

**In Title 3, California Code of Regulations, Division 4, Chapter 8, Article 1, adopt:**

**Section 4901. Registration Application for Industrial Hemp.**

(a) Definitions.

- (1) "Cultivation site" means contiguous land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.

(b) Registration.

- (1) Except for an established agricultural research institution subject to Food and Agricultural Code section 81004.5 or a hemp breeder subject to Food and Agricultural Code section 81004, before cultivation, a grower of hemp shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation. The registration application for growers of hemp shall include:

- (A) the name, physical address, and contact information of the applicant, including mailing address, telephone number, and email (if available),
- (B) the business type (sole proprietor, partnership, corporation, limited liability corporation, or specified other), business name(s) including all DBAs ("doing business as"), and the employer identification number (EIN) of the business entity,
- (C) the name(s) and title(s) of all key participants as defined in Section 4902(a)(2),
- (D) the legal description, Global Positioning System coordinates, and map of the cultivation site(s),
- (E) the approved cultivar to be grown, including the state or country of origin, and
- (F) the applicant's signature certifying the following:
  - 1. the information provided on the application is true and correct,
  - 2. the cultivation site(s) to be registered for industrial hemp cultivation is not on premises licensed by the department to cultivate or process cannabis,
  - 3. the applicant shall comply with all the requirements outlined in Division 24 of the Food and Agricultural Code and this chapter, and
  - 4. any changes to the registration shall be provided to the commissioner in accordance with Section 4901(c).

- (2) Except for an established agricultural research institution subject to Food and Agricultural Code section 81004.5, before cultivation, a hemp breeder shall register with the commissioner of the county in which the hemp breeder intends to engage in industrial hemp cultivation. The registration application for hemp breeders shall include:

- (A) the name, physical address, and contact information of the applicant, including mailing address, telephone number, and email (if available),
- (B) the business type (sole proprietor, partnership, corporation, limited liability corporation, or specified other), business name(s) including all DBAs ("doing business as"), and the employer identification number (EIN) of the business entity,
- (C) the name(s) and title(s) of all key participants as defined in Section 4902(a)(2),
- (D) the legal description, Global Positioning System coordinates, and map of the cultivation site(s),

- (E) a variety development plan, which shall include:
1. the name of the seed-certifying agency that will be conducting the certification if a new cultivar is to be certified by a seed-certifying agency,
  2. the hemp varieties that will be used and, if applicable, how those varieties will be used in the development of a new cultivar,
  3. a plan for testing the THC concentration of all the plants grown,
  4. the measures that will be taken to destroy any plants with THC concentrations that test above 0.3 percent,
  5. the measures that will be taken to prevent the unlawful use of hemp under Division 24 of the Food and Agricultural Code and this chapter, and
  6. a procedure for the maintenance of records documenting the development of the new cultivar, and

- (F) the applicant's signature certifying the following:
1. the information provided on the application is true and correct,
  2. the cultivation site(s) to be registered for hemp cultivation is not on premises licensed by the department to cultivate or process cannabis,
  3. the applicant shall comply with all the requirements outlined in Division 24 of the Food and Agricultural Code and this chapter, and
  4. any changes to the registration shall be provided to the commissioner in accordance with Section 4901(c).

- (3) Each registration application shall be accompanied with:
- (A) the registration or renewal fee in accordance with Section 4900, and
  - (B) criminal history reports for all key participants in accordance with Section 4902.

(c) Alterations or changes to registration.

- (1) Registrants shall submit an updated registration application to the commissioner for any of the following alterations or changes:
- (A) Any alterations or changes to business name, contact information, or key participants as defined by Section 4902(a)(2) must be submitted within 15 calendar days of the change.
- (2) Any alterations or changes to cultivation sites, approved cultivars, or variety development plans must be approved by the commissioner prior to planting.

(d) Registration renewal.

- (1) A registrant shall submit a registration application to the commissioner in each county in which the applicant intends to renew the registration at least 30 calendar days prior to the expiration of registration. Renewal applications received less than 30 calendar days from registration expiration may result in noncompliance with Section 4901(b).

(e) Commissioner approval, refusal, or revocation.

- (1) Once the commissioner receives the application for registration, registration amendment, or renewal and determines that the requirements pursuant to Division 24 of the Food and Agricultural Code and this chapter are met, the commissioner shall issue a registration to the applicant and notify the registrant that it may cultivate hemp using the registered cultivar(s), cultivation site(s), and variety development plan(s).

- (2) If the commissioner determines that the application for registration or renewal does not meet the requirements outlined Division 24 of the Food and Agricultural Code and this chapter, the commissioner shall provide written notification to the applicant of the deficiencies in the application. The applicant shall have 30 calendar days from the receipt of the notification to provide the requested information to the commissioner. If the requested information is not provided within the timeframe, the commissioner will deny registration.
- (A) If registration is denied due to deficiencies in the application for registration or renewal, the applicant must submit a new application and registration or renewal fee to the commissioner in order to register to cultivate hemp.

Note: Authority cited: Sections 407, 81003, 81004, 81005, 81006 and 81013, Food and Agricultural Code.

Reference: Sections 81003, 81004, 81005, 81006 and 81013, Food and Agricultural Code.

### **Section 4902. Criminal History Report for Industrial Hemp Registration.**

#### **(a) Definitions.**

- (1) "Criminal history report" means the Federal Bureau of Investigation's Identity History Summary.
- (2) "Key Participants" means any person in the entity producing industrial hemp who is:
- (A) a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation producing industrial hemp, or
- (B) a person with executive managerial control over the entity producing industrial hemp, including persons such as a chief executive officer, chief operating officer and chief financial officer.
- (C) This definition does not include a person in a management position with no executive managerial control over the entity producing industrial hemp, such as farm, field, or shift managers.
- (3) "Disqualifying conviction" means any plea of guilty or nolo contendere, or any finding of guilt for a State or Federal felony related to a controlled substance, except:
- (A) when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged, or
- (B) 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.

#### **(b) Registration requirements.**

- (1) Before cultivation, a criminal history report for each key participant listed pursuant to Section 4901 shall be submitted along with the registration application to the commissioner. A registration application will not be considered complete without all required criminal history reports.
- (A) Any registration applications approved by the commissioner prior to April 30, 2020 must comply with Section 4902(b) by April 30, 2020. Any registrations that do not comply with Section 4902(b) by April 30, 2020 shall be revoked.
- (2) Any changes to key participants must be reported along with criminal history reports for any additional key participants to the commissioner as an amendment to the registration within 15 calendar days of the change.

- (3) Except as provided in Section 4902(b)(3)(A), all criminal history reports must be dated within 60 calendar days of submission of the registration application.
  - (A) All criminal history reports submitted pursuant to Section 4902(b)(1)(A) must be dated within 60 calendar days of submission of the amendment to the registration application.
- (4) Registrants shall notify the commissioner in writing within 48 hours of the registrant or a key participant receiving a disqualifying conviction.
- (5) If an applicant, registrant, or key participant is found to have a disqualifying conviction as defined in Section 4902(a)(3), the applicant or key participant shall be ineligible to participate in the hemp program for ten (10) years from the date of the conviction.
- (6) Any falsification of criminal history reports shall be considered as materially falsifying information in an application or registration and shall result in revocation or refusal of registration and ineligibility to participate in the industrial hemp program.

Note: Authority cited: Sections 407, 81003, 81004 and 81013, Food and Agricultural Code.  
Reference: Sections 81003, 81004, 81013 and 81014, Food and Agricultural Code.