State of California

Memorandum

To:	To Whom It May Concern	Date:	December 13, 2018
		Place:	Sacramento
		Phone:	**(916) 654-0435**

From: **Department of Food and Agriculture** Joshua Kress, Program Supervisor
Nursery, Seed, and Cotton Program

Subject: **Request for Filing of Proposed Section 4921**

The California Department of Food and Agriculture (CDFA) adopts, and transmits for filing, the attached methodology and procedure to add, amend, or remove an industrial hemp seed cultivar from the list of approved seed cultivars, pursuant to Division 24 of the California Food and Agricultural Code (FAC).

The CDFA requests that the Office of Administrative Law file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 3 of Title 2 of the Government Code, as provided in FAC § 81002(c).

The CDFA requests that the Office of Administrative Law publish a notice of the filing of the methodology and procedure, and print the methodology and procedure as Section 4921 in Title 3 of the California Code of Regulations.

FAC § 81002(b) outlines the list of current approved seed cultivars to be grown by a registered grower of industrial hemp for commercial purposes. The adoption, amendment, or removal of a seed cultivar from the list of approved seed cultivars requires an established methodology and procedure. The purpose of 3 CCR § 4921 is to establish a methodology and procedure in accordance with this provision.

FAC § 81002(c) specifies the process to establish a methodology and procedure to update the list of approved seed cultivars, and exempts the adoption of a methodology and procedure from the requirements of the Administrative Procedures Act. The adoption by the CDFA of 3 CCR § 4921 fits within this exemption.

The text for 3 CCR § 4921, along with a meeting notice, was provided to the public 30 days prior to a public hearing. The public hearing was held as part of the October 30, 2018 regular meeting of the Industrial Hemp Advisory Board. After hearing public comments, the Board voted to recommend adoption of the methodology and procedure as presented.

Attachments