

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-.48 Corrective Action Plans for
Negligent Violations

INTENDED ACTION: To amend rule.

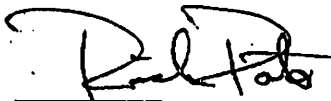
SUBSTANCE OF PROPOSED ACTION: To comply with the United States
Department of Agriculture (USDA) 2018 Farm Bill requirements.

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-.48 Corrective action plans for negligent violations.

(1) In addition to being subject to the license suspension, license revocation, and monetary civil penalty procedures, a person who is found by the Department to have negligently violated any statute or administrative regulation governing that person's participation in the hemp program shall be subject to a corrective action plan at the discretion of the Department.

(2) The Department may impose a corrective action plan for a negligent violation of any statute or administrative regulation governing a person's participation in the hemp program, including without limitation:

(a) Failing to disclose, or provide required information about, a site where hemp is being grown, processed, or stored:

(b) Failing to obtain a necessary license from the department or a necessary authorization from a state or federal agency; and

(c) Producing hemp or other cannabis with a total delta-9-THC concentration of more than ~~0.5~~ 1.0 percent on a dry weight basis.

(3) Corrective action plans issued by the Department shall include, at a minimum, the following information:

(a) A reasonable date by which the person shall correct his or her violation; and

(b) A requirement for periodic reports from the person to the Department about the person's compliance with the corrective action plan, statutes, and administrative regulations for a period of at least ~~three (3)~~ two (2) years from the date of the corrective action plan.

(c) A description of the procedures that will demonstrate compliance must be submitted for approval.

(d) Growers shall not receive more than one negligent violation per growing season.

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: