

# Industrial Hemp Update

Tehama County Board of Supervisors

January 28, 2019

# Tehama County Code 9.06.036

A.

No person or entity shall grow industrial hemp for any purposes within the unincorporated areas of Tehama County and no county permit or approval of any type shall be issued therefor. As set forth above under Section 2, the cultivation of industrial hemp for commercial purposes is currently prohibited by the State of California. Additionally, "Established Agricultural Research Institutions" as defined in FAC Section 81000, will similarly be prohibited from cultivating industrial hemp. The cultivation of industrial hemp, in any amount or quantity upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter.

B.

This section (9.06.036) shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted ordinance, that is enacted before January 1, 2019, deletes or extends that date. **June 30, 2019**

# Senate Bill 1409

Current Law	Changes Effective 1/1/18
Does not address clonal propagation	Provides for clonal propagation
Requires use of approved seed cultivars certified on or before 1/1/2013	Requires use of approved seed cultivars
Requires indication of crop purpose (grain or fiber) on application	Removes requirement to indicate crop purpose and adds origin of planting material on application
Two-year registration	Annual registration
Department to establish registration fees	Also allows CACs to directly charge fees to cover their costs
Requires IH to be densely planted as a fiber or oilseed crop	Removes restriction
Restricts ornamental cultivation	Removes restriction

# Senate Bill 1409 (cont.)

Current Law	Changes Effective 1/1/18
Restricts pruning and tending of hemp plants, and culling of hemp	Removes restriction
Sampling to occur during peak of THC content in leaves surrounding seed as seeds begin to mature	Requires sampling to occur no more than 30 days before harvest
	Requires grower to be present during sampling
Sample to be taken of the entire fruit bearing parts, cut underneath inflorescence found in top 1/3 of plant	Department to establish sampling procedures through regulations
Requires testing result from DEA-registered laboratory	Requires testing by a Department-approved laboratory
Testing to indicate % THC content	Testing to indicate % THC content on a dry weight basis

# Senate Bill 1409 (cont.)

Current Law	Change Effective 1/1/18
Crop destruction to take place within 48 hours for crop testing above 1% THC content	Specifies crop destruction to begin within 48 hours and be completed within 7 days for crop testing above 1% THC content
	Authorizes Department to establish an agricultural pilot program
Does not require established agricultural research institutions to notify commissioners prior to cultivating	Requires established agricultural research institutions to provide GPS coordinates to commissioners prior to cultivating

# Registration Regulation

- **§ 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:
  - (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:

# CDFA MOU

- The County Agricultural Commissioner will retain an amount of 15% of the registration or renewal fee established in 3CCR § 4900 to reimburse direct costs incurred in the collection of the fee, and shall forward the remaining 85% of these funds collected to the CDFA for deposit into the Agriculture Fund.
- The CDFA will allocate funds from the Agriculture Fund for disbursement to counties pursuant to industrial hemp regulatory enforcement contracts for the purpose of investigation and enforcement of non-compliant industrial hemp cultivation.

# County Fees

FAC 81005(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.

# 2018 Farm Bill Industrial Hemp Provisions

- States to submit plans to the USDA Secretary for approval to have primary regulatory authority over the growing and production of hemp.
- States will not be limited as to what is included in the plan, as long as it's consistent with Farm Bill requirements. States may be more restrictive with their plan, and the definition for industrial hemp may not be altered.
- Industrial hemp is defined as the plant *cannabis sativa* L, or any part of the plant including seeds, derivatives and extracts with a delta -9 THC concentration of not more than 0.3 percent on a dry weight basis.
- The plan must include location information, testing for THC content, and disposal of plants that are out of compliance.

# 2018 Farm Bill Industrial Hemp Provisions

- The Secretary must approve or deny a state's plan within 60 days.
- States may limit production and sale of industrial hemp and hemp products, but they are not allowed to limit transportation or shipment of hemp or hemp products through the state.
- Convicted felons will be restricted for up to 10 years from legally growing industrial hemp.
- Industrial hemp is legally defined as an agricultural commodity.
- Industrial hemp will be eligible for crop insurance protection.

# 2018 Farm Bill – State Plan Requirements

- Maintain relevant information regarding land on which hemp is produced
- THC testing procedure
- Disposal of non-compliant plants and products
- Enforcement procedures: negligent violations, other violations, prior felony convictions, false statements
- Annual inspections, including at least a random sample of hemp producers
- Submitting information to USDA
- Certification of sufficient resources and staffing to carry out State Plan

## INDUSTRIAL HEMP ADVISORY No. 01-2018

DATE: December 31, 2018

TO: All County Agricultural Commissioners

FROM: Pest Exclusion/Nursery, Seed, and Cotton Program  
Plant Health and Pest Prevention Services

SUBJECT: **Notification of Imported Hemp Plant Material**

The recently signed federal Agriculture Improvement Act of 2018 (also known as the 2018 Farm Bill) included provisions regarding the cultivation, shipment, and sale of industrial hemp, including exempting "hemp" from the definition of marijuana under the federal Controlled Substances Act.

Effective immediately, all shipments of raw/unprocessed industrial hemp entering a California Border Protection Station (BPS) will be issued a Warning Hold Notice (form 66-008) to notify the commissioner of the shipment. A thorough inspection for plant pests may not be conducted by BPS staff. The commissioner may choose to release the shipment from hold without inspection at destination at his/her discretion.

All shipments of nursery stock, seeds, and other propagative materials will continue to be issued a Warning Hold Notice for further inspection and release by the commissioner at destination.

The Pest Exclusion Branch will further evaluate the raw/unprocessed industrial hemp materials being shipped into California to determine the continuing need for notifications regarding certain materials.

For questions regarding this advisory, please contact Michelle Phillips at [michelle.phillips@cdfa.ca.gov](mailto:michelle.phillips@cdfa.ca.gov) or (916) 654-0435.



TIME:  
12:51 PM

DATE:  
1/11/2019

NOTICE NUMBER:  
HB1H2019100410

BILL NUMBER:  
10029074C70



# WARNING

THIS SHIPMENT IS UNDER  
QUARANTINE

**THE CONSIGNEE, OWNER OF THIS SHIPMENT, IS REQUIRED TO  
TELEPHONE THE COUNTY AGRICULTURAL COMMISSIONER TO  
ARRANGE AN APPOINTMENT FOR INSPECTION.**

PHONE: (831) 759-7325

Monterey County Agricultural Commissioner

COMMODITY:  
hemp

AMOUNT:  
800 lbs

ORIGIN:  
OR

FAXED

COMMENTS

industrial hemp

SHIPPER (NAME AND ADDRESS)

[REDACTED]  
Medford OR 97501

SHIPPER PHONE:

SHIPPER FAX:

RECEIVER (NAME AND ADDRESS)

[REDACTED]  
Salinas CA 93901

RECEIVER PHONE:

RECEIVER FAX:

ISSUING INSPECTOR

Bendix

STATION:

Hornbrook

CARRIER

[REDACTED]

TRAILER LICENSE NUMBER:

This vehicle is transporting commodities subject to QUARANTINE REGULATIONS. This shipment cannot be diverted without prior authorization from the County Agricultural Commissioner indicated below. Failure to comply with these restrictions or removing or destroying this Warning Notice is a Misdemeanor (sections 6303, 6401, 6501, California Food and Agriculture Code.)

**This load authorized to be transported, reported and held with this notice pending release by the County Agricultural Commissioner at:**

*Monterey County Agricultural Commissioner  
1428 Abbott St, Salinas CA 93901-4013*

DRIVERS AND AGENTS NOTE: THIS WARNING NOTICE MUST REMAIN WITH THIS SHIPMENT AND GIVEN TO THE CONSIGNEE, OWNER OF THIS SHIPMENT, UPON FINAL DELIVERY.

I, Karcha Bogdan, HEREBY AGREE TO COMPLY WITH ABOVE INSTRUCTIONS AND ANY ADDITIONAL INSTRUCTIONS ISSUED BY THE ENFORCING OFFICER.

[REDACTED SIGNATURE]  
(DRIVER'S SIGNATURE)

## Rick Gurrola

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**Subject:** FW: Greetings from California Highway Patrol; Regarding Industrial Hemp

**From:** Sherman, Noah@CHP [<mailto:Noah.Sherman@chp.ca.gov>]  
**Sent:** Tuesday, January 15, 2019 8:26 AM  
**To:** Sherman, Noah@CHP <[Noah.Sherman@chp.ca.gov](mailto:Noah.Sherman@chp.ca.gov)>  
**Subject:** Greetings from California Highway Patrol; Regarding Industrial Hemp

Good morning Commissioner,

I am an analyst with California Highway Patrol's Impaired Driving Section where I focus on cannabis policy as it relates to transportation and impaired driving. Right now, we are particularly interested in the transportation of industrial hemp, especially with the recent passage of the U.S. Farm Bill, which allows for the production and interstate commerce of industrial hemp and hemp-derived CBD, and California Senate Bill 1409 which requires industrial hemp cultivators and operators register with county agricultural commissioners and gives county commissioners greater regulatory oversight of that industry. One of our primary concerns when it comes to industrial hemp is that it is not regulated to the extent that cannabis is regulated, and it may pose a challenge to our officers on the road to distinguish between legal commercial shipments of industrial hemp and illegal hemp/cannabis as it may look nearly identical.

Our goal is to help CHP officers become more familiar with the overall cannabis and industrial hemp industry, regulations, and licenses to minimize potential confusion and quickly separate licensed/compliant operators from illegal operators that they may encounter, and the more accurate information we can provide, the better.

Can you please help us understand if you are aware of industrial hemp cultivation and transportation operations within your county and if you currently have or are planning policies regarding the transportation of industrial hemp through your county?

My best,

Noah

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**Noah Sherman**  
California Highway Patrol  
[Noah.Sherman@CHP.ca.gov](mailto:Noah.Sherman@CHP.ca.gov)  
(916) 843-4368







January 10, 2019

**To: Any Interested Parties**

**Subject: Guidelines on Enforcement of California Food and Agricultural Code  
Section 81011**

## **I. Background**

Established agricultural research institutions, as defined in California Food and Agricultural Code (FAC) section 81000(c), are exempt from registration and may currently grow industrial hemp under California law. Effective January 1, 2019, FAC section 81011 requires established agricultural research institutions to provide Global Positioning System (GPS) coordinates of the planned cultivation site before cultivating industrial hemp. Relevant laws are attached to this advisory.

The California Department of Food and Agriculture (Department) is currently drafting regulations to implement FAC section 81011. Due to statutory requirements for rulemaking, there will be a period of time during which section 81011 is effective but lacks regulatory specificity necessary for the Department to implement section 81011. To fill this regulatory gap, the Department recommends that counties adhere to the following guidelines until regulations are adopted.

Please note that these guidelines are not legally binding and place no legal obligation on counties or established agricultural research institutions to request or provide information. Though these guidelines may in part reflect FAC section 81011's requirement to provide GPS coordinates, these guidelines do not expand or add to legally binding requirements contained in section 81011.

## **II. Recommended Guidelines**

Agricultural commissioners should request that established agricultural research institutions, at minimum, provide the following information:

1. Name of the institution that is cultivating, including the name and contact information for the primary point of contact;
2. GPS coordinates, in decimal degrees up to six decimals, of all sites used for cultivating industrial hemp (coordinates should be from the approximate center of growing area);
3. Names of all individuals involved with the cultivation activities as members of, or on behalf of, the institution, and the nature of their relationships with the institution; and



January 28, 2019

**To: Any Interested Parties**

**Subject: License to Sell Nursery Stock for Industrial Hemp Cultivators**

The following is a clarification of the requirements for a license to sell nursery stock for cultivators of industrial hemp in California.

The sale of industrial hemp plants for planting, propagation, or ornamentation requires a license to sell nursery stock in accordance with California Food and Agricultural Code (FAC) Section 6721.

It is unlawful to sell nursery stock in California without a valid license issued by the California Department of Food and Agriculture's Nursery Services Program, unless expressly exempt under FAC Section 6742-6744. Any person found in violation of this licensing requirement will be subject to civil penalties, up to and including civil action brought by the Attorney General.

The application for a license to sell nursery stock and other information on the sale and production of nursery stock in California can be found online at <https://www.cdfa.ca.gov/plant/pe/nsc/nursery/>. Please contact the Nursery Services Program at (916) 654-0435 or [nurseryservices@cdfa.ca.gov](mailto:nurseryservices@cdfa.ca.gov) for additional questions.

For more information on industrial hemp cultivation, please contact the California Industrial Hemp Program at (916) 654-0435 or [industrialhemp@cdfa.ca.gov](mailto:industrialhemp@cdfa.ca.gov), or visit us online at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

Attachment: Relevant California Law



# Additional Regulations Required for 2019 Production

- Sampling
- Testing
- Destruction

# Concerns

- **Industry**
- Available approved seed cultivars
- .3% THC requirements
- Crop insurance
  
- **County / Ag Department**
- Work load
- Land Use Issues/restrictions (e.g. geographic restrictions, crop compatibility, odor nuisance).
- Crop destruct (if needed)

# Future in Tehama County

- Local and out of area farmers want to register in 2019
- Repeal, expire or continue current moratorium?

# Thank You