



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

January 28, 2019

**To: Any Interested Parties**

**Subject: License to Sell Nursery Stock for Industrial Hemp Cultivators**

The following is a clarification of the requirements for a license to sell nursery stock for cultivators of industrial hemp in California.

The sale of industrial hemp plants for planting, propagation, or ornamentation requires a license to sell nursery stock in accordance with California Food and Agricultural Code (FAC) Section 6721.

It is unlawful to sell nursery stock in California without a valid license issued by the California Department of Food and Agriculture's Nursery Services Program, unless expressly exempt under FAC Section 6742-6744. Any person found in violation of this licensing requirement will be subject to civil penalties, up to and including civil action brought by the Attorney General.

The application for a license to sell nursery stock and other information on the sale and production of nursery stock in California can be found online at <https://www.cdfa.ca.gov/plant/pe/nsc/nursery/>. Please contact the Nursery Services Program at (916) 654-0435 or [nurseryservices@cdfa.ca.gov](mailto:nurseryservices@cdfa.ca.gov) for additional questions.

For more information on industrial hemp cultivation, please 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 § 6721.** It is unlawful, for any person, except a person who is expressly exempt pursuant to Section 6742 or 6743, to sell any nursery stock unless such person holds a valid license which is issued pursuant to this chapter.

**FAC § 38.** “Person” means any individual, partnership, association, corporation, limited liability company, or any organized group of persons whether incorporated or not.

**FAC § 44.** “Sell” includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade.

**FAC § 5005.** “Nursery stock” means any plant for planting, propagation, or ornamentation.

**FAC § 5007.** “Plant” includes any part of a plant, tree, plant product, shrub, vine, fruit, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit.

**FAC § 6742.** Any person that sells seeds and does not sell or ship any other kinds of nursery stock is exempt from the license requirements of this chapter.

**FAC § 6743.** Any retail florist or other person that sells plants at retail for indoor decorative purposes only is exempt as to such plants from the license requirements of this chapter.

**FAC § 6744.** Any person that sells cut Christmas trees is exempt from the license requirements of this chapter.