

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: 80-10-21.07 Licensing Fees; Participation Fee, Secondary Pre-Harvest Sample Fee, Post-Harvest Retest Fee

INTENDED ACTION: To amend rule.

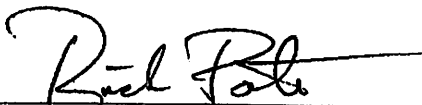
SUBSTANCE OF PROPOSED ACTION: To comply with the United States Department of Agriculture (USDA) 2018 Farm bill Requirements.

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-.07 Licensing Fees; Participation Fee, Secondary Pre-Harvest Sample Fee, Post-Harvest Retest Fee.

(1) Participation fee.

(a) The licensed grower shall pay a participation fee.

(b) The participation fee for each growing address shall be in the amount established in these regulations.

(c) Participation fees shall be paid in full prior to the execution of the grower licensing agreement in a manner prescribed by the Alabama Department of Agriculture and Industries.

(2) Secondary Pre-Harvest Sample fee.

(a) If a licensed grower fails to complete the harvest within ~~fourteen (14)~~ thirty (30) days after the department collects the pre-harvest sample, the licensed grower shall submit a new Harvest/Destruction Form for each additional pre-harvest sample.

(b) After the initial pre-harvest sample from each grow area or lot, the licensed grower will be required to pay a secondary pre-harvest sample fee for each additional sample taken.

(c) Each secondary pre-harvest sample fee shall be paid to the department within ~~fourteen (14)~~ thirty (30) days of invoice or notification by the department. The secondary pre-harvest sample fee shall be as established in these regulations.

(d) If the licensed grower fails to pay the secondary pre-harvest sample fee within ~~fourteen (14)~~ thirty (30) days of invoice or notification, the lack of payment shall be considered a violation of the grower licensing agreement.

(e) The licensed grower shall not harvest the remaining crop until the department collects a secondary pre-harvest sample if one is required as established in paragraph (a) or (b) of this subsection.

(3) Post-harvest retest fee.

(a) The department shall order post-harvest THC testing of a plot if the results of an initial THC test on the pre-harvest sample indicate a total delta-9-THC concentration in the pre-harvest sample in excess of what is permitted by the department.

(b) A licensed grower shall pay the post-harvest retest fee if post-harvest testing is ordered by a representative of the department.

(c) The post-harvest retest fee shall be as established in these regulations.

(d) The fee shall be paid prior to the department collecting the post-harvest sample.

(e) If a licensed grower fails to request a retest or to pay a post-harvest retest fee within fourteen (14) days of notification of pre-harvest results on a harvest from the department, then the pre-harvest sample or secondary pre-harvest test result shall stand, and the department shall destroy or seize, without compensation, all hemp or other cannabis from the plot.

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: