



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-.11 Responsibility of a Licensed  
Grower Prior to Harvest of Hemp Plot

INTENDED ACTION: To amend rule.

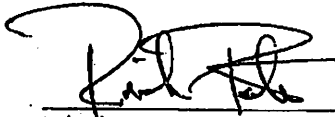
SUBSTANCE OF PROPOSED ACTION: To comply with the United States  
Department of Agriculture (USDA) 2018 Farm Bill requirements.

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-.11 Responsibility of a Licensed Grower Prior to Harvest of Hemp Plots**

(1) The department may collect samples of any hemp material prior to harvest at any time.

(2) A licensed grower shall submit a complete and current Harvest/Destruction Report form to the department within ~~thirty~~ ~~(30)~~ (14) calendar days prior to the intended harvest date or intended destruction of a failed crop.

(3) The department's receipt of a Harvest/Destruction Report shall trigger a sample collection by the department.

(4) During the department's scheduled sample collection, the grower or an authorized representative shall be present at the growing site.

(5) Representatives of the department shall be provided with complete and unrestricted access to all hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants; and all locations listed in the grower licensing agreement.

(6) The licensed grower shall harvest the crop within thirty (30) days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(7) If the licensed grower fails to complete harvest within thirty (30) days, the department may order a secondary pre-harvest sample of the plot, and the licensed grower shall be assessed a secondary pre-harvest sample fee per plot in the amount established in these regulations prior to the department collecting the sample.

(8) Harvested materials ~~from~~ of different varieties of concern shall not be commingled with other ~~harvests~~ harvested varieties without the release movement form ~~prior written permission~~ from the department.

(9) Floral materials harvested for phytocannabinoid extraction shall not be moved outside the State or beyond a processor, nor commingled, nor extracted, until the department releases the material in writing.

(10) A licensed grower who fails to submit a Harvest/Destruction Report Form, or who does submit a Harvest/Destruction Report Form, and proceeds to harvest a crop prior to a sample being collected by the department shall be subject to license revocation.

**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.