

Frequently Asked Questions:

FAILED INDUSTRIAL HEMP CROPS

Q. How is it determined whether a crop has passed or failed as California Industrial Hemp?

A: Section 4944(b)(17) in Title 3 of the California Code of Regulations (CCR) requires the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" or "FAILED AS CALIFORNIA INDUSTRIAL HEMP" at or near the top of the laboratory test report. If the laboratory test report indicates a percentage concentration of THC that is greater than the acceptable hemp THC level, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" will be on the laboratory test report.

3 CCR Section 4942(d) defines acceptable hemp THC level as "a THC concentration that falls within the distribution or range that includes three-tenths of one percent or less that is produced when the measurement of uncertainty is applied to the reported THC concentration. For example, if the reported THC concentration of a sample is 0.35% and the measurement of uncertainty is \pm 0.06%, the measured THC concentration would range from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level."

Q. I received a failed laboratory test report. What must I do now?

A: If the laboratory report indicates a percentage of THC concentration that exceeds the acceptable hemp THC level, but less than one percent, the registrant may have additional samples collected and retested in accordance with 3 CCR Section 4945. Contact your local county agricultural commissioner to schedule sampling. Any laboratory test reports with a percentage of THC concentration that is above one percent must destroy the industrial hemp in accordance with 3 CCR Sections 4946(c)(1) and 4950.

Q. When must I destroy my industrial hemp crops if the laboratory report is above the acceptable hemp THC level?

A: If the laboratory test report is above 1% THC, then the destruction of the industrial hemp crops must be initiated within 48 hours from the receipt of the laboratory report and completed within 7 days. If the second laboratory test report that exceeds the acceptable hemp THC level but less than 1% THC, then the destruction of the industrial hemp crops must be initiated as soon as practical and completed within 45 days of the receipt of the second laboratory test report.

Q. Can I destroy the industrial hemp crop with any destruction method?

A: The industrial hemp crop must be destroyed in a manner compliant with federal law, implementing regulations and guidance. A destruction plan must be provided to the county agricultural commissioner prior to the anticipated destruction date for review and approval.

Q. When must I submit a destruction plan?

A: You must submit a destruction plan at least 24 hours to the county agricultural commissioner prior to the start of any destruction. County agricultural commissioner may allow for the destruction plan to be submitted in a shorter timeframe. Contact your local county agricultural commissioner for more information.

Q. I have completed my destruction. What additional steps do I need to take?

Within 72 hours following the completion of the destruction, you must submit a destruction report to the county agricultural commissioner. A mandatory field inspection will be conducted to confirm crop destruction. You are required provide the county agricultural commissioner complete and unrestricted access during business hours to all hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants, and all locations registered as a cultivation site.

For more information on the program, visit [CDFA's Industrial Hemp Program webpage](#). If you have any questions, contact Industrial Hemp Program at (916) 654-0435 or industrialhemp@cdfa.ca.gov.