

DEPARTMENT OF FOOD AND AGRICULTURE

Title 3 of the California Code of Regulations Sections 4940, 4944, and 4946

NOTICE OF A PROPOSED AMENDMENT OF AN  
EMERGENCY ACTION

**5 – Day Notice**

The Department of Food and Agriculture (Department) proposes to amend Sections 4940 (Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp), 4944 (Notification of Laboratory Test Report), and 4946 (Final Disposition for Registered Industrial Hemp Crops) of Title 3 of the California Code of Regulations (CCR).

**Authority**

The Department proposes to amend CCR Sections 4940, 4944 and 4946 pursuant to the authority provided by Sections 401.5 and 407 of the Food and Agricultural Code of California. Reference: Section 81006, Food and Agricultural Code.

**Sections Affected:** Sections 4940, 4944 and 4946 of Title 3 of the California Code of Regulations.

**Five Working Day Notice of OAL Comment Period:** Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulation to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. For further information on the emergency rulemaking process, please access the OAL Internet website at: [https://oal.ca.gov/emergency\\_regulations/](https://oal.ca.gov/emergency_regulations/) , or contact the OAL reference attorney by phone at (916) 323-6815 or e-mail at [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

Upon the Department submitting the proposed regulation to OAL, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency rule. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for one hundred and eighty (180) days. Within the 180-day effective period, the Department will proceed with a regular rulemaking, including a public comment period. The emergency regulations will remain in effect during the regular rulemaking action.

Attached to this notice is the specific regulatory language of the proposed emergency action and Findings of Emergency.

Website Access: Materials regarding this proposal can be found by accessing the following Internet address:

<https://www.cdffa.ca.gov/plant/Regulations.html>