

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department or Agency Department of Agriculture and Industries
Rule No.: 80-10-21-.11
Rule Title: Responsibility of a Licensed Grower Prior to Harvest of Hemp
Plots

 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

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

REC'D & FILED

SEP 16 2021

LEGISLATIVE SVC AGENCY

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: 80-10-21.11 Responsibility of a Licensed
Grower Prior to Harvest of Hemp

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-.11 Responsibility of a Licensed Grower Prior to Harvest of Hemp Plots.

(1) The department may collect samples of any hemp material prior to harvest at any time.

(2) A licensed grower shall submit a complete and current Harvest/Destruction Report form to the department ~~at least fourteen (14)~~ within thirty (30) days prior to the intended harvest date or intended destruction of a failed crop.

(3) The department's receipt of a Harvest/Destruction Report shall trigger a sample collection by the department.

(4) During the department's scheduled sample collection, the grower or an authorized representative shall be present at the growing site.

(5) Representatives of the department shall be provided with complete and unrestricted access to all hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants; and all locations listed in the grower licensing agreement.

(6) The licensed grower shall harvest the crop ~~not more than fourteen (14)~~ within thirty (30) days following the date of sample collection by the department, unless specifically authorized in writing by the department.

(7) If the licensed grower fails to complete harvest within ~~fourteen (14)~~ thirty (30) days, the department may order a secondary pre-harvest sample of the plot, and the licensed grower shall be assessed a secondary pre-harvest sample fee per plot in the amount established in these regulations prior to the department collecting the sample.

(8) Harvested materials from varieties of concern shall not be commingled with other harvests without prior written permission from the department.

(9) Floral materials harvested for phytocannabinoid extraction shall not be moved outside the State or beyond a processor, nor commingled, nor extracted, until the department releases the material in writing.

(10) A licensed grower who fails to submit a Harvest/Destruction Report, or who does submit a Harvest/Destruction Report, and proceeds to harvest a crop prior to a sample being collected by the department shall be subject to license revocation.

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: