

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-.16 Processor or Handler 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-.16 Processor or Handler License Application

(1) Any person who wishes to engage in the processing, handling, or storing of hemp at any location in the State shall submit to the department annually a complete Processor/Handler License Application, incorporated by reference as part of the Processor/Handler License Application Packet.

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

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

(4)(a) Completed Processor/Handler 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 Processor/Handler 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 Processor/Handler License Application that is not received by the deadline established in the application.

(5) The department shall require each applicant to pay a processor or handler application fee in the amount established in by these regulations.

(6) Application fees shall not cover or include the cost of criminal background checks required by this 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 may deny any Processor/Handler License Application that is received without the application fee established by the department.

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

(a) Full name, mailing 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) Processing or handling plan;

(d) Planned source of hemp; and

(e) Maps and the street address, location ID, and GPS coordinates for each building or site where hemp will be processed, handled, or stored.

(9) Any Processor/Handler License Application that is missing required information shall be grounds for license denial.

~~(10) 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.~~

Author: N. Gunter Guy, Jr.

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

History: New Rule Filed: August 19, 2020, Effective: November 1, 2020. Filed: November 10, 2021, Effective: January 14, 2022.