



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

Date: February 1, 2022

To: Established Agricultural Research Institutions and Any Interested Parties

Subject: Industrial Hemp Cultivation Requirements for Established Agricultural Research Institutions

The following is to provide an update on the industrial hemp cultivation requirements for established agricultural research institutions, due to USDA's approval of California's state regulatory plan for hemp production.

California Department of Food and Agriculture (CDFA) submitted a state regulatory plan to the United States Department of Agriculture (USDA) on December 20, 2021 in accordance with Agriculture Improvement Act of 2018 and the federal final rule. USDA approved the state regulatory plan, effective on January 1, 2022. The state regulatory plan includes amendments to the current regulations, which will require rulemaking to adopt and implement the state regulatory plan. CDFA will notify the public via the electronic mailing list once public comment is available.

With the approval of the state regulatory plan, the following provisions in the California Food and Agricultural (FAC) Division 24 and Title 3 of the California Code of Regulations (CCR) became operative pertaining to established agricultural research institutions.

Definition

FAC Section 81000(a)(4) has been amended to define EARL as an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures industrial hemp for purposes of agricultural or academic research. FAC Section 81000 adds a definition for research plan.

Registration

FAC Section 81004.5 requires registration of established agricultural research institutions with the local county agricultural commissioner prior to planting. The registration procedures and application requirements are outlined in 3 CCR Section 4901(b)(4). All established agricultural research institutions must meet all eligibility requirements outlined in FAC Sections 81012 through 81014.

All previous and current established agricultural research institutions are encouraged to contact their local county agricultural commissioner to discuss the transition and how to ensure continued compliance with FAC Division 24 and corresponding regulations. Any established agricultural research institution that does not meet the revised definition and is currently cultivating industrial hemp must register as a grower and/or breeder. Registration applications, including frequently asked questions regarding the registration process, can be found at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

For more information or questions on industrial hemp cultivation, please contact the California Industrial Hemp Program at (916) 654-0435 or industrialhemp@cdfa.ca.gov.

