

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department or Agency Department of Agriculture and Industries  
Rule No.: 80-10-21-.04  
Rule Title: Application for Grower Licensing Agreement; Criteria and  
Procedure for Evaluation

           New      X   Amend               Repeal               Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?            Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare?            Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?            No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?            No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?            N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?            Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?            No

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Does the proposed rule have any economic impact?            No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection(f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer           M. G. G.            
Date:           9-15-21          

REC'D & FILED  
SEP 16 2021

LEGISLATIVE SVC AGENCY  
(DATE FILED)  
(STAMP)

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.

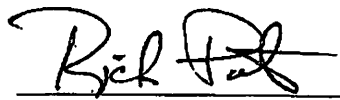
SUBSTANCE OF PROPOSED ACTION: To comply with the United States Department of Agriculture (USDA) 2018 Farm bill Requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented in writing to the contact person below or in person on Tuesday, November 9, 2021, at 10:00 a.m., in the auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 9, 2021.

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

9-15-21  
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; ~~or~~ 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: August 19, 2020, Effective: November 1, 2020. Filed: