- **Physical address** is the location address of the cultivation site. Use cross streets if the cultivation site does not have a physical address.
- Indicate if the cultivation site is for cultivation, storage, or both in **Site Purpose.**
- **Global Positioning System (GPS) coordinates** must be from the approximate center of the growing area and in the format of decimal degrees, up to six decimals with a negative longitude (i.e., 38.574968, -121.492337 **NOT** 38^0N and 121^0W).
- Indicate the acreage or square footage of the cultivation site in **Size**.
- Include information to describe, locate, and identify the boundaries of the cultivation site in **Legal Description.** A legal description is required if the cultivation site does not have a physical address. Information like assessor's parcel numbers (APN), operator identification number for Pesticide Use Enforcement, and Section Township Range can be provided in this section.
- A **Boundary Map** outlining each cultivation site must include the applicant name, physical address of each site (if available), labels for all roadways, labels for each cultivation site (Site 1, Site 2, etc.) that corresponds to site # on the application, and a boundary outline of each cultivation site.
- Indicate whether the cultivation site is on a **Premise** that is or will be licensed to cultivate or process cannabis.

Variety Development Plan

Applicant must attach a **variety development plan** that includes an outline of the planned approach and strategy to grow and develop the new cultivar. A separate variety development plan(s) may be submitted if breeding activities vary with each cultivation site. The variety development plan must include the following information:

- if a new cultivar is to be certified by a seed-certifying agency, the name of the seed-certifying agency that will be conducting the certification,
- the industrial hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar,
- a plan for testing all of the plants grown,
- the measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent,
- the measures that will be taken to prevent the unlawful use of industrial hemp under FAC Division 24, and
- a procedure for the maintenance of records documenting the development of the new cultivar.

REGISTRATION AMENDMENTS

Registrants must submit an application for any changes or alterations to the business name, contact information, or key participants within 15 calendar days of the change in accordance with 3 CCR Section 4901(c)(1). The registrant must complete the *Industrial Hemp Application to Amend Registered Contact/Business/Key Participant Information*.

Registrants must request, prior to planting, for any changes or alterations to the cultivation site(s) and/or approved cultivar(s) to the commissioner in accordance with 3 CCR Section 4901(c)(2). The registrant must complete the *Industrial Hemp Application to Amend Registered Site/Cultivar/Plan*.

ALTERNATIVE FORMATS

This application can be made available in alternative formats for visual or hearing-impaired individuals. Please contact the California Department of Food and Agriculture (916-654-0435 or industrialhemp@cdfa.ca.gov) to request the application in an alternative format. Please allow 7-10 working days for production of the alternative format. Requests for an alternative format may be sent to the address and telephone number below.

If you have additional questions, please contact the County Agricultural Commissioner's office.

County of Please Select
Agricultural Commissioner's Office