

Industrial Hemp Advisory Board (IHAB)

New Member Orientation

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JOSHUA KRESS, BRANCH CHIEF

PEST EXCLUSION BRANCH

Overview

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Board Member Requirements

IHAB Authority & Responsibilities

Food and Agricultural Code (FAC)

- Division 24 – Industrial Hemp
- FAC Section 81001 (as amended by SB 292, effective 1/1/2022)
 - (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 13 members, appointed by the secretary as follows:
 - (1) Six of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division.
 - (2) Two of the board members shall be members of an established agricultural research institution.
 - (3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.
 - (4) One member of the board shall be a county agricultural commissioner.
 - (6) Two members of the board shall be representatives of businesses that sell industrial hemp products.
 - (7) One member of the board shall be a member of the public.

IHAB Authority & Responsibilities

- FAC Section 81001 (cont.)
 - (b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Sections 87100 and 87103 of the Government Code.
 - (c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.
 - (d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

IHAB Authority & Responsibilities

- FAC Section 81001 (cont.)
 - (e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.
 - (f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.
 - (g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

Board Member Requirements

IHAB Members are appointed by the Secretary of Food and Agriculture

Oath of Office

- Notarized by Notary or witnessed by Department Official
- Filed with Secretary of State
- Board appointment is public information

Statement of Economic Interests / Form 700

- Filed upon assuming office, leaving office, and annually by April 1
- Kapua Kahumoku is the Filing Officer for the IHAB
- Online [CDFA - Form 700 \(ca.gov\)](#)
- More information from the [Fair Political Practices Commission](#)

Board members cannot participate in board meetings until these are completed.

Other Statutory Requirements

Government Code (GOV)

- Title 1, Division 4, Chapter 8.5 – Volunteers
- GOV Section 3111
 - (a) “Volunteer” means any person who, of his own free will, provides goods or services, without any financial gain, to any state agency, as defined in Section 11000;
 - (b) “Administrative volunteer” means any person serving voluntarily on boards, commissions or other similar bodies with California state government;
- GOV Section 3118
 - All volunteers shall comply with applicable department and other state policy and regulations. It shall be the responsibility of the state department in which a volunteer participates to ensure this compliance.

Board Member Requirements

Ethics Orientation for State Officials Training Course

- Complete within 30 days of appointment and every 2 years thereafter
- Administered by the [California Department of Justice](#)

Sexual Harassment Prevention Training Course

- Complete within 6 months of appointment and every 2 years thereafter
- Administered by CDFA
- Course Certification accepted from the following entities:
 - UC or CSU Programs
 - California City, County, or State agency training
 - California Employment Law Firms
 - California Employment Liability Insurers
 - Department of Fair Employment and Housing

The Bagley – Keene Open Meeting Act

Bagley-Keene Open Meeting Act

Government Code Sections 11120-11133

Ensure public has a seat at the table

Covers advisory bodies with 3 or more members

No secret or hidden meetings

What is a meeting?

A meeting occurs when a quorum of a body convenes, either serially or all together, in one place, to address issues under the body's jurisdiction. (§ 11122.5.)

- When this happens, meeting must be announced and be open to the public

The Act expressly prohibits the use of direct communication, personal intermediaries, or technological devices that are employed by the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body outside of an open meeting. (§ 11122.5(b).)

Violation of Bagley-Keene

Can occur when members have a separate “pre-meeting” to discuss any issue which they may take action on outside of the regular meeting.

Can occur when a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting.

Similarly, a serial meeting can occur when member A communicates with member B, and then member A communicates the same message to member C.

Motions and Sub- committees

Motions

In order to create a motion or vote on any item, a quorum is needed

- Quorum = $\frac{1}{2}$ of the body plus one

An item must be on the agenda for motion to be made

- Must be clear enough to understand that it is an issue to be discussed

Motion must be put forth by a member and seconded by another, signaling at least 2 people are interested in the action

- Chairperson requests discussion and public comment
- Chairperson calls for vote
- Chairperson states result of vote

“Robert’s Rules of Order”

What happens to motions?

For purposes of the IHAB, any motions would be recommendations to the Secretary.

The Secretary receives motions as made by the board for consideration.

The IHAB does not act independently and cannot write letters as an independent body or make decisions outside of these recommendations. However, individual members can make statements on their own.

If an item is not on the agenda, the Board can ask for this to be placed on the next agenda as an “action item”.

Action Items

The IHAB can ask CDFA to take action on items pertaining to the board during the meeting.

The IHAB can also request to have guest speakers at meetings to provide more information on a specific item or topic. This must be on the agenda. The board cannot utilize the presence of someone in the audience to bring up an item not on the agenda for board business, but can ask the audience member if they would be able to speak to an issue once the item can be listed on the agenda at a later date.

Public members are allowed to speak on items that pertain to the board agenda; items not on the agenda can be suggested by the public, but no action can be taken.

Committees & Task Forces

Committees and task forces are an important and efficient way to explore specific topics that pertain to certain groups or need more detail explored prior to bringing issues to a full board vote.

Committees typically have at least one board member present and are subject to requirements of Bagley-Keene. Voting does not occur during committee meetings, and outside parties may attend to provide more detail or expertise to a particular topic. Committee meetings will have an agenda and keep minutes. From the meetings, the committee will provide updates and possible recommendations to the full board on issues of concern.

Additionally, up to two board members can further investigate an issue in preparation for a future board meeting. The member(s) may speak with subject matter experts (not other board members). The member(s) must report their activities, findings, and any possible recommendations to the full board on the issue(s) of concern at a full board meeting.

Quick Program Overview

Laws and Regulations

The Industrial Hemp Program is established in California law in:

- California Food and Agricultural Code (FAC) Division 24

The program is administered statewide by the California Department of Food and Agriculture (CDFA), with local administration by the county agricultural commissioners.

CDFA has established regulations to specify, clarify, and ensure consistent administration of the law in:

- California Code of Regulations (CCR), Title 3, Division 4, Chapter 8

Laws and Regulations

FAC Division 24 includes:

- Establishment of the IHAB
- Requirement that any person that cultivates industrial hemp registers with the county agricultural commissioner prior to planting
- Requirements for planting, including: the use of approved cultivars, THC concentration testing, and destruction of noncompliant crops
- Requirement that CDFA submits a state plan for USDA approval in accordance with federal law (2018 Farm Bill) and corresponding federal regulations

In addition to these provisions, cultivation of industrial hemp is generally subject to the same laws and regulations as other agricultural commodities, including: plant pest quarantines, licensing to sell nursery stock or seeds, organic certification, and licensing to handle, manufacture, or process farm products.

Funding

CDFA may only expend funds as authorized by the legislature. Funding for the Industrial Hemp Program is outlined in FAC Section 81005:

- (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp and hemp breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.
- (b) Fees established pursuant to subdivision (a) that are collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee.
- (c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

Resources

CDFA Industrial Hemp Program webpage:

<http://www.cdfa.ca.gov/plant/industrialhemp/>

- California Industrial Hemp Laws and Regulations
- Frequently Asked Questions
- Forms / Templates
- Industrial Hemp Advisory Board Meeting Information
- sign up to receive updates on the status of industrial hemp from CDFA

County Agricultural Commissioners Information:

<https://www.cdfa.ca.gov/exec/county/countymap/>

Program Contact Information

- Industrial Hemp Program
- industrialhemp@cdfa.ca.gov
- 916-654-0435