



January 10, 2019

**To: Any Interested Parties**

**Subject: Guidelines on Enforcement of California Food and Agricultural Code  
Section 81011**

## **I. Background**

Established agricultural research institutions, as defined in California Food and Agricultural Code (FAC) section 81000(c), are exempt from registration and may currently grow industrial hemp under California law. Effective January 1, 2019, FAC section 81011 requires established agricultural research institutions to provide Global Positioning System (GPS) coordinates of the planned cultivation site before cultivating industrial hemp. Relevant laws are attached to this advisory.

The California Department of Food and Agriculture (Department) is currently drafting regulations to implement FAC section 81011. Due to statutory requirements for rulemaking, there will be a period of time during which section 81011 is effective but lacks regulatory specificity necessary for the Department to implement section 81011. To fill this regulatory gap, the Department recommends that counties adhere to the following guidelines until regulations are adopted.

Please note that these guidelines are not legally binding and place no legal obligation on counties or established agricultural research institutions to request or provide information. Though these guidelines may in part reflect FAC section 81011's requirement to provide GPS coordinates, these guidelines do not expand or add to legally binding requirements contained in section 81011.

## **II. Recommended Guidelines**

Agricultural commissioners should request that established agricultural research institutions, at minimum, provide the following information:

1. Name of the institution that is cultivating, including the name and contact information for the primary point of contact;
2. GPS coordinates, in decimal degrees up to six decimals, of all sites used for cultivating industrial hemp (coordinates should be from the approximate center of growing area);
3. Names of all individuals involved with the cultivation activities as members of, or on behalf of, the institution, and the nature of their relationships with the institution; and



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4. At the commissioner's discretion, additional documentation to confirm that a planting of industrial hemp is being cultivated by the institution, and that the institution is authorized to cultivate industrial hemp at that site, including, but not limited to, contracts, lease agreements, memoranda of understanding, and verification of employment.

The commissioner may also request the information listed above from established agricultural research institutions with existing plantings established prior to January 1, 2019.

Should you have any questions, please feel free to contact the California Industrial Hemp Program at (916) 654-0435 or [industrialhemp@cdfa.ca.gov](mailto:industrialhemp@cdfa.ca.gov), or visit us online at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

Attachment: Relevant California Law

## **Relevant California Law**

### **California Health and Safety Code (HSC):**

**HSC § 11018.5(a).** “Industrial hemp” means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

### **California Food and Agricultural Code (FAC):**

**FAC § 81000(c).** “Established agricultural research institution” means any institution that is either:

(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or

(2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

**FAC § 81011.** Before cultivating industrial hemp, an established agricultural research institution shall provide the Global Positioning System coordinates of the planned cultivation site to the commissioner of the county in which the site is located.