

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-.04 Application for Grower Licensing Agreement; Criteria and Procedure for Evaluation

INTENDED ACTION: To amend rule.

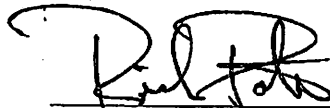
SUBSTANCE OF PROPOSED ACTION: To comply with the United States Department of Agriculture (USDA) 2018 Farm Bill requirements.

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-.04 Application for Grower Licensing Agreement; Criteria and Procedure for Evaluation

(1) The department shall apply the criteria established in paragraphs (a) through (m) of this subsection in evaluating an application for the grower license.

(a) In accordance with Section 3 of this administrative regulation, the applicant shall submit a complete application with all required components and attachments.

(b) The applicant shall comply with the responsibility to submit:

1. Hemp Grow Plan Outdoor Report and Hemp Grow Plan Greenhouse/Indoor Report, incorporated by reference;

2. Harvest/Destruction Report, incorporated by reference;

3. Post-Harvest Production reports, incorporated by reference; and

4. Any other reports deemed necessary by the department to which the applicant has agreed.

(c) The applicant's growing sites, handling sites, storage sites, and primary residence shall be located in the State of Alabama.

(d) The applicant shall affirm that the applicant resides in Alabama at the primary residence or within 50 miles of at least one of the applicant's Alabama grow sites listed on the Grower License Application form.

(e) The criminal background check report indicates that, within ten (10) years from the date when the background check was issued, the applicant or any key participant shall not have:

1. A felony conviction related to a controlled substance under State or Federal law provided however, that an exception applies to a person who was lawfully growing Hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. If the applicant is an entity, all Key Participants of the entity are subject to this requirement.

2. Any other felony or misdemeanor conviction which affects the grower's competency to hold a license to grow, handle or process hemp.

(g) The research or grow plan shall be compliant with state and federal law.

(h) The applicant shall have a seed or propagule acquisition form.

(i) In the past, including those times when the applicant was not a participant in the department's program, the applicant shall have demonstrated a willingness to comply with the department's rules, instructions from department staff, and instructions from representatives of ALEA and other law enforcement agencies.

(j) The applicant shall not be delinquent in making any required reports or payments to the department in connection with the applicant's participation in the program or other programs within

the department.

(k) The applicant shall not have any unpaid fines or civil penalties owed to the department.

(1) The applicant ~~shall not have and~~ shall not make any false statements or representations to a representative of the department or a law enforcement agency.

(2) The department may conditionally approve an application for a grower licensing agreement if the application satisfies the criteria established in this administrative regulation.

(3) The department may approve an applicant to grow an acreage or square footage that is equal to, greater than, or less than the acreage or square footage stated in the application.

(4) The department shall notify applicants by letter or email whether the application has been denied or conditionally approved. A person shall not be a participant in the department's program until the applicant and the department have executed a grower licensing agreement following the applicant's completion of the department's mandatory orientation session as required by this administrative regulation.

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:** Filed November 10, 2021; effective: January 14, 2022. **Amended:**