ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT PROTECTION
ADMINISTRATIVE CODE

CHAPTER 80-10-21
INDUSTRIAL HEMP

TABLE OF CONTENTS

80-10-21-.01	Purpose
80-10-21-.02	Definitions
80-10-21-.03	Grower License Application
80-10-21-.04	Application For Grower Licensing Agreement; Criteria And Procedure For Evaluation
80-10-21-.05	Land Use Restriction For Licensed Growers
80-10-21-.06	Grower Licensing Agreements
80-10-21-.07	Licensing Fees; Participation Fee, Secondary Pre-Harvest Sample Fee, Post-Harvest Retest Fee
80-10-21-.08	Planting Reports For Outdoor Plantings
80-10-21-.09	Planting Reports For Indoor Plantings
80-10-21-.10	Pesticide Use
80-10-21-.11	Responsibility Of A Licensed Grower Prior To Harvest Of Hemp Plots
80-10-21-.12	Collection Of Samples; THC Testing; Post-Testing Actions
80-10-21-.13	Restrictions On Sale Or Transfer
80-10-21-.14	Other Prohibited Activities
80-10-21-.15	Other Required Reports
80-10-21-.16	Processor Or Handler License Application
80-10-21-.17	Application For Processor Or Handler Licensing; Criteria And Procedure For Evaluation
80-10-21-.18	Land Use Restrictions For Licensed Processors Or Handlers
80-10-21-.19	Processor Or Handler Licensing Agreements
80-10-21-.20	Processor Or Handler Licensing Fee
80-10-21-.21	Collection And Retention Of Cannabis Samples
80-10-21-.22	Other Prohibited Activities
80-10-21-.23	Required Reports
80-10-21-.24	Eligible Institutions Of Higher Education
80-10-21-.25	Affiliation With Department Required
80-10-21-.26	Affiliation Application Form; Required Components
80-10-21-.27	Restrictions On Affiliated Projects

80-10-21-.28	Fees; Sampling And THC Testing Services
80-10-21-.29	Seed Acquisition
80-10-21-.30	Academic Research Project Summary To Be Submitted To The Department
80-10-21-.31	Criminal Background Check
80-10-21-.32	Mandatory Orientation Session
80-10-21-.33	Site Access For Representatives Of The Department And Law Enforcement Section Agencies
80-10-21-.34	Site Modifications And Site Modification Surcharge Fees
80-10-21-.35	Seed Acquisition From A Source In A U.S
80-10-21-.36	Seed Acquisition From A Source Outside The United States
80-10-21-.37	Seeds Of Wild, Landrace, Or Unknown Origin
80-10-21-.38	Information Submitted To The Department Subject To Open Records Act
80-10-21-.39	Immediate License Suspension
80-10-21-.40	Temporary License Suspension Procedures
80-10-21-.41	License Revocation Hearings And Consequences Of Revocation
80-10-21-.42	Administrative Appeal From Denial Of Application
80-10-21-.43	Schedule Of Fees For Growers
80-10-21-.44	Schedule Of Fees For Processors Or Handlers
80-10-21-.45	Schedule Of Fees For Eligible Institutions Of Higher Education
80-10-21-.46	Department To Collect And Retain Information About Growing Locations
80-10-21-.47	Ineligibility Of Persons Found To Have Negligently Violated Rules Three Times In A Five (5) Year Period
80-10-21-.48	Corrective Action Plans For Negligent Violations
80-10-21-.49	Mandatory Reports To State And Federal Law Enforcement Agencies For Violations With A Culpable Mental State Greater Than Negligence
80-10-21-.50	Department To Submit Growing Locations And Grower Licensee Information To United States Secretary Of Agriculture
80-10-21-.51	Department Testing Procedures
80-10-21-.52	Incorporation By Reference
80-10-21-.53	Disposal Procedures
80-10-21-.54	Incorporation By Reference
80-10-21-.55	Severability

80-10-21-.01 Purpose.

To authorize the Alabama Department of Agriculture and Industries to administer a hemp program pursuant to the Alabama Industrial Hemp Act, Section 2-8-380 et seq., Code of Alabama 1975, and the Agricultural Improvement Act of 2018 and to promulgate administrative regulations for a hemp program and to authorize the department to license persons who wish to participate in a hemp program by growing, cultivating, handling, or processing hemp.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-380, et seq.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.02 Definitions.

(1) "Acceptable hemp THC Level" means, for the purpose of compliance with the requirements of a State hemp plan under the USDA rules, when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. This definition of "acceptable hemp THC level" affects neither the statutory definition of hemp, 7 U.S.C. §16390(1), in the 2018 Farm Bill nor the definition of "marijuana," 21 U.S.C. §802(16), in the CSA.

(2) "Applicant" means a person, or a person who is authorized to sign for a business entity or University, and who submits an application to participate in the industrial hemp program.

(3) "Cannabis": A genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species, and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. Cannabis refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

(4) "CBD" means cannabidiol.

(5) "Certified seed" means seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory, or possession to officially certify seed and that has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified.

(6) "Conviction" means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is

subsequently overturned on appeal, pardoned or expunged. For purposes of this definition, a conviction is expunged when the conviction is removed from the individual's criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions. In addition, 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, the individual is no longer considered to have a conviction for purposes of this definition.

(7) "Commissioner" means the Commissioner of the Alabama Department of Agriculture and Industries and any employee of the Department of Agriculture and Industries associated with the Alabama Hemp regulatory program.

(8) "Corrective Action Plan" means a plan established by the Department for a licensed grower to correct a negligent violation or non-compliance with a hemp statute or administrative regulation.

(9) "Culpable mental state greater than negligence" means to act intentionally, knowingly, willfully, recklessly or with criminal negligence.

(10) "DEA" means the United States Drug Enforcement Administration.

(11) "Decarboxylated" means the completion of the chemical reaction that converts THC-acid into total delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid.

(12) "delta-9-THC" means total delta-9-tetrahydrocannabinol concentration (the primary intoxicating or psychoactive component of cannabis).

(13) "Department" means the Alabama Department of Agriculture and Industries.

(14) "Dry weight basis" means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. It is a basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of total THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

(15) "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable

organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

(16) “Farm Service Agency or FSA” means an agency of the United States Department of Agriculture.

(17) "Grower licensing agreement" means a document executed by a person and the department authorizing the person to possess, grow, produce, handle, and store hemp at one (1) or more specified locations in the State under the terms established in this administrative regulation.

(18) "GPS" or Global Positioning System means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

(19) "Handle or Handling" means taking ownership, possessing or storing hemp for any period of time on licensed premises owned, operated, or controlled by a person licensed to cultivate or process hemp. Handling also includes possessing or storing hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process hemp to the premises of another licensed person.

(20) "Hemp" or "industrial hemp" is the plant *Cannabis sativa* L and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Industrial Hemp shall be considered an agricultural crop or an agricultural commodity, or both, in all respects under state law. The term excludes marijuana as defined in subdivision (14) of Section 20-2-2 of the Code of Ala. 1975.

(21) "Hemp product" or "industrial hemp product" is products derived from, or made by, processing industrial hemp plants or plant parts.

(22) “Key participants” means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a business entity or corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer and chief financial officer or similar position of managerial control. This definition does not include non-executive managers such as farm, field, or shift managers.

(23) "Law enforcement agency" means ALEA (Alabama Law Enforcement Agency), or other federal, state, or local law enforcement agency or drug suppression unit.

(24) "Licensed grower or producer" means a person authorized in the State by the department to grow, cultivate, handle, and store hemp under the terms established in a grower licensing agreement and this administrative regulation.

(25) "Licensed processor" means a person in the State authorized by the department to process, handle, and store hemp under the terms established in a processor licensing agreement.

(26) "Location ID" means the unique identifier established by the applicant for each unique set of GPS coordinates where hemp will be grown, handled, stored, or processed, which can include a field name, greenhouse or building name. Under the terms of this part, "Location I.D. or Lot", is to be defined by the Licensed Grower or Producer in terms of farm location, field acreage, and variety (i.e. cultivar) and to the reported as such to FSA.

(27) "Measurement of Uncertainty" means the parameter associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(28) "Microgreens" means immature hemp seedlings for human consumption that are cut-off above the soil or substrate line and harvested prior to flowering and not more than fourteen (14) days after germination. Hemp microgreens are typically between two (2) and three (3) inches in height, but not taller than five (5) inches.

(29) "Nonviable seed" means a seed that has been crushed, dehulled, or otherwise rendered to have a zero percent germination rate.

(30) "Person" means an individual, institution of higher education, business entity or entity.

(31) "Pesticide" means any substance or mixture of substances intended to:

(a) Prevent, destroy, control, repel, attract, or mitigate any pest;

(b) Be used as a plant regulator, defoliant, or desiccant; or

(c) Be used as a spray adjuvant, once they have been mixed with a product registered by U.S. Environmental Protection Agency.

(32) "Plot, lot or growing area" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of hemp throughout the area.

(33) "ppm" means parts per million.

(34) "Post-harvest sample" means a sample taken from the harvested hemp from a particular plot's harvest in accordance with the procedures as established by the department. The entire plot's harvest should be in the same form (for example, intact-plant, flowers, etc.), homogenous, and not mixed with non-hemp materials or hemp from another plot.

(35) "Pre-harvest sample" means a composite, representative portion from plants in a hemp plot collected in accordance with the procedures as established by the department.

(36) "Prohibited variety" means a variety or strain of cannabis excluded from the department's program.

(37) "Processing" is converting an agricultural commodity into a marketable form, to include but not be limited to, heating, mixing, grinding, separating/ extracting, cutting, freezing, physically or chemically altering hemp plants or hemp plant parts from a raw unaltered state.

(38) "Processor/Handler licensing agreement" means a document executed by a person and the department authorizing the person to process, handle, and store hemp at one (1) or more specified locations in the State under the terms established by the department.

(39) "Program" means the department's Industrial Hemp Program.

(40) "Propagule" means a plant or plant part that can be utilized to grow a new plant.

(41) "Secondary pre-harvest sample" means a pre-harvest sample that is taken:

(a) In a given plot after the first pre-harvest sample is taken; and

(b) On a different day than the initial pre-harvest sample.

(42) "Seed source" means the origin of the seed or propagules as determined by the department.

(43) "Signing authority" means an officer or agent of the business entity or organization with written authorization to commit the legal entity to a binding agreement.

(44) "State" means the State of Alabama.

(45) "State Plan" means the plan submitted by the Department and approved by the Secretary of the U.S. Department of Agriculture under which the Department regulates hemp production.

(46) "University" means a postsecondary institution, as defined in 20 U.S. Code 1001(a). and located in the State.

(47) "Variety" means a subdivision of a species that is:

(a) Uniform, in the sense that the variations in essential and distinctive characteristics are describable;

(b) Stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and

(c) Distinct, in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, other characteristics from all other publicly known varieties.

(48) "Variety of concern" means any variety of hemp in the department's program that tests above 3,000 ppm or 0.3000 percent total delta-9-THC in one (1) or more pre-harvest samples. A hemp variety designated as a "variety of concern" could be subject to restrictions and additional testing.

(49) "Volunteer cannabis plant" means any cannabis plant that:

(a) Grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and

(b) Is not intentionally planted.

Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §§2-8-381, 2-8-383.
History: **New Rule:** Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.03 Grower License Application.

(1) Any person who wishes to grow hemp at any location in the State shall submit to the department annually a completed Grower License Application, incorporated by reference as part of the Grower Licensing Application Packet.

(2) A person who does not hold a license from the department shall not grow, cultivate, handle, store hemp or other cannabis.

(3) A person under the age of eighteen (18) years of age shall not apply for or hold a grower license.

(4)(a) Completed Grower License Application forms shall be postmarked or received by the department on or before the end of the application period established in the application.

(b) Completed Grower License Application forms shall be delivered to the Alabama Department of Agriculture and Industries as stated in the application package.

(c) The department may deny any Grower License Application that fails to meet the deadline established in the application.

(5) Each applicant shall pay a grower application fee in the amount established by the department.

(6) Application fees shall not cover or include the cost of the criminal background checks required by this administrative regulation. Applicants and license holders shall pay criminal background check fees directly to ALEA or any other law enforcement agency designated by the department.

(7) The department shall deny any Grower License Application that is received without the application fee established by these regulations.

(8) With the Grower License Application form, the applicant shall submit, at a minimum:

(a) Full name, Alabama residential address, telephone number, and email address.

(b) If the applicant represents a business entity, the full name of the business, the principal Alabama business location address, the full name of the applicant who will have signing authority on behalf of the entity, title, and email address of the person;

(c) Grow plan, including the proposed acreage or greenhouse or indoor square footage to be planted;

(d) Planned source of seeds or propagules;

(e) Street address; location ID; and GPS coordinates for each field, greenhouse, building, or site where hemp will be grown, handled, or stored;

(f) Maps depicting each site where hemp will be grown, handled, or stored, with appropriate designations for entrances, field boundaries, and specific locations corresponding to the GPS coordinates.

(9) All licensed growers or producers shall report hemp crop acreage to FSA and shall provide, at minimum, the following information:

(a) Street address, and to the extent practicable, Geospatial Location for each lot or greenhouse where hemp will be produced. If an applicant operates in more than one location, or is producing under multiple licenses, production information shall be provided for each location.

(b) Acreage dedicated to the production of hemp, or greenhouse or indoor square footage dedicated to the production of hemp.

(c) License or authorization identifier in a format prescribed by USDA.

(10) Any Grower License Application that is missing required information shall be subject to denial.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.04 Application For Grower Licensing Agreement; Criteria And Procedure For Evaluation.

(1) The department shall apply the criteria established in paragraphs (a) through (m) of this subsection in evaluating an application for the grower license.

(a) In accordance with Section 3 of this administrative regulation, the applicant shall submit a complete application with all required components and attachments.

(b) The applicant shall comply with the responsibility to submit:

1. Hemp Grow Plan Outdoor Report and Hemp Grow Plan Greenhouse/Indoor Report, incorporated by reference;

2. Harvest/Destruction Report, incorporated by reference;

3. Post-Harvest Production reports, incorporated by reference; and

4. Any other reports deemed necessary by the department to which the applicant has agreed.

(c) The applicant's growing sites, handling sites, storage sites, and primary residence shall be located in the State of Alabama.

(d) The applicant shall affirm that the applicant resides in Alabama at the primary residence or within 50 miles of at least one of the applicant's Alabama grow sites listed on the Grower License Application form.

(e) The criminal background check report indicates that, within ten (10) years from the date when the background check was issued, the applicant or any key participant shall not have:

1. A felony conviction related to a controlled substance under State or Federal law; provided however, that an exception applies to a person who was lawfully growing Hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. If the applicant is an entity, all Key Participants of the entity are subject to this requirement.

2. Any other felony or misdemeanor conviction which affects the grower's competency to hold a license to grow, handle or process hemp.

(g) The research or grow plan shall be compliant with state and federal law.

(h) The applicant shall have a seed or propagule acquisition form.

(i) In the past, including those times when the applicant was not a participant in the department's program, the applicant shall have demonstrated a willingness to comply with the department's rules, instructions from department staff, and instructions from representatives of ALEA and other law enforcement agencies.

(j) The applicant shall not be delinquent in making any required reports or payments to the department in connection with the applicant's participation in the program or other programs within the department.

(k) The applicant shall not have any unpaid fines or civil penalties owed to the department.

1. The applicant shall not make any false statements or representations to a representative of the department or a law enforcement agency.

2. The department may conditionally approve an application for a grower licensing agreement if the

application satisfies the criteria established in this administrative regulation.

3. The department may approve an applicant to grow an acreage or square footage that is equal to, greater than, or less than the acreage or square footage stated in the application.

4. The department shall notify applicants by letter or email whether the application has been denied or conditionally approved. A person shall not be a participant in the department's program until the applicant and the department have executed a grower licensing agreement following the applicant's completion of the department's mandatory orientation session as required by this administrative regulation.

Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.05 Land Use Restriction For Licensed Growers.

(1) A licensed grower shall not plant or grow any cannabis that is not hemp.

(2) A licensed grower shall not plant or grow hemp or other cannabis on any site not listed in the grower licensing agreement.

(3) A licensed grower shall not grow hemp or other cannabis in any structure that is used for residential purposes.

(4) A licensed grower shall not handle or store leaf or floral material from hemp or other cannabis in any structure that is used for residential purposes.

(5) Hemp shall be physically segregated from other crops unless prior approval is obtained in writing from the department.

(6) A licensed grower shall not plant hemp or other cannabis plants in an outdoor growing location of less than one acre and 1,000 plants unless prior approval is received in writing from the department.

(7) A licensed grower shall not grow hemp or other cannabis in any outdoor field or site that is located within 1,000 feet of a school or a public recreational area or any location that would

cause concern to the public interest without prior approval from the department.

(8) An applicant or licensed grower shall not include any property on his or her application or Site Modification Form to grow or cultivate hemp that is not owned or completely controlled by the applicant or licensed grower.

(9) A licensed grower shall not grow, handle, or store hemp or other cannabis on property owned by, leased from, or previously submitted in a license application by any person who is ineligible or was terminated, or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check; or

(b) Failure to comply with an order from a representative of the department.

(10) A licensed grower shall not plant hemp or other cannabis plants in an indoor growing location of less than 1500 square feet and 500 plants unless prior approval is received in writing from the department.

Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: **New Rule:** Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022.

80-10-21-.06 Grower Licensing Agreements.

(1) An applicant shall not be a participant in the department's program until the conditionally approved applicant and the department have executed a grower licensing agreement following the applicant's completion of the department's mandatory orientation session. Each licensed grower or producer shall be assigned a department license number in the form prescribed by USDA.

(2) The grower licensing agreement shall establish additional terms and conditions governing participation in the department's program.

(3) The terms and conditions established in the grower licensing agreement shall include, at a minimum, the following requirements for licensed growers:

(a) Acknowledge that licensed growers shall act as agents of the department and shall comply with instructions from

representatives of the department and law enforcement agencies;

(b) Agree to pay a licensing fee in the amount established by these administrative rules;

(c) Consent to entry onto, and inspection of, all premises where hemp or other cannabis plants or materials are located, or licensed to be located, by representatives of the Department and law enforcement agencies, with or without cause, with or without advance notice;

(d) Consent to forfeiture and destruction, without compensation, of:

1. Material found to have a measured total delta-9-THC content in excess of zero and three-tenths (0.3) percent on a dry weight basis;

2. Plants located in an area that is not licensed by the department; and

3. Plants not accounted for in required reporting to the department;

(e) Agree to apply for registration of all growing, handling, and storage locations, including GPS coordinates, and receive department approval for those locations prior to having hemp on those premises;

(f) Acknowledge that licensed growers shall submit a Site Modification Request Forms, the appropriate fees based on the requested changes, and obtain prior written approval from arepresentative of the department before implementing any change to the licensed sites stated in the grower licensing agreement, and that growing site changes shall be subject to a site modification surcharge in the amount established in these administrative rules for a new set of GPS coordinates;

(g) Acknowledge that hemp shall not be grown, handled, or stored in any location other than the location listed in the grower licensing agreement;

(h) Agree not to interplant hemp with any other crop without express written permission from the department;

(i) Acknowledge that anyone applying pesticides to hemp shall apply pesticides in accordance with this administrative regulation;

(j) Acknowledge that licensed growers shall comply with restrictions established by the department limiting the movement of hemp plants and plant parts;

(k) Acknowledge that the risk of financial or other loss shall be borne solely by the licensed grower;

(l) Agree that any time hemp is in transit, a copy of the grower licensing agreement shall be available for inspection upon the request of a representative of the department or a law enforcement agency;

(m) Agree that, upon request from a representative of the department or a law enforcement agency, a licensed grower shall immediately produce a copy of his or her grower licensing agreement for inspection;

(n) Agree to submit Hemp Grow Plan Reports, Harvest/ Destruction Form, Post-Harvest Reports and Production Reports, and any other reports required by the department or USDA, to which the grower has agreed, on or before the deadlines established in this administrative regulation;

(o) Agree to scout and monitor unregistered fields for volunteer cannabis plants and to destroy those volunteer cannabis plants for three (3) years past the last date of planting reported to the department;

(p) Agree not to employ or rent land to cultivate hemp from any person who was terminated or denied admission to the program for one (1) or both of the following reasons:

1. Failure to obtain an acceptable criminal background check; or

2. Failure to comply with an order from a representative of the department;

(q) Agree that land used for the cultivation or storage of hemp shall not be owned by or leased from any person who was terminated, or denied admission to the program for one (1) or both of the following reasons:

1. Failure to obtain an acceptable criminal background check; or

2. Failure to comply with an order from a representative of the department;

(r) Agree to notify the department of any interaction with law enforcement immediately by phone and follow-up in writing within three (3) calendar days of the occurrence; and

(s) Agree to notify the department of any theft of cannabis materials, whether growing or not.

(t) Agree that the department, law enforcement or other authorized entities may conduct annual inspections of licensed growers, at random, to verify that hemp is not being produced in violation of these rules or state or federal laws and regulations.

(4) Failure to agree or comply with terms and conditions established in the grower licensing agreement or this administrative regulation shall constitute grounds for appropriate departmental action, up to and including termination of the grower licensing agreement and expulsion from the department's program.

(5) A person who has been expelled from the program shall not be eligible to reapply to the program for a period of five (5) years from the date of expulsion.

(6) Failure to agree and sign the grower licensing agreement shall terminate conditional approval and a licensing agreement shall not be executed.

(7) The department may deny or revoke any license for good cause shown.

Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: **New Rule:** Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.07 Licensing Fees; Participation Fee, Secondary Pre-Harvest Sample Fee, Post-Harvest Retest Fee.

(1) Participation fee.

(a) The licensed grower shall pay a participation fee.

(b) The participation fee for each growing address shall be in the amount established in these regulations.

(c) Participation fees shall be paid in full prior to the execution of the grower licensing agreement in a manner prescribed by the Alabama Department of Agriculture and Industries.

(2) Secondary Pre-Harvest Sample fee.

(a) If a licensed grower fails to complete the harvest within thirty (30) days after the department collects the pre-harvest sample, the licensed grower shall submit a new Harvest/ Destruction Form for each additional pre-harvest sample.

(b) After the initial pre-harvest sample from each grow area or lot, the licensed grower will be required to pay a secondary pre-harvest sample fee for each additional sample taken.

(c) Each secondary pre-harvest sample fee shall be paid to the department within thirty (30) days of invoice or notification by the department. The secondary pre-harvest sample fee shall be as established in these regulations.

(d) If the licensed grower fails to pay the secondary pre-harvest sample fee within thirty (30) days of invoice or notification, the lack of payment shall be considered a violation of the grower licensing agreement.

(e) The licensed grower shall not harvest the remaining crop until the department collects a secondary pre-harvest sample if one is required as established in paragraph (a) or (b) of this subsection.

(3) Post-harvest retest fee.

(a) The department shall order post-harvest THC testing of a plot if the results of an initial THC test on the pre-harvest sample indicate a total delta-9-THC concentration in the pre-harvest sample in excess of what is permitted by the department.

(b) If a licensed grower fails to request a retest within fourteen (14) days of notification of pre-harvest results on a harvest from the department, then the pre-harvest sample or secondary pre-harvest test result shall stand, and the department shall destroy or seize, without compensation, all hemp or other cannabis from the plot.

Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: **New Rule:** Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.08 Planting Reports For Outdoor Plantings.

(1) A licensed grower shall submit to the department a complete and current Hemp Grow Plan Report, within fourteen (14) days after every planting, including replanting, of seeds or propagules in an outdoor location.

(2) Each Grow Plan Report shall identify the:

(a) Correct variety name as designated upon approval of the acquisition request or as approved by the department;

(b) Field location ID as listed in the grower licensing agreement; and

(c) Primary intended use of the harvest for each planting.

(3) A licensed grower who does not plant hemp in an approved outdoor site listed in the grower license agreement shall submit a Grow Plan Report, on or before July 31, stating that hemp has not and shall not be planted at that site.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.09 Planting Reports For Indoor Plantings.

(1) A licensed grower shall submit to the department a complete and current Hemp Grow Plan Report within fourteen (14) days after establishing plants at an indoor location.

(2) Each Grow Plan Report shall identify the:

(a) Correct hemp variety name as designated in the Domestic Seed/Propagule Request form or International Seed Request form and approved by the department;

(b) Greenhouse or indoor growing location ID as listed in the grower licensing agreement; and

(c) Primary intended use for the harvest of each planting.

(3) In addition to the initial Grow Plan Report, a licensed grower with an approved greenhouse or indoor growing site shall submit quarterly reports for each location ID to the department. Grow Plan Reports shall be due no later than March 31, June 30, September 30, and December 31.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.10 Pesticide Use.

(1) A licensed grower shall only apply pesticide products registered and approved for use on Hemp by EPA and in accordance with all state and federal laws.

(2) A licensed grower shall not use any pesticide in violation of the product label.

(3) A licensed grower who uses a pesticide on a site where hemp will be planted shall comply with the longest of any planting restriction interval on the product label prior to planting the hemp.

(4) The department may perform pesticide testing on a random basis or if representatives of the Department have reason to believe that a pesticide may have been applied to hemp in violation of the product label.

(5) Hemp seeds, plants, and materials bearing pesticide residue in violation of the label shall be subject to forfeiture or destruction without compensation.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.11 Responsibility Of A Licensed Grower Prior To Harvest Of Hemp Plots.

(1) The department may collect samples of any hemp material prior to harvest at any time.

(2) A licensed grower shall submit a complete and current Harvest/ Destruction form to the department fourteen (14) calendar days prior to the intended harvest date or intended destruction of a failed crop.

(3) The department's receipt of a Harvest/Destruction Report shall trigger a sample collection by the department.

(4) During the department's scheduled sample collection, the grower or an authorized representative shall be present at the growing site.

(5) Representatives of the department shall be provided with complete and unrestricted access to all hemp and other cannabis

plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants; and all locations listed in the grower licensing agreement.

(6) The licensed grower shall harvest the crop thirty (30) days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(7) If the licensed grower fails to complete harvest within thirty (30) days, the department may order a secondary pre-harvest sample of the plot, and the licensed grower shall be assessed a secondary pre-harvest sample fee per plot in the amount established in these regulations prior to the department collecting the sample.

(8) Harvested materials of different varieties shall not be commingled with other harvested varieties without the release movement form from the department.

(9) Floral materials harvested for phytocannabinoid extraction shall not be moved outside the State or beyond a processor, nor commingled, nor extracted, until the department releases the material in writing.

(10) A licensed grower who fails to submit a Harvest/Destruction Form, or who does submit a Harvest/ Destruction Form, and proceeds to harvest a crop prior to a sample being collected by the department shall be subject to license revocation.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.12 Collection Of Samples; THC Testing; Post-Testing Actions.

(1) The hemp to be selected for sampling shall be determined by a representative of the department.

(2) The department shall collect and retain samples from each plot in accordance with the procedures established by the department.

(3) The department shall receive, prepare, and release hemp samples in accordance with the procedures established by the department.

(4) The department shall measure total delta-9-THC concentration of each hemp sample in accordance with the procedures established by the department.

(5) The department shall undertake post-testing actions in accordance with the procedures established by the department.

(6) The method used for sampling from the flower material of the cannabis plant must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the lot would exceed the federally defined THC level for hemp. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.

(7) All performance-based sampling methods will follow established federal and state laws, rules, and policies or protocols established by the department.

(8) All samples shall become the property of the department and shall not be returnable. Compensation shall not be owed by the department.

(9) If the department is not able to provide THC testing services required by these regulations, the department may identify and contract with a third-party lab to perform THC testing services.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: **New Rule:** Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published May 31, 2022; effective July 15, 2022. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.13 Restrictions On Sale Or Transfer.

(1) A licensed grower selling or transferring, or permitting the sale or transfer, of floral or plant extracts (including CBD), shall retain testing data or results for at least three (3) years demonstrating that the extract's total delta-9-THC level is not more than zero and three-tenths (0.3) percent.

(2) A licensed grower may transfer up to one (1) pound of hemp per transfer to testing laboratories, both within and outside the State, for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels. The licensed grower shall ensure compliance with laws in other states.

(3) Licensed growers shall comply with the federal Food Drug and Cosmetic Act, 21 U.S.C. Chapter 9, and all other applicable local, state, and federal laws and regulations relating to product

development, product manufacturing, consumer safety, and public health.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.14 Other Prohibited Activities.

(1) A licensed grower shall not plant or grow hemp on any site not listed in the grower licensing agreement.

(2) A licensed grower shall not allow unsupervised public access to hemp plots, including activities such as a hemp maze.

(3) A person shall not ship or transport, or allow to be shipped or transported, live hemp plants, cuttings for planting, or viable seeds from a variety that is currently designated by the department as a prohibited variety or variety of concern to any location outside the State.

(4) A person shall not ship or transport, or allow to be shipped or transported, any hemp product with a total delta-9-THC concentration in excess of zero and three-tenths (0.3) percent.
Author: N. Gunter Guy Jr.
Statutory Authority: Code of Ala. 1975, §2-8-383.
History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.15 Other Required Reports.

(1) A licensed grower shall submit a completed Grower Post Harvest Production Report annually, any report required by this regulation and any report required by USDA and/or FSA, in the form and manner prescribed or stated.

(2) For at least three (3) years, license holders shall maintain and make available for inspection by the department during reasonable business hours:

(a) Records regarding acquisition of hemp plants;

(b) Records regarding production and handling of hemp plants;

(c) Records regarding storage of hemp plants; and

(d) Records regarding disposal of all cannabis plants that do not meet the definition of hemp.

(3) A licensed grower's failure to submit an accurate and complete report that is required by the department before the deadline established by the department shall constitute grounds for the department to terminate the grower licensing agreement and deny future applications for licensure.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022.

80-10-21-.16 Processor Or Handler License Application.

(1) Any person who wishes to engage in the processing, handling, or storing of hemp at any location in the State shall submit to the department annually a complete Processor/Handler License Application, incorporated by reference as part of the Processor/ Handler License Application Packet.

(2) Any person who does not hold a license from the department shall not grow, cultivate, handle, store or process hemp or other cannabis.

(3) A person under the age of eighteen (18) years of age shall not apply for or hold a processor or handler license.

(4)(a) Completed Processor/Handler License Application forms shall be postmarked or received by the department on or before the end of the application period established in the application.

(b) Completed Processor/Handler License Application forms shall be delivered to the Alabama Department of Agriculture and Industries, as stated in the application package.

(c) The department may deny any Processor/Handler License Application that is not received by the deadline established in the application.

(5) The department shall require each applicant to pay a processor or handler application fee in the amount established in by these regulations.

(6) Application fees shall not cover or include the cost of criminal background checks required by this regulation. Applicants and license holders shall pay criminal background check fees directly to ALEA or any other law enforcement agency designated by the department.

(7) The department may deny any Processor/Handler License Application that is received without the application fee established by the department.

(8) With the Processor/Handler License Application form, the applicant shall submit, at a minimum:

(a) Full name, mailing address, telephone number, and email address;

(b) If the applicant represents a business entity, the full name of the business, the principal Alabama business location address, the full name of the applicant who will have signing authority on behalf of the entity, title, and email address of the person;

(c) Processing or handling plan;

(d) Planned source of hemp; and

(e) Maps and the street address, location ID, and GPS coordinates for each building or site where hemp will be processed, handled, or stored.

(9) Any Processor/Handler License Application that is missing required information shall be grounds for license denial.

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.17 Application For Processor Or Handler Licensing; Criteria And Procedure For Evaluation.

(1) The department shall apply the criteria established in paragraphs (a) through (n) of this subsection in evaluating applications for a processor or handler licensing agreement:

(a) In accordance with this administrative regulation, the applicant shall submit a complete application with all required components and attachments.

(b) An applicant who has been a program participant previously, the applicant shall comply with the responsibility to submit any reports required by these regulations.

(c) All involved business entities shall be registered and in good standing with the Alabama Secretary of State.

(d) The applicant's processing sites, handling sites, and storage sites, shall be located in the State of Alabama.

(e) The criminal background check report indicates that, within ten (10) years from the date when the background check was issued, the applicant shall not have:

1. A felony conviction relating to a controlled substance under State or Federal law; provide however, that an exception applies to a person who was lawfully growing Hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. If the applicant is an entity, all Key Participants of the entity are subject to this requirement.

2. Any other felony or misdemeanor conviction which affects the grower's competency to hold a license to grow, handle or process hemp.

(f) The processing or handling plan shall be compliant with state and federal law.

(g) The applicant's planned activities shall remain compliant with state law and the department policy.

(h) The applicant shall have a hemp acquisition plan.

(i) The applicant shall have a hemp grow plan that is compliant with state and federal law.

(j) The applicant shall have adequate facilities, or plans to acquire adequate facilities sufficiently soon enough, to comply with the issuance of a license.

(k) In the past, including those times when the applicant was not a participant in the department's program, the applicant shall have demonstrated a willingness to comply with the department's rules, instructions from department staff, and instructions from representatives of ALEA and other law enforcement agencies.

(l) The applicant shall not be delinquent in making any required reports or payments to the department in connection with the applicant's participation in the program or other programs within the department.

(m) The applicant shall not have any unpaid fines or civil penalties owed to the department.

(n) The applicant shall not have made and shall not make any false statements or representations to a representative of the department or a law enforcement agency.

(2) The department may conditionally approve an application for a processor or handler licensing agreement if the application satisfies the criteria established in this administrative regulation.

(3) The department shall notify applicants whether the application has been denied or conditionally approved. A person shall not be a participant in the department's program until the applicant and the department have executed a processor or handler licensing agreement following the applicant's completion of the department's mandatory orientation session.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.18 Land Use Restrictions For Licensed Processors Or Handlers.

(1) A licensed processor or handler shall not process or store leaf or floral material from hemp or other cannabis in any structure that is used for residential purposes.

(2) A licensed processor or handler shall not process hemp or other cannabis in a site that is located within 1,000 feet of a school or a public recreational area without prior approval of the department.

(3) A licensed processor or handler shall not apply to process, handle, or store hemp on any property that is not owned or completely controlled by the applicant or licensed processor.

(4) A licensed processor or handler shall not process, handle, or store hemp on property owned by, leased from, or previously submitted in an application by any person who is ineligible or was terminated or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check, or

(b) Failure to comply with an order from a representative of the department.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.19 Processor Or Handler Licensing Agreements.

(1) An applicant shall not be a participant in the department's program until the conditionally approved applicant and the department have executed a processor or handler licensing agreement following the applicant's completion of the department's mandatory orientation session. Each licensed processor or handler shall be assigned a department license number in the form prescribed by ADAI.

(2) The processor or handler licensing agreement shall establish additional terms and conditions governing participation in the department's program.

(3) The terms and conditions established in the processor or handler licensing agreement shall include, at a minimum, the following requirements for licensed processor or handler:

(a) Acknowledge that licensed processors or handlers are acting as agents of the department and shall comply with instructions from representatives of the department and law enforcement agencies;

(b) Agree to pay a licensing fee in the amount established in these administrative rules;

(c) Consent to entry onto, and inspection of, all premises where hemp or other cannabis materials are located, or licensed to be located, by representatives of the department and law enforcement agencies, with or without cause, with or without advance notice;

(d) Consent to forfeiture and destruction, without compensation, of:

1. Material found to have a measured total delta-9-THC content in excess of zero and three-tenths (0.3) percent on a dry weight basis;

2. Material located in an area that is not licensed by the department; or

3. Material not properly accounted for in required reporting to the department;

(e) Acknowledge that no hemp shall be processed, handled, or stored in any location other than the location listed in the processor or handler licensing agreement;

(f) Acknowledge that licensed processors or handlers shall comply with restrictions established by the department limiting the movement of hemp plants and plant parts;

(g) Acknowledge that the risk of financial or other loss shall be borne solely by the licensed processor or handler;

(h) Agree that any time the hemp is in transit, a copy of the processor or handler licensing agreement shall be available for inspection upon the request of a representative of the department or a law enforcement agency;

(i) Agree to immediately produce a copy of the processor or handler licensing agreement for inspection upon request from a representative of the department or a law enforcement agency;

(j) Agree to submit reports required by the department or USDA on or before the deadlines established by the department;

(k) Agree to notify the department of any interaction with law enforcement immediately by phone and follow-up in writing within three (3) calendar days of the occurrence; and

(l) Agree to notify the department of any theft of hemp materials.

(4) Failure to agree or comply with terms and conditions established in the processor or handler licensing agreement or this administrative regulation shall constitute grounds for appropriate departmental action, up to and including termination of the license and expulsion from the department’s program.

(5) A person who has been expelled from the program is not eligible to reapply to the program for a period of five (5) years from the date of expulsion.

(6) Failure to agree and sign the processor or handler licensing agreement shall terminate conditional approval and no licensing agreement shall be executed.

(7) A licensed processor or handler shall:

(a) Submit to the department an annual criminal background check for the signing authority of record;

(b) Complete a mandatory, annual program orientation session hosted by the department;

(c) Pay annual fees in the amount established in these regulations;

(d) Update all registered addresses, location IDs, and GPS coordinates with the department; and

(e) Agree to comply with the department's program policies as established in these regulations.

(8) The department may deny or revoke any license for good cause shown.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: **New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.20 Processor Or Handler Licensing Fee.

(1) The licensed processor or handler fee for processing one (1) or more fiber harvests shall be the amount established in these regulations.

(2) The licensing fee for processing one (1) or more grain harvests shall be the amount established in these regulations.

(3) The Licensing fee for processing floral material (for example, CBD) shall be the amount established in these regulations.

(4) A licensed processor or handler that processes more than one (1) crop type (for example, fiber, grain, and CBD) shall pay the licensing fee in the amount established in these regulations.

(5) A handler that does not engage in processing (for example, a seed cleaner, or laboratory) shall be subject to a licensing fee in the amount established in these regulations.

(6) The licensed processor or handler fee shall be paid annually in full prior to the execution of the processor or handler licensing agreement in a manner prescribed by the Alabama Department of Agriculture and Industries.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: **New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.21 Collection And Retention Of Cannabis Samples.

(1) The department shall have the authority to collect and retain samples of hemp or other cannabis, and products derived from all hemp or cannabis in the possession of a licensed processor or handler.

(2) All samples collected by the department shall become the property of the department and shall be nonreturnable. Compensation shall not be owed by the department.

(3) The material to be collected for sampling shall be determined by the department inspector.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.22 Other Prohibited Activities.

(1) A licensed processor or handler shall not process or store hemp on any site not listed in the processor or handler licensing agreement.

(2) A person shall not ship or transport, or allow to be shipped or transported, live hemp plants, cuttings for planting, or viable seeds from a variety that is currently designated by the department as a prohibited variety or variety of concern to any location outside the State of Alabama.

(3) A person shall not ship or transport, or allow to be shipped or transported, any hemp product with a total delta-9-THC concentration in excess of zero and three-tenths (0.3) percent.

(4) A licensed processor of handler shall not possess live hemp or other cannabis plants without a grower licensing agreement.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.23 Required Reports.

(1) A licensed processor or handler shall submit a completed Production Report annually, any report required by this regulation, and any report required by USDA or FSA, in the manner and form stated.

(2) For at least three (3) years, license holders shall maintain and make available for inspection by the department during reasonable business hours:

(a) Records regarding acquisition of hemp plants;

(b) Records regarding production and handling of hemp plants;

(c) Records regarding storage of hemp plants; and

(d) Records regarding disposal of all cannabis plants that do not meet the definition of hemp.

(3) A licensed processor or handler's failure to submit an accurate and complete report that is required by these administrative regulations on or before the deadline established by the department shall constitute grounds for the department to terminate the processor or handler licensing agreement and deny future applications for licensure.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022.

80-10-21-.24 Eligible Institutions Of Higher Education.

(1) To be eligible to affiliate with the department's program, an institution of higher education shall:

(a) Be accredited by, and in good standing with, a regional or national higher education accreditation agency;

(b) Confer academic degrees at the associate, bachelor, master, or doctoral level; and

(c) Have a principal campus or office that is located at a site within the State of Alabama.

(2) An institution of higher education shall not conduct hemp research under the authority of the department's program at a campus or other site that is located outside the State of Alabama.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.25 Affiliation With Department Required.

(1) An authorized representative of an eligible institution of higher education with faculty, administration, or staff members who wish to conduct academic research projects involving hemp under the auspices of the department's program shall complete and submit a University/College Affiliation Application, incorporated by reference as part of the University/College Affiliation Application Packet, annually.

(2) An institution of higher education shall not authorize its faculty, administration, or staff members, or any sponsored student, to conduct academic research involving hemp without first completing and submitting a University/College Affiliation Application.

(3) The department shall accept annual University/College Affiliation Applications at any time during a program year.

(4) Upon request from the department, a letter from a faculty department chair or other appropriate academic authority shall be submitted in support of a University/College Affiliation Application.

(5) Following receipt of a University/College Affiliation Application form from an authorized representative of an eligible institution of higher education, the department shall issue a university or college affiliation confirmation letter to grow, cultivate, and process hemp in accordance with:

(a) The institution's research plan;

(b) State and federal law; and

(c) This administrative regulation.

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.26 Affiliation Application Form; Required Components.

(1) A university/college affiliation application form shall contain, at a minimum, the full name of each person authorized by the institute of higher education who shall be responsible for overseeing the academic research project;

(2) The full name of each person who will be involved in growing, processing, storing or handling hemp;

(3) An academic research plan summary;

(4) The full name of the landowner, street address and GPS coordinates for each field, greenhouse, building, or site where hemp will be grown, handled, processed, or stored; and

(5) Maps depicting each site where hemp will be grown, handled, processed, or stored, with appropriate designations for entrances, field boundaries, and specific locations corresponding to GPS coordinates.

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.27 Restrictions On Affiliated Projects.

(1) An institution of higher education with a project affiliated with the department's program shall not involve any person who is ineligible or was terminated, or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check; or

(b) Failure to comply with an order from a representative of the department.

(2) An institution of higher education with a project affiliated with the department's program shall not grow, handle, process, or store hemp on property owned by or leased from any person who is ineligible or was terminated, or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check; or

(b) Failure to comply with an order from a representative of the department.

(3) Hemp that is produced for research shall not enter the stream of commerce and a plan must include disposal procedures.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.28 Fees; Sampling And THC Testing Services.

(1) The department shall assess fees on affiliated institutions of higher education as established in these regulations.

(2) If a representative of an affiliated institution of higher education requests assistance from the department in collecting samples from hemp plants or testing the THC concentration, then the department shall collect a nonrefundable service charge in an amount sufficient to pay for staff time and other expenses

incurred in visiting the site, collecting the samples, and testing the samples.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.29 Seed Acquisition.

(1) An institution of higher education shall not acquire hemp seeds or propagules from a source outside the State of Alabama except as established in subsection (2) of this section.

(2) A representative of an affiliated institution of higher education shall obtain hemp seeds or propagules from a source outside the State by submitting a Seed/Propagule Request form and obtaining written approval from a representative of the department.

(3) A person submitting a Seed/Propagule Request form shall submit to the department documentation showing that the mature plants grown from that seed or propagule variety have a floral material decarboxylated delta-9 THC content of not more than 3,000 ppm on a dry weight basis.

(4) Upon request from a representative of the department, a representative of an affiliated institution of higher education shall provide a distribution list showing the locations where and to whom the hemp seeds were distributed.

(5) A Seed/Propagule Request shall be required for the acquisition of seeds or propagules from a source inside the State.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.30 Academic Research Project Summary To Be Submitted To The Department.

Following the completion of an academic research project conducted under the auspices of the department's program, the person responsible for overseeing the research project shall submit to the department a summary of the research's objectives and findings. The results of research that is proprietary in nature need not be reported to the department.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.

History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.31 Criminal Background Check.

(1) Each licensed grower, processor, handler, university representative or applicant shall undergo and pay for an annual criminal background check.

(2) A licensed grower, processor, handler or applicant shall, following completion of the background check, ensure delivery of the report to the department according to application instructions.

(3) The department shall not accept a report from a criminal background check that is dated more than 60 days prior to the application submission date.

(4) Failure to submit the background check by the deadline stated in subsection (2) of this section shall be grounds for license denial.

(5) Substitution of a signing authority shall require approval from the department and the submission of a current criminal background check on the signing authority.

(6) A license shall not be issued unless the criminal background check submitted with the license application confirms that all key participants to be covered by the license have not been convicted of a felony, under State or Federal law, relating to a controlled substance with the past ten (10) years; provided however, that an exception applies to a person who was lawfully growing Hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. If the licensee is an entity, all Key Participants of the entity are subject to this requirement.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.32 Mandatory Orientation Session.

(1) Conditionally approved applicants shall complete a mandatory orientation session as required by the department.

(2) The department may require in-person attendance or other method.

(3) The department may not allow any person to attend in lieu of the conditionally approved applicant or designated contact.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.33 Site Access For Representatives Of The Department And Law Enforcement Section Agencies.

(1) The department shall provide information about approved growing, handling, and storage site locations to representatives of ALEA, DEA, and other law enforcement agencies whose representatives request registered site information, including GPS coordinates.

(2) Licensed growers, processors, handlers or universities shall have no reasonable expectation of privacy with respect to premises where hemp or other cannabis seeds, plants, or materials are located, and any premises listed in the grower licensing agreement.

(3) A licensed grower, processor, handler or university, whether present or not, shall permit a representative of the department or a law enforcement agency to enter into premises where hemp or other cannabis seeds, plants, or materials are located, and any premises listed in the grower licensing agreement with or without cause and with or without advanced notice.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.34 Site Modifications And Site Modification Surcharge Fees.

(1) A licensed grower, processor, handler or university who elects to grow hemp in a new growing location or store or handle at a site other than the sites specified by the GPS coordinates listed in the grower licensing agreement, shall submit a Site Modification Request Form, as established by these regulations, and obtain written approval from a representative of the department, prior to planting or storing at the proposed location.

(2) Any request for a new growing location shall comply with the land use restrictions established in this administrative regulation.

(3) The land or growing structure being requested shall not be owned by or leased from any person who was terminated, or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check; or

(b) Failure to comply with an order from a representative of the department.

(4) The department shall charge a site modification surcharge fee for each new growing location, be it an individual field or greenhouse or indoor structure, where hemp will be planted. The amount of the site modification surcharge fee shall be as established in these regulations.

(5) The department shall not approve a site modification request for a new growing location until the department has received the site modification surcharge fee. Surcharge fees shall be submitted to the department with a check or money order payable to the department.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: **New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.35 Seed Acquisition From A Source In A U.S.

Territory, Tribal Land, The State Of Alabama Or Another State.

(1) A person shall not acquire seeds or propagules from a source in a U.S. territory, tribal land, or state without first:

(a) Submitting a complete Seed/Propagule acquisition form, incorporated by reference in these regulations, and all required attachments; and

(b) Obtaining written approval of the Seed/Propagule acquisition from a representative of the department.

(2) The department shall not approve a Seed/Propagule acquisition unless the licensed grower affirms in writing that the requested seed acquisition plan shall not infringe on the intellectual property rights of any person.

(3) A person submitting a Seed/Propagule acquisition form shall submit to the department documentation showing that mature plants grown from that seed variety or strain have a

floral material total delta-9-THC content of not more than 3,000 ppm on a dry weight basis from an independent third-party laboratory.

(4) A person submitting a Seed/Propagule acquisition form shall submit to the department documentation verifying the seed or propagule source as a current legal hemp operation in the state of origin.

(5) All seed distribution sources or other seed distribution entities proposing to sell seeds into Alabama are required to obtain an annual Seed Dealer Permit from the department.

(6) Upon request from a representative of the department, a licensed grower or licensed processor shall provide a distribution list showing locations where and to whom the hemp seeds were distributed.

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.36 Seed Acquisition From A Source Outside The United States.

(1) A person seeking to obtain seeds from an international source shall submit a complete International Seed acquisition form, incorporated by reference in these regulations, to the department.

(a) If approved, the department shall request the Permit to Import under any existing current regulations.

(b) person shall not acquire seeds from a source outside the United States unless the department first obtains a Permit to Import.

(2) A person shall not acquire propagules other than seeds from outside the United States.

(3) The department shall not approve an International Seed acquisition form for any purpose other than seeds for planting in Alabama. All licensed growers intending to plant the requested seed shall be listed on the acquisition form.

(4) The department shall not approve an International Seed acquisition form unless the licensed grower affirms in writing that the licensed grower’s planned activities shall not infringe on the intellectual property rights of any person.

(5) A person submitting an International Seed acquisition form shall submit to the department documentation showing that mature

plants grown from that seed variety have a floral material total delta-9-THC content of not more than 3,000 ppm, or 0.3000%, on a dry weight basis.

(6) A person acquiring seeds or propagules from a source outside the United States shall arrange for the seeds or propagules to arrive at the department's facility, for inventory and distribution.

(7) Upon request from a representative of the department, a licensed grower shall provide a distribution list showing locations where and to whom the imported hemp seeds were distributed.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.37 Seeds Of Wild, Landrace, Or Unknown Origin.

(1) A person shall not acquire or grow hemp or cannabis seeds or propagules of wild, landrace, or unknown origin without first obtaining written approval from a representative of the department.

(2) The department shall not permit hemp or cannabis seeds or propagules of wild, landrace, or unknown origin to be planted, cultivated, or replicated by any person without the department first arranging for replication and THC testing of mature plants grown from the seeds or propagules by the department or its designee.

(3) Any licensed grower or licensed processor found to have saved seed, propagules, or cuttings, or cultivated seeds, propagules, or cuttings from a cannabis plant of wild, landrace, or unknown origin, without advance written permission from the department shall be subject to suspension or revocation of his or her license and forfeiture without compensation of his or her materials.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.38 Information Submitted To The Department Subject To Open Records Act.

(1) Except as established in subsection (2) of this section, information and documents generated or obtained by the department

in connection with the program shall be subject to disclosure pursuant to the Alabama Open Records Act.

(2) Personal identifiable information including physical address, mailing address, driver's license numbers, background checks, GPS coordinates, telephone, and email addresses shall be shielded by the department to the maximum extent permitted by law; provided, however, the department shall provide this information to law enforcement agencies and other regulatory agencies upon request.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.39 Immediate License Suspension.

(1) The department shall immediately suspend a license, without an opportunity for a hearing, if the licensed person pleads guilty to, or is convicted of, any felony or drug-related misdemeanor.

(2) The department may immediately suspend a license, without an opportunity for a hearing, if the licensed person or his or her agent admits to having:

(a) Violated any provision of an administrative regulation;

(b) Made any false statement to the department or its representative; or

(c) Failed to comply with any instruction or order from the department, a representative of the department, ALEA, or any law enforcement officer.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.40 Temporary License Suspension Procedures.

(1) The department shall notify a licensed grower, processor, handler or university in writing that the grower licensing agreement has been temporarily suspended if a representative of the department receives information supporting an allegation that a licensee has:

(a) Engaged in conduct violating a provision of this administrative regulation, or the licensing agreement;

(b) Made a false statement to a representative of the department or a law enforcement agency;

(c) Been found to be growing or in possession of hemp with a measured total delta-9-THC concentration at or above 0.5 percent; or

(d) Failed to comply with an order from a representative of the department or a law enforcement agency.

(2) A person whose licensing agreement has been temporarily suspended shall not harvest, process, or remove cannabis from the premises where hemp or other cannabis was located at the time when the department issued its notice of temporary suspension, except as authorized in writing by a representative of the department.

(3) As soon as possible after the notification of temporary suspension, a representative of the department shall inspect the licensed premises and perform an inventory of all cannabis, hemp, and hemp products that are in the licensee's possession.

(4) The department shall schedule a license revocation hearing for a date as soon as practicable after the notification of temporary suspension, but in any event not later than sixty (60) days following the notification of temporary suspension.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.41 License Revocation Hearings And Consequences Of Revocation.

(1) The department shall notify a person whose licensing agreement has been temporarily suspended of the date when the person's license revocation hearing will occur at a time and place designated by the Commissioner.

(2) License revocation hearings shall be adjudicated the same as an administrative appeal from denial of an application of a license.

(3) If a decision is reached in favor of revoking the licensing agreement, then a representative of the department or a law enforcement agency shall destroy or confiscate all cannabis, hemp, and hemp products that are in the person's possession.

(4) A person whose property is destroyed or confiscated by a representative of the department or a law enforcement agency shall be owed no compensation or indemnity for the value of the

cannabis, hemp, or hemp products that were destroyed or confiscated.

(5) A person whose licensing agreement has been revoked shall be barred from participation in the program in any capacity for a minimum period of five (5) years.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.42 Administrative Appeal From Denial Of Application.

(1) An applicant wishing to appeal the department's denial or partial denial of an application or other adverse decision concerning these administrative rules shall submit a written request for a hearing postmarked within fifteen (15) days of the date of the department's notification letter or email.

(2) An appealing applicant shall mail a hearing request letter to the Alabama Department of Agriculture and Industries, Industrial Hemp Program, 1445 Federal Drive, Montgomery, Alabama 36107-1123.

(3) Appeals shall be heard by an impartial hearing officer designated by the Commissioner or his designee.

(4) Notice of the time and date of the appeal hearing will be given for preparation of the hearing.

(5) The applicant may request that the date of the hearing be rescheduled one time.

(6) An appealing applicant shall appear in person at the assigned hearing time. Failure to appear on time shall constitute grounds for dismissal of the appeal.

(7) Applicants will have the opportunity to confront the person or entity that denied their application.

(8) The basis of the hearing officer's decision will be delivered to the applicant in writing.

(9) If the disqualification is substantiated, the applicant will automatically be disqualified.

(10) Applicants may request a judicial review at their own expense.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.43 Schedule Of Fees For Growers.

(1) The fees established in this section shall be nonrefundable.

(2) The Grower License Application fee shall be $150, plus any established online convenience fee, for each application.

(3) The annual grower participation fee shall be $1000 for each growing location.

(4) The secondary pre-harvest sample fee shall be $250 for each sample.

(5) The post-harvest retest fee shall be $250 for each sample.

(6) The site modification surcharge fee shall be $1000 for each GPS coordinate location change for each growing site after the grower licensing agreement has been executed.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.44 Schedule Of Fees For Processors Or Handlers.

(1) The fees established in this section shall be nonrefundable.

(2) The Processor/Handler License Application fee shall be $150, plus any established online convenience fee, per application.

(3) The annual participation fee for processing the grain component of hemp shall be $1000.

(4) The annual participation fee for processing the fiber component of hemp shall be $1000.

(5) The annual participation fee for processing the floral material component of hemp (such as CBD) shall be $1,000.

(6) The annual participation fee for a handler (such as a seed cleaner or laboratory) shall be $1000.

(7) The site modification surcharge fee shall be $1000 for each GPS coordinate location change for each processing site after the processor or handler licensing agreement has been executed.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.

History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.45 Schedule Of Fees For Eligible Institutions Of Higher Education.

(1) The fees established in this section shall be nonrefundable.

(2) The Institute of Higher Education Application fee shall be $150, plus any established online convenience fee, per application.

(3) The annual participation fee shall be $500 for the initial growing location and $200 for each additional growing location.

(4) The site modification surcharge fee shall be $500 for each GPS coordination location change for each growing site after the licensing agreement has been executed.

(5) Sampling and THC testing shall be $200 for each sample.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; Effective January 14, 2022. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.46 Department To Collect And Retain Information About Growing Locations.

The Department shall collect and retain for a period of at least three calendar years, Location ID information for every site or location where the department has approved hemp to be grown.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.47 Ineligibility Of Persons Found To Have Negligently Violated Rules Three Times In A Five (5) Year Period.

A person who is found by the Department to have negligently violated any statute or administrative regulation governing that person's participation in the hemp program three (3) times in a five (5) year period shall be ineligible to hold a license for a

period of five (5) years beginning on the date of the third violation.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.48 Corrective Action Plans For Negligent Violations.

(1) In addition to being subject to the license suspension, license revocation, and monetary civil penalty procedures, a person who is found by the Department to have negligently violated any statute or administrative regulation governing that person's participation in the hemp program shall be subject to a corrective action plan at the discretion of the Department.

(2) The Department may impose a corrective action plan for a negligent violation of any statute or administrative regulation governing a person's participation in the hemp program, including without limitation:

(a) Failing to disclose, or provide required information about, a site where hemp is being grown, processed, or stored:

(b) Failing to obtain a necessary license from the department or a necessary authorization from a state or federal agency; and

(c) Producing hemp or other cannabis with a total delta-9-THC concentration of more than 1.0 percent on a dry weight basis.

(3) Corrective action plans issued by the Department shall include, at a minimum, the following information:

(a) A reasonable date by which the person shall correct his or her violation; and

(b) A requirement for periodic reports from the person to the Department about the person's compliance with the corrective action plan, statutes, and administrative regulations for a period of at least two

(c) A description of the procedures that will demonstrate compliance must be submitted for approval.

(d) Growers shall not receive more than one negligent violation per growing season.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.

History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.49 Mandatory Reports To State And Federal Law Enforcement Agencies For Violations With A Culpable Mental State Greater Than Negligence.

(1) In addition to being subject to the license suspension, license revocation, and monetary civil penalty procedures, a person who is found by the Department to have violated any statute or administrative regulation governing that person's participation in the hemp program with a culpable mental state greater than negligence shall be subject to the reporting requirements set forth in this section.

(2) The Department shall immediately report a person who is found by the department to have violated any statute or administrative regulation governing that person's participation in the hemp program with a culpable mental state greater than negligence to the following law enforcement agencies:

(a) The Attorney General of the United States;

(b) The Attorney General of Alabama

(d) The Alabama Law Enforcement Agency

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.50 Department To Submit Growing Locations And Grower Licensee Information To United States Secretary Of Agriculture.

(1) Not more than thirty (30) days after receiving and compiling the following information, the Department shall provide it to the United States Secretary of Agriculture or the Secretary's designee:

(a) the licensed grower's name;

(b) the licensed grower's telephone number, email address, residential address, mailing address, or another form of contact information;

(c) the Location ID for each field, facility, or other place where hemp is licensed to be grown; and

(d) an indication whether the person's license is currently in good standing.

(e) any other information required by USDA pursuant to the USDA Domestic Hemp Production program.

(2) The Department shall provide real-time updates to the information that the Department previously submitted pursuant to Section (1) of this administrative regulation.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022.

80-10-21-.51 Department Testing Procedures.

(1) Through its DEA registration and pursuant to USDA guidelines, the ADAI Food and Drug Laboratory will sample, analyze and evaluate hemp using reliable methodology for testing the total delta-9-THC level.

(2) The department shall collect and handle hemp samples in accordance with the department and USDA Procedures for Sampling, THC Testing, and Post-Testing Actions. The department shall perform total delta-9-THC testing in accordance with the department's Food and Drug Laboratory standard operating procedures.

(3) ADAI shall receive, prepare, and release hemp samples in accordance with the ADAI Procedures for Receiving, Preparing and Releasing Hemp Samples.

(4) ADAI shall measure total delta-9-THC content in accordance with the department's Food and Drug Laboratory SOP Analytical Method: Total THC in Cannabis on a Dry Weight Basis by UPLC-MS-MS or by UPLC-Fluorescence Detection.

(5) Following the delivery of THC testing results from ADAI, the department shall undertake post-testing actions in accordance with the department Standard Operating Procedures for Sampling, THC Testing, and Post-Testing Actions.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.52 Incorporation By Reference.

(1) The following material is incorporated by reference:

(a) Procedures for Sampling, THC Testing, and Post-Testing Actions, December 14, 2017, edition;

(b) Procedures for Performance-based sampling, June 2023, edition;

(c) Procedures for Measuring Delta 9 THC Content in Industrial Hemp by Gas Chromatography with Flame Ionization Detection, August 1, 2017, edition; and

(d) Procedures for Receiving, Preparing and Releasing Hemp Samples,

(2) These materials may be inspected, copied, or obtained, subject to applicable copyright law, upon advanced request, at the Alabama Department of Agriculture and Industries, Richard Beard Building, 1445 Federal Dr., Montgomery, Alabama 36107, Monday through Friday, 8:00 a.m. to 4:30 p.m.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published August 31, 2023; effective October 15, 2023.

80-10-21-.53 Disposal Procedures.

(1) If any hemp plants or material produced under these regulations do not meet the requirements set forth by the Department or USDA, then such plants or material will be disposed of by using one of the methods or procedures set forth in this administrative regulation or USDA regulation. The costs of disposal, if any are incurred by the department, may be charged to the license holder.

(2) Disposal by on-site destruction with department supervision. Without removing the harvested material from the license holder’s premises or other licensed premises where the material is located, a department employee shall personally observe the material’s destruction using one of the department’s approved methods.

(3) Disposal by on-farm transfer to a person who is registered or authorized by the department or USDA to accept controlled substances for the purposes of destruction.

(4) Disposal by vehicle transport to a department and law enforcement approved location and destroyed by a person duly authorized by federal, state or local law to handle and destroy such material.

(5) No destruction may occur unless a destruction plan is submitted and approved by the department and department personnel are present to witness the destruction unless an exception is submitted and approved in writing by the department.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.

80-10-21-.54 Incorporation By Reference.

(1) The following forms and materials are incorporated by reference:

(a) Grower Application

(b) Grower License Agreement

(c) Hemp Grow Plan (Indoor and Outdoor)

(d) Harvest/Destruction Report

(e) Grower Add Site Form

(f) Grower Amend Site Form

(g) Grower Property Owner Affirmation

(h) Harvest Destruction Form

(i) Release/Movement Form

(j) Secondary Sample(s) Invoice

(k) Grower Post-Harvest Report Form (Indoor and Outdoor)

(l) Processor/Handler Application

(m) Processor/Handler Licensing Agreement

(n) Processor Add Site Form

(o) Processor Amend Site Form

(p) Processor Year-End Report

(q) University/Research Application

(r) University/Research Licensing Agreement

(s) University Add Site Form

(t) University Amend Site Form

(u) University Year End Post Harvest Report Form

(v) International Seed Acquisition Form

(w) Seed or Propagule Acquisition Form

(x) Production Report

(2) These materials may be inspected, copied, or obtained, subject to applicable copyright law, and upon advanced request, at the Alabama Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107, Monday through Friday, 8:00 a.m. to 4:30 p.m.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:** Published November 30, 2021; effective January 14, 2022. **Amended:** Published May 31, 2022; effective July 15, 2022.

80-10-21-.55 Severability.

This administrative regulation includes a severability provision. This section provides that if any provision of this Hemp regulation is found to be invalid, the remainder of the regulation shall not be affected.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala.1975, §2-8-383.
History: New Rule: Published August 31, 2020; effective October 15, 2020; operative November 1, 2020.