



Date: January 19, 2021

To: Industrial Hemp Registrants and Any Interested Parties

Subject: New Hemp Cultivation Requirements

The following is to provide clarification on new industrial hemp cultivation requirements as a result of the adoption of Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 in Title 3 of the California Code of Regulations (CCR).

The California Office of Administrative Law recently approved 3 CCR Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 pertaining the planting, sampling, laboratory testing, harvest, and destruction of industrial hemp. The regulations will take effect immediately to ensure that registrants can continue to cultivate and harvest industrial hemp in California.

It is important to understand the cultivation requirements outlined in the recently adopted regulations. A copy of the current laws and regulations is enclosed for your convenience. A copy can also be found at <https://www.cdfa.ca.gov/plant/industrialhemp/docs/CaliforniaIndustrialHempLawandRegulations.pdf>. Please review the law and regulations, as cultivation requirements have changed.

The following highlights some of the new requirements:

Annual Inspections

The commissioner is required to conduct annual inspections of a random sample of registrants to verify registration information, confirm crop destruction, and ensure appropriate recordkeeping (3 CCR Section 4930(a)).

Planting Report

Registrants are required to submit a planting report to the county commissioner within 72 hours following the completion of a planting to confirm that industrial hemp was planted at a registered cultivation site (3 CCR Section 4935(a)).

In addition, registered growers and breeders of industrial hemp are required to report all hemp production and any changes to where hemp will be produced to the Farm Service Agency (FSA) of the United States Department of Agriculture (USDA) (3 CCR Section 4935(d)). Additional information on FSA reporting requirements can be found at <https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/2019/crop-acreage-reporting-19.pdf>.

Pre-Harvest Notification

In order to request sampling, registered growers must submit a signed pre-harvest report and a sample analysis request form to the county commissioner at least 20 calendar days before the anticipated harvest start date to initiate the sampling process (3 CCR Section



4940(b)(1)). Any changes to the pre-harvest report must be reported to the commissioner no less than two calendar days prior to the scheduled sampling date (3 CCR Section 4940(b)(6)).

Sampling

Samples must be collected no more than six calendar days prior to the anticipated harvest start date as listed on the pre-harvest report (3 CCR Section 4940(a)(1)). It is also important to note that the sample volume and composition requirements have changed to align with federal requirements for state plan approval by USDA.

Testing

Laboratories are required to obtain Department approval in order to test industrial hemp for THC concentration (3 CCR Section 4943(b)). A list of approved laboratories can be found in the program's webpage at <http://www.cdfa.ca.gov/plant/industrialhemp/>.

Laboratories must provide an electronic copy of the test report to the registrant and the commissioner concurrently within five calendar days of the collection of samples (3 CCR Section 4944(c)). Determination of a passing or failed test report will now be based on the acceptable hemp THC level (3 CCR Section 4942(d)).

Harvest

Registrants may harvest a crop upon receipt of a passing laboratory test report (3 CCR Section 4946(a)). Harvest must be completed within 15 calendar days from the sample collection date (3 CCR Section 4946(a)(3)). Registrants may request for additional retesting to extend the harvest timeframe (3 CCR Section 4946(a)(3)(A)).

Destruction

Except for industrial hemp crop grown by established agricultural research institutions, any industrial hemp crop that does not meet the requirements of Division 24 of the California Food and Agricultural Code (FAC) and the corresponding regulations must be destroyed in a manner compliant with 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), implementing regulations and guidance (3 CCR Sections 4950(a) and 4950.1(a)).

Registrants that are currently cultivating hemp are encouraged to contact their local county agricultural commissioner to discuss how to ensure continued compliance with FAC Division 24 and corresponding regulations. Contact information for county agricultural commissioners can be found at <https://www.cdfa.ca.gov/exec/county/countymap/>.

Please note that all industrial hemp forms have been updated for 2021 to incorporate these new regulatory requirements. We recommend only using forms with the revision date 01/2021 or later to ensure you are completing the latest forms. Additional information and updated forms can be found on the CDFA's Industrial Hemp Program webpage at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

For more information or questions on industrial hemp cultivation, please contact the California Industrial Hemp Program at (916) 654-0435 or industrialhemp@cdfa.ca.gov.