

# Industrial Hemp Program

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FEBRUARY 18, 2020, 10:00 A.M.

STANISLAUS COUNTY AGRICULTURAL COMMISSIONER

# Topics

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- 2019 Pilot Program update
- Survey Results
- California Industrial Hemp Law
- California Emergency regulations
- Federal Interim Final Rule (regulations)
- Stanislaus County Ordinance (County Code 6.85)
- Fees
- Resources and contact information

# 2019 Pilot Program Update

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## Stanislaus County:

- 32 entities registered and licensed
- 21 entities planted a crop
- 257 acres were registered
- 159 acres or 62% were planted
- 143 acres or 90% harvested
- 18 acres – Established Agricultural Research Institutions (EARI) - exempt from registration

## Statewide: (As of February 5, 2020)

- 40,736 registered acres
- Kern and Riverside Counties both exceed 8,000 acres

# Pilot Program Compliance Issues

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- 24 violations were documented
  - Missing signage (9)
  - Failure to submit a harvest report (6)
  - Exceeding the 0.3% THC limit (4)
  - Providing incorrect information on registration forms (2)
  - Harvesting without obtaining a THC test report (1)
  - Planting prior to registration (1)
  - Harvesting after the 30-day harvest window (1)
- 16 acres were ordered destroyed for exceeding THC content or for failure to obtain a THC test report
- 2 illegal pesticide applications were documented
- A shipment of plants ordered destroyed for violation of an inter-state agricultural quarantine

# Grower Survey Results

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- Surveys included 21 growers and 121 individuals who expressed interest in growing
- 68% of growers planted less acres than what they registered
  - Too late to plant
  - Problems getting seed or plants
  - Market risk
  - Affordability and dead nursery stock.
- 50% grew for CBD biomass/oil, 33% for smokable bud, 13% for starter plants and fiber.
- 24% of growers reported theft and 50% utilized additional security measures.
- 2020 acreage requested - 84% for more than 12 acres, 48% between 1 and 40 acres

# Neighbor Survey Results

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Surveyed 187 neighbors adjacent to industrial hemp sites

- 54% of the 87 neighbors that responded had no issues with nearby industrial hemp sites
- 31% expressed being negatively affected by odor and 5% reported the issue to government
- 15% had concerns regarding security and/or safety
- 15% expressed being negatively affected by lights and generators running at all hours
- 15% noted an increase in traffic on their road
- 30% expressed various concerns including need for buffers, unsavory people in the area, trespass issues, increased trash, health concerns and the need for notification regarding hemp sites.

# State Law Changes

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## Senate Bill 153

- Felony conviction involving a controlled substance - ineligible for 10 years following conviction

### Upon Approval of State Industrial Hemp Plan

- 3 negligent violations within 5-year period – ineligible for 5 years
- Intentional, recklessness or gross negligent violations – report to Federal & State Attorney General
- EARI definition more restrictive
- EARI required to register with Ag Commissioner
- EARI required to submit research, testing and destruction plans

# State Emergency Regulations

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## Approval expected by February 20, 2020

- Registration applications must list employer identification number (EIN)
- “Criminal history report” required for all “key participants”
  - Defined as a **“Federal Bureau of Investigation Identity History Summary”**
  - Required by April 30, 2020 for current registrants – or registration revoked
  - Required with registration application for new registrants
  - Dated within 60 days of registration application
  - May take 30-60 days to obtain criminal history report
  - Visit FBI website or Live Scan locations



# Federal Interim Final Rule (Regulations)

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- Sample flower portion of plant only (higher THC results?)
- Increased number of samples, e.g. 36 samples required on 40-acre site vs. the current 5 samples
- 15-day sample-to-harvest window
- Testing required at Federal Drug Enforcement Agency Certified Laboratory

# Current County Ordinance

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- County License Required: Pertains to Growers/Hemp Breeders only
- 12 acres - maximum planting
- 10 acres - minimum parcel size
- A2-zoning (General Agricultural)
- Outside Sphere of Influence of any city
- Outside Urban Transition designation of any city
- Expires May 1, 2020

# Proposed Changes - County Ordinance

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- Increase the maximum acres allowed per license
- Include EARI in 2020 pilot program
- Require EARI sampling, testing, research and destruction plans
- Grounds for suspension or revocation of license
  - Failure to comply with County registration, license, permit, land use condition
  - Failure to destroy a crop
  - Failure to submit reports
  - Failure to obtain THC test report
  - Providing false information on application
- Deadline to submit a license application – July 1, 2020
- License expires May 1, 2021

# Fees

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- Registration:
  - \$900 Per registration
    - Fee covers registration review and issuance, amendments, outreach
- County Industrial Hemp License:
  - No Fee
- Sampling and Destruction:
  - Weighted labor rate - \$68.00 per Inspector/per hour of inspection and travel time
  - Minimum one-quarter hour travel, one-half hour inspection for two Inspectors (\$102.00)

# Resources & Contact Info:

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Ag Commissioner Webpage: <http://www.stanag.org/industrial-hemp.shtm>

(County license, County ordinance, required reports)

Ag Commissioner Phone: (209) 525-4730

Ag Commissioner Email: [Agcom50@stancounty.com](mailto:Agcom50@stancounty.com)

CDFA Webpage: <https://www.cdfa.ca.gov/plant/industrialhemp/>

(Registration application, required reports, laws and regulations)

FBI website: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

Live Scan locations: <https://oag.ca.gov/fingerprints/locations?county=Stanislaus>