

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department or Agency Department of Agriculture and Industries
Rule No.: 80-10-21-.05
Rule Title: Land Use Restrictions for Licensed Growers

New 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

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.

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 

Date: 9-15-21

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: 80-10-21.05 Land Use Restrictions for Licensed Growers

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-.05 Land Use Restrictions for Licensed Growers.

(1) A licensed grower shall not plant or grow any cannabis that is not hemp.

(2) A licensed grower shall not plant or grow hemp or other cannabis on any site not listed in the grower licensing agreement.

(3) A licensed grower shall not grow hemp or other cannabis in any structure that is used for residential purposes.

(4) A licensed grower shall not handle or store leaf or floral material from hemp or other cannabis in any structure that is used for residential purposes.

(5) Hemp shall be physically segregated from other crops unless prior approval is obtained in writing from the department.

(6) A licensed grower shall not plant hemp or other cannabis plants in an outdoor growing location of less than one acre and 1,000 plants unless prior approval is received in writing from the department.

(7) A licensed grower shall not grow hemp or other cannabis in any outdoor field or site that is located within 1,000 feet of a school or a public recreational area or any location that would cause concern to the public interest without prior approval from the department.

(8) An applicant or licensed grower shall not include any property on his or her application or Site Modification Form to grow or cultivate hemp that is not owned or completely controlled by the applicant or licensed grower.

(9) A licensed grower shall not grow, handle, or store hemp or other cannabis on property owned by, leased from, or previously submitted in a license application by any person who is ineligible or was terminated, or denied admission to the program for one (1) or both of the following reasons:

(a) Failure to obtain an acceptable criminal background check;
or

(b) Failure to comply with an order from a representative of the department.

(10) A licensed grower shall not plant hemp or other cannabis plants in an indoor growing location of less than 1500 square feet and 500 plants unless prior approval is received in writing from the department.

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: