ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT PROTECTION
ADMINISTRATIVE CODE

CHAPTER 80-10-21
INDUSTRIAL HEMP

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.

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