

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
Plant Protection

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Agriculture and Industries

Rule NO. & TITLE: 80-10-21-.03 Grower License Application

INTENDED ACTION: To amend rule.

SUBSTANCE OF PROPOSED ACTION: To comply with the United States Department of Agriculture (USDA) 2018 Farm Bill requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented in writing to the contact person below or in person on Tuesday, May 10, 2022, at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 10, 2022.

CONTACT PERSON AT AGENCY: N. Gunter Guy, Jr., General Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

2/11/2022
Date



Rick Pate
Commissioner of Agriculture
and Industries

80-10-21-.03 Grower License Application

(1) Any person who wishes to grow hemp at any location in the State shall submit to the department annually a completed Grower License Application, incorporated by reference as part of the Grower Licensing Application Packet.

(2) A person who does not hold a license from the department shall not grow, cultivate, handle, store hemp or other cannabis.

(3) A person under the age of eighteen (18) years of age shall not apply for or hold a grower license.

(4) (a) Completed Grower License Application forms shall be postmarked or received by the department on or before the end of the application period established in the application. (b) Completed Grower License Application forms shall be delivered to the Alabama Department of Agriculture and Industries as stated in the application package. (c) The department may deny any Grower License Application that fails to meet the deadline established in the application.

(5) Each applicant shall pay a grower application fee in the amount established by the department.

(6) Application fees shall not cover or include the cost of the criminal background checks required by this administrative regulation. Applicants and license holders shall pay criminal background check fees directly to ALEA or any other law enforcement agency designated by the department.

(7) The department shall deny any Grower License Application that is received without the application fee established by these regulations.

(8) With the Grower License Application form, the applicant shall submit, at a minimum:

(a) Full name, Alabama residential address, telephone number, and email address.

(b) If the applicant represents a business entity, the full name of the business, the principal Alabama business location address, the full name of the applicant who will have signing authority on behalf of the entity, title, and email address of the person;

(c) Grow plan, including the proposed acreage or greenhouse or indoor square footage to be planted;

(d) Planned source of seeds or propagules; Agriculture and Industries

(e) Street address; location ID; and GPS coordinates for each field, greenhouse, building, or site where hemp will be grown, handled, or stored;

(f) Maps depicting each site where hemp will be grown, handled, or stored, with appropriate designations for entrances,

field boundaries, and specific locations corresponding to the GPS coordinates.

~~(9) Any Grower License Application that is missing required information shall be subject to denial. All licensed growers or producers shall report hemp crop acreage to FSA and shall provide, at minimum, the following information:~~

~~(a) Street address, and to the extent practicable, Geospatial Location for each lot or greenhouse where hemp will be produced. If an applicant operates in more than one location, or is producing under multiple licenses, production information shall be provided for each location.~~

~~(b) Acreage dedicated to the production of hemp, or greenhouse or indoor square footage dedicated to the production of hemp.~~

~~(c) License or authorization identifier in a format prescribed by USDA.~~

~~(10) Any Grower License Application that is missing required information shall be subject to denial.~~

Author: N. Gunter Guy Jr.

Statutory Authority: Code of Ala. 1975, §2-8-383

History: New Rule: Filed November 15, 2018; effective December 30, 2018. **Repealed and New Rule:** Published August 31, 2020; effective October 15, 2020; operative November 1, 2020. **Amended:**