



State of Utah

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Governor

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HENDERSON
Lieutenant Governor

Department of Agriculture and Food

CRAIG W. BUTTARS
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Deputy Commissioner

Industrial Hemp Production Plan

I. GENERAL PROVISIONS

A. Authority and Purpose

Pursuant to 7 C.F.R. 990.2, states which seek to have primary authority over the regulation and production of hemp in their jurisdiction must complete a state plan for review and approval by the United States Department of Agriculture (hereinafter "USDA"). This document serves as the Utah Department of Agriculture's (hereinafter "Department" or "UDAF") submission of its state industrial hemp production plan in compliance with 7 C.F.R. 990.2. The Utah Department of Agriculture and Food adopts this plan under the authority of the Utah Hemp and Cannabinoid Act (4-41) effective 14 May 2019 and establishes Administrative Rule 68-24 for the purpose of regulation, licensure, and enforcement of the cultivation and production of industrial hemp.

B. Definitions

The following words and terms shall have the following meanings:

Acceptable Industrial Hemp THC Level— a total composite tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis if laboratory testing confirms a result within a measurement of uncertainty that includes the total composite tetrahydrocannabinol concentration of 0.3 percent.

Cannabis—all parts of the cannabis plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts.

CBD—cannabidiol.

Certificate of Analysis ("COA")—an official document issued by a laboratory approved by UDAF which includes, along with other sample information, the unique sample number and THC level test results of the submitted sample.

Community Location—a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.

Controlled Substances Act (“CSA”)—The Controlled Substances Act as codified in 21 U.S.C. 801 et seq.

DEA—United States Drug Enforcement Administration.

Delta-9-THC (“THC”)—delta-9-tetrahydrocannabinol concentration.

Delta-9-THC A (“THC-A”)—delta-9-tetrahydrocannabinolic acid.

Department—Utah Department of Agriculture and Food

Destruction Report—an official document issued by UDAF that must be completed by a licensed grower of industrial hemp and submitted to UDAF prior to destruction of any industrial hemp field, greenhouse, or indoor growing structure.

FSA—Farm Service Agency

GPS—Global Positioning System.

Growing Area—a contiguous area on which hemp is grown whether inside or outside

Handle/Handling—the action of cultivating or storing hemp plants or hemp plant parts prior to the delivery of the plants or plant parts for processing.

Harvesting—removing industrial hemp plants from final growing condition and physically or mechanically preparing plant material for storage or wholesale.

Harvest Report—an official document issued by UDAF that must be completed by a licensed grower of industrial hemp and submitted to UDAF prior to harvest of any industrial hemp field, greenhouse, or indoor growing structure.

Industrial Hemp—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.

Industrial Hemp Plant Parts—any floral buds, leaves, roots, seeds, stalks, or stems of the plant *Cannabis sativa* L. with a THC concentration of not more than 0.3 percent on a dry weight basis.

Industrial Hemp Products—products derived from, or made by, processing industrial hemp plants or plant parts.

Key Participants—any person who has a financial interest in the business entity including but not limited to, members of a limited liability company, a sole proprietor, partners in a

partnership, and incorporators or directors of a corporation. A key participant also includes persons at executive levels including but not limited to chief executive officer, chief operating officer, chief financial officer. Key participants are also operation managers and site managers, or any employee who may present risk of diversion.

Law Enforcement Agency—the Utah State Police, DEA, or other federal, state, or local law enforcement agency or drug suppression unit.

License Application—a document executed by a person and UDAF authorizing the person to grow, handle, store, or transport industrial hemp at one or more specified locations in Utah under the terms set forth in this plan or Administrative Rule 68-24

Licensed Grower—a person possessing a license issued by UDAF under the authority of Administrative Rule 68-24 and this plan to grow, cultivate, or handle industrial hemp.

Licensee—any person possessing a grower or processor license issued by UDAF under the authority of this Plan and Administrative Rule 68-24.

Lot—contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout as designated by the grower at planting.

Marijuana—all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. It does not include hemp, as defined in section 297A of the Agriculture Marketing Act of 1946, but means all cannabis that tests as having a concentration level of THC on a dry weight basis greater than 0.3 percent.

Manufacturing—storing, preparing, packaging, or labeling of industrial hemp or hemp products.

Measurement of Uncertainty—the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonable be attributed to the particular quantity subject to measurement

Negligence—failure to exercise the level of care that a reasonably prudent person would exercise in complying with the requirements set forth in this plan and Administrative Rule 68-24.

Person—any individual, partnership, corporation, company, association, or other legal entity.

Planting report—an official document issued by UDAF that must be completed by an industrial hemp licensee and submitted to UDAF after each planting of industrial hemp in any field, greenhouse, or indoor growing structure.

Processing—any or all parts of harvesting, extraction, refining, altering, manufacturing, or making industrial hemp into a finished industrial hemp product ready for market.

Processor—a person licensed by the department to engage in processing industrial hemp, extracting, and manufacturing industrial hemp and hemp products.

Residential Purposes—a location where someone sleeps more than one time per week.

Third-party laboratory—a laboratory which has no direct interest in a grower or processor of industrial hemp or industrial hemp products that is capable of performing mandated testing utilizing validated methods.

UDAF—Utah Department of Agriculture and Food

USDA—United States Department of Agriculture

II. LICENSING

A. Each industrial hemp producer shall obtain a license from UDAF prior to engaging in the regulated activity.

B. Each licensee shall be assigned a license number in the form prescribed by USDA.

C. The effective dates of all industrial hemp licenses shall be January 1 through December 31 of any given year and renewed annually. Applications for industrial hemp licenses may be submitted to UDAF at any time during the year, and are effective upon approval by UDAF through the end of that calendar year.

D. Applications shall be processed by the department and reviewed for approval or denial. Upon completion of the review process, the applicant will be notified of the application status.

E. The licensee shall be responsible for the cost of all licenses, inspection fees, and sample testing fees.

F. No unlicensed person who is not employed by a licensee shall grow, cultivate, handle, store, process, or commence transporting industrial hemp at any location within Utah. No licensee shall allow any unlicensed person who is not an employee of that licensee to grow, cultivate, handle, store, process, or transport industrial hemp under his or her license.

G. No person under the age of 18 years of age shall be granted a license under this plan.

H. No person shall be eligible to obtain a license if the applicant:

1. was convicted of a felony within the ten years immediately preceding the application date;
2. fails to provide all application requirements and documentation; or

3. materially falsifies any information contained in the application.

I. A person applying for multiple licenses must complete a license application and submit the associated fee for each application.

J. The department may deny a renewal for an incomplete application.

K. The department may deny renewal for any licensee who has violated any portion of this plan, Federal law, regulations, state law, administrative rules or the plan of any other state or tribe.

L. The licensee shall submit to UDAF in writing any requests for license modification if there is any change to the information submitted in the application including but not limited to: sale of a business, a change in the key participants producing under a license, or any modifications to any information concerning the licensee's approved fields, greenhouses, indoor growing structures, or any other sites where that licensee stores, processes, or handles industrial hemp plants or plant parts. Depending on the license modification, this information may need to be reported to the United States Department of Agriculture (USDA) and Farm Service Agency (FSA). Requests for license modifications shall be submitted to UDAF within 15 days of any change of the information submitted in the application and will be responsible for all applicable processing fees.

III. PRODUCER LICENSE REQUIREMENTS

A. No person shall grow industrial hemp without first applying for and receiving an industrial hemp grower license from UDAF.

B. A grower license issued by UDAF shall authorize the licensee to obtain industrial hemp seed, possess industrial hemp seed for planting, cultivate an industrial hemp crop, harvest industrial hemp plant parts, as well as possess, store, handle, transport, and market plant parts pursuant to this plan and Administrative Rule 68-24.

C. The application shall include, at a minimum, the following information for consideration:

1. a completed application form provided by the department
2. applicant's full name, Utah mailing and physical address, telephone number and email address;
3. full name of business, address of the principal business location, full name and title of the key participants, an email address if available, and EIN number of the business entity
4. physical address, legal description, and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored;
5. detailed maps of the growing area in acres or square feet, and the location of different varieties within the growing area;
6. a statement of the intended end use or disposal for all parts of the hemp plant grown; and;

7. a plan for the storage of seed or clone and harvested industrial hemp material as specified in Administrative Rule 68-24-7.
8. a nationwide criminal history from the FBI completed within 60 days of their application for all key participants, as defined in this plan;
9. a fee as approved by the legislature in the fee schedule

D. The department shall deny any applicant who does not submit all required information, or materially falsifies any information in their application.

E. UDAF shall maintain all information obtained pursuant to this plan for a period of not less than three years and all information received in accordance with this plan shall be transmitted to the United States Secretary of Agriculture not more than 30 days after the date on which the information received.

IV. GROWING AREA REQUIREMENTS

A. A licensee shall not plant or grow industrial hemp on any site not listed on the grower license application and shall take immediate steps to prevent the inadvertent growth of industrial hemp outside of the authorized grow area.

B. A licensee shall not grow hemp in any structure used for residential purposes.

C. A licensee shall not handle or store leaf, viable seed, or floral material from hemp in a structure used for residential purposes.

D. A licensee shall not grow industrial hemp outdoors within 1,000 feet of a community location.

E. The licensee shall post signage at the plot location's entrance and where the plot is visible to a public roadway in a manner that would reasonably be expected to be seen by a person in the area.

F. The signage shall include the following information:

1. the statement, "Utah Department of Agriculture and Food Industrial Hemp Program";
2. the name of the licensee;
3. the Utah Department of Agriculture and Food licensee number; and
4. the department's telephone number.

V. GROWER REPORTING REQUIREMENTS

A. Within ten days of planting the licensee shall submit a Planting Report, on a form provided by the department, which includes:

1. a list of all industrial hemp varieties and other plants in the growing area which were planted;
2. the actual acres planted or the seeding rate or number of clones planted in the growing area;

3. adjusted maps and global position coordinates for the area planted; and
4. the amount of seed that was not used.

B. 30 days prior to harvest the licensee shall submit a Harvest Report, on a form provided by the department, which includes:

1. any intended storage areas for industrial hemp or industrial hemp material; and
2. the harvest dates and location of each variety cultivated in the growing areas;
3. the licensee shall immediately inform the department of any changes in the reported harvest date which exceeds five days (Regardless, licensee shall ensure harvest occurs Within 30 days of the harvest sample).

C. 30-days after completion of harvest, the licensee shall submit a Production Report, on a form provided by the department, which includes:

1. yield from the growing area;
2. THC testing reports, if any, conducted at the licensee's request;
3. a statement on the final disposition of the all-industrial hemp product in the growing area.

D. Licensed producers shall report their license or authorization identifier, and hemp crop acreage to FSA. At minimum, the following information shall be reported: street address and, to the extent practicable, geospatial location for each lot or greenhouse where hemp will be produced. If a licensed producer operates in more than one location, that information shall be provided for all production sites.

E. Failure to submit the required reports may result in the revocation of the producer license.

VI. INSPECTIONS

A. The growing area shall be subject to random sampling to verify the THC concentration does not exceed the acceptable hemp THC levels by department officials.

B. The department shall have complete and unrestricted access to all industrial hemp plants and seeds whether growing or harvested, all land, buildings and other structures used for the cultivation or storage of industrial hemp.

1. Inspections shall verify information on planting reports and harvest reports correspond and lots have not been commingled.
2. Inspections shall verify that producers have not harvested cannabis prior to the samples being taken

C. Samples of each variety of industrial hemp shall be representative and randomly sampled from the growing area by department officials who have received the USDA training on Hemp Sampling and will utilize sampling protocol outlined in section VII of this plan.

D. The department shall conduct the laboratory testing on the sample to determine the THC concentration on a dry weight basis by liquid chromatography and shall contain a measurement of uncertainty.

- E. The sample taken by the department shall be the official sample.
- F. The department shall sample the growing area within 30 days prior to harvest.
- G. The department shall notify the licensee of the test results from the official sample within a reasonable amount of time.
- H. Any laboratory test that exceeds the acceptable hemp THC level may be considered a violation of the terms of the license.
 - 1. Cannabis over 1.0% THC will be a culpable violation subject to revocation.
 - 2. Cannabis over the acceptable THC level but under 1.0% will be considered a negligent violation and subject to the 3-violations in 5-year rule.
- I. Upon a test result with greater than the acceptable hemp THC level, the department shall notify the grower.
- J. When there is reason to believe that a violation of any provision of Administrative Rule 68-24 or this plan has occurred, department inspectors shall have access, during normal working hours, to any premises where there is reason to believe that industrial hemp plants or plant parts are transported, produced, cultivated, and/or stored for the purpose of inspection, investigation, and/or collection of samples for testing. The department may inspect any industrial hemp seed, plant, or plant parts located on the premises. UDAF shall not charge a testing fee for samples collected pursuant to an investigation initiated by UDAF.
- K. UDAF shall conduct inspections, at least annually, of a random sample of licensees to verify that industrial hemp is not being produced in violation of Administrative rule 68-24, or this plan.

VII. SAMPLING METHODS

- A. All industrial hemp plants shall be subject to sampling by UDAF to determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the THC content in a lot of hemp as identified by the producer.
- B. The licensee shall be responsible for the cost of all sample testing fees.
- C. Standard sampling guidelines are specified for field and greenhouse sampling of hemp. Samples collected under this procedure are acceptable for submission to the UDAF laboratory for determination of THC in hemp.
- D. Samples must be collected by a UDAF approved sampling agent authorized by UDAF to collect samples. It is the responsibility of the licensed producer to pay any fees associated with sampling.
- E. Sampling procedures include entering a growing area and collecting the minimum number

of plant specimens necessary to represent a homogeneous composition of the lot that is to be sampled. An authorized representative enters a growing area, strategically examines the growing area, establishes an approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.

F. Cuttings from each lot of hemp shall be organized as composite samples.

G. The licensee or a designated employee shall accompany the sampling agent throughout the sampling process.

H. The sampling agent shall verify the GPS coordinates or address of the growing area as compared with the GPS coordinates or address submitted by the licensee to UDAF.

I. The sampling agent shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the flowering material, meaning inflorescences (flowers/buds).

1. The sampling agent shall visually establish the homogeneity of the lot to establish that the growing area is of like variety.
2. For purposes of determining the number of individual plants to select for sampling, the size of the growing area shall be considered.
3. Samples from separate lots must be kept separate and not be comingled.
4. The sampling agent shall take cuttings at a random interval throughout the growing area, taking care to avoid collecting too many specimens from the borders of the field/greenhouse.
5. All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches from the “main stem” (that includes the leaves and flowers), “terminal bud” (that occurs at the end of a stem),” or “central cola” (cut stem that could develop into a bud) of the flowering top of the plant.
6. Utilize a sample bag for collecting sample cuttings. Ensure that each bag has 10 cuttings per lot. Seal each bag and record the sample number.
7. The sampling agent shall seal each bag and record the sample identification number. The sample shall also be identified with the following information: sample ID, sampling agent contact information; name and contact information of the producer; producer hemp license; date of sample; applicable strain; and lot number

VIII. STORAGE OF INDUSTRIAL HEMP AND HEMP MATERIAL

A. A licensee may store hemp and hemp material provided:

1. the licensee notifies the department, in writing, of the location of the storage facility;
2. the licensee informs the department of the type and amount of product being stored in the storage facility;
3. the storage facility is outside of the public view.
4. the storage facility is secured with physical containment and reasonable security measures; and

5. the storage facility is not within 1000 feet of a community location.

B. The storage area is subject to random inspection by department officials.

X. TRANSPORTATION OF INDUSTRIAL HEMP MATERIALS

A. A licensee shall not transport any industrial hemp materials, except to a storage facility owned by the licensee, until the department has notified the licensee of the test results from the growing area.

B. An industrial hemp transportation permit is required for each day and each vehicle used to move industrial hemp or industrial hemp products.

C. The licensee shall submit an industrial hemp transportation permit request form provided by the department.

D. Requests for an industrial hemp transportation permit shall be submitted to the department at least five (5) business days prior to movement.

E. An industrial hemp transportation permit authorizes the transportation of industrial hemp materials only within the borders of the state.

F. The department may deny any application for a transportation permit that is not completed in accordance with this rule.

G. A licensee shall not sell or transfer living plants, viable plants, viable seeds, leaf material, or floral material to any person not licensed by the department or to any person outside the state who is not authorized by the laws of that state.

XI. LABORATORY TESTING

A. Laboratory Testing Protocol

1. Quantitative determination of delta-9-THC levels measured using liquid chromatography with ultraviolet detection (LC-UV) or mass spectral detection if required by matrix interference (LC-MS/MS) shall be the accepted analytical technique to avoid the risk of incomplete decarboxylation, therefore, removing the need for any post-decarboxylation.

2. The testing methodology shall consider the potential conversion of delta-9-THCA in industrial hemp into delta-9-THC and the test result shall measure the total available delta-9-THC derived from the sum of the delta-9-THC and delta-9-THCA content. Appropriately, the delta-9-THCA result will be modified by the molecular weight conversion factor 0.877 prior to summation with delta-9-THC. The total delta-9-THC concentration level shall be reported on a dry weight basis.

3. Analytical testing for the purpose of determining the concentration of delta-9-THC shall meet the following standards:

- a. laboratory quality assurance must ensure the validity and reliability of test results;
 - b. analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose), and that the laboratory can successfully perform the testing;
 - c. method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of detecting the relevant analytes;
 - d. an effective disposal procedure for samples of industrial hemp plants and industrial hemp plant parts that do not meet industrial hemp requirements;
 - e. the reports shall include the measurement of uncertainty.
4. All testing of industrial hemp samples shall be conducted by the UDAF laboratory or an independent Industrial Hemp Testing laboratory, licensed by the department, which shall be DEA registered by December 31, 2022.
5. The results of the delta-9-THC analysis shall be reported to the licensee by UDAF.
6. Samples with a delta-9-THC concentration that do not exceed the acceptable industrial hemp delta-9-THC level shall be issued a certificate of analysis and require no further action. The hemp lot from which the sample was taken shall be released for sale or processing.

XII. DISPOSAL AND REMEDIATION OF INDUSTRIAL HEMP MATERIAL

- A. All industrial hemp plant parts resulting from a lot or harvested plant material represented by a sample with a THC concentration greater than the acceptable industrial hemp THC level shall be prohibited from being further handled, processed, or entered into the stream of commerce.
- B. The licensee may submit a request for remediation to the department for approval.
- 1. Non-compliant material may be remediated by:
 - a) removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds; or
 - b) shredding the entire plant to create a “biomass-blend.”
 - 2. Following remediation, non-compliant material shall be retested for compliance
 - 3. Remediation information will be reported to the USDA.
- C. If a licensee chooses not to remediate or if a remediation attempt is not successful, the licensee shall work with the department on an approved plan for the destruction of the plant material. The plan shall include one or more of the disposal means approved by USDA which includes:
- 1. Plowing Under
 - 2. Mulching / Composting
 - 3. Disking
 - 4. Bush Mower / Chopper
 - 5. Deep Burial
 - 6. Burning

D. The licensee shall submit Destruction Report to UDAF prior to destruction. Destruction information will be reported to USDA.

E. The department may destroy the plant material at cost to the licensee.

F. The department shall verify the destruction of non-compliant material.

G. The department may inspect the growing area to verify the destruction of all plant material and/or require additional evidence to validate full destruction of applicable plants.

XIII. VIOLATIONS and PENALTIES

A. The Department shall require a hemp producer to comply with a Corrective Action Plan for any negligent violation of this plan. A Corrective Action Plan established by the Department to correct the negligent violation may include, but is not limited to:

1. A date by which the hemp producer shall correct the negligent violation;
2. The steps necessary to come into compliance; and
3. A requirement that the hemp producer shall report its compliance measures to the Department for a period of not less than the next two (2) calendar years from the date of the negligent violation. The Department shall perform inspections to determine if the corrective action plan was implemented.

B. Producers who receive more than one negligent violation per growing season may result in license revocation. Negligent violations may include, but are not limited to:

1. Failing to provide an accurate legal description of land on which the producer produces hemp;
2. Failing to obtain a license or other required authorization from the Department to produce hemp;
3. Producing Cannabis sativa L. with a delta-9 THC concentration of more than 1% percent on a dry weight basis, or failing to make reasonable efforts to grow compliant hemp; and/or
4. Failing to comply with any reporting required in this chapter.

C. Every violation that occurs at the same location or by the same person shall be considered a separate violation for the purpose of calculating civil administrative penalties. Nothing in this section shall limit the applicability of any other penalties prescribed in this plan, including the implementation of a Corrective Action Plan, or of license suspension or revocation.

D. The Department may issue civil administrative penalties based upon the seriousness of the misconduct and after consultation with program manager.

E. For a violation of this plan or administrative rules, the Department may adjust the civil administrative penalty after weighing the following non-exclusive factors:

1. The violator's compliance history;
2. The nature, timing, and effectiveness of measures the violator takes to mitigate the

effects of the violation;

3. The nature, timing, and effectiveness of measures the violator takes to prevent future similar violations;

4. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;

5. Whether or not the violator is growing, processing, or handling hemp while deliberately neglecting to obtain a license from the Department; and

6. Other relevant circumstances.

F. UDAF may suspend or revoke any license issued under the provisions of Administrative Rule 68-24 and this plan. UDAF may also assess a civil penalty for violation of any provision of this plan, Administrative Rule 68-24 or any violation of any regulation enacted under the authority of said statutes.

G. Whenever UDAF has reason to believe that a licensee has violated any provision of Administrative Rule 68-24 or this plan, the department shall notify the licensee of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any scheduled hearing date.

H. Each separate day on which any violation occurs shall be considered a separate violation.

I. A person who is found by UDAF to have negligently violated Administrative Rule 68-24 or this plan three times in a five-year period shall be ineligible to hold an industrial hemp license for a period of five years beginning on the date of the third violation.

J. A person that has negligently violated Administrative Rule 68-24 or this plan shall not be reported to local, state, or federal government authorities for criminal enforcement action.

K. If UDAF determines that a person has violated any portion of this plan or Administrative Rule 68-24 with a culpable mental state greater than negligence, the Department shall order the person to suspend all hemp growing and/or handling operations immediately.

L. If UDAF determines a licensee committed a violation with a culpable mental state greater than negligence they will notify the U.S. Attorney General, USDA, and the appropriate law enforcement agency as applicable.

XIV. NOTICE and APPEALS

A. The Department shall provide a reasonable opportunity to amend an application that is insufficient, or to resolve any minor violations of these rules.

B. The Department shall comply with Title 63G, Chapter 4, Administrative Procedures Act and provide written notice via electronic mail, certified mail, or personal service, to a hemp producer upon a finding of a violation. Such notice shall include:

1. The facts pertaining to the violation;
2. A reference to the administrative rule(s) and/or statute(s) that have been violated;
3. A finding that the conduct constitutes a negligent violation or a violation with a culpable mental state greater than negligence;
4. A statement explaining whether or not the Department has informed law enforcement of the violation;
5. The basis for the civil administrative penalty issued, if any; and
6. A statement explaining the person's right to a hearing, and that they must file an appeal within 15 days of receiving notice.

C. Any contest to the Department for a violation must file a written appeal no later than 30 days after receipt of the determination. A written letter of contest must be filed with the Commissioner of Agriculture and Food and shall be sent to:

Utah Department of Agriculture and Food
ATTN: Commissioner
350 North Redwood Road
P.O. Box 146500
Salt Lake City, Utah 84114-6500

D. If no hearing is requested after 15 days have elapsed, the notice shall become a final order.

E. Contested cases shall be treated in accordance with Utah Code 63G, Chapter 4 Utah Administrative Procedures Act, and Utah Administrative Rule 51-2.

XV. USDA REPORTING

A. Hemp Producer Report - UDAF shall submit to USDA a report providing the contact information and the status of the license issued for each producer. The report shall be submitted by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA's information sharing systems, whenever possible. The report shall contain the following information:

1. hemp crop acreage
2. total acreage of hemp planted, harvested, and remediated or disposed
3. geospatial locations(s) of each lot or greenhouse where hemp will be produced
4. acreage of greenhouse or indoor square footage dedicated to the production of hemp
5. For each new producer that is an individual, the report shall include:
 - a. the full name of the individual;
 - b. the license number and status;
 - c. the business address;
 - d. telephone number and email address (if applicable); and
 - e. a legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored.

6. For each new licensee that is a business entity, the report shall include:
 - a. the full name of the business entity;
 - b. the principal business location address;
 - c. license number and status;
 - d. the full name, title, and email address (if applicable) of each person for whom the entity is required to submit a criminal background check; and
 - e. a legal description and GPS coordinates for each field, greenhouse, indoor growing structure, or site where industrial hemp will be cultivated, handled, or stored.
7. For each producer that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information, including the following:
 - a. The status of each producer's license;
 - b. The period covered by the report;
 - c. Indication that there were no changes during the current reporting cycle, if applicable.

B. Hemp Remediation Report - UDAF shall submit to USDA a report notifying USDA of any occurrence industrial hemp plants or plant parts that exceed the acceptable industrial hemp THC level by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA's information sharing systems, whenever possible. The report shall contain the following information:

1. The name and address of the Producer;
2. Producer license number;
3. Location information, such as lot number, location type, and GPS or other location descriptor for the production area subject remediation;
4. UDAF compliance specialist verifying the remediation;
5. Remediation completion date;
6. Total acreage; and
7. Laboratory test results.

C. Hemp Disposal Report - UDAF shall submit to USDA a report notifying USDA of any occurrence industrial hemp plants or plant parts that exceed the acceptable industrial hemp THC level by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA's information sharing systems, whenever possible. The report shall contain the following information:

1. The name and address of the Producer;
2. Producer license number;
3. Location information, such as lot number, location type, and GPS or other location descriptor for the production area subject disposal;
4. UDAF compliance specialist managing the disposal;
5. Disposal completion date;
6. Total acreage; and

7. Laboratory test results.

D. Test Results Report - UDAF shall report to USDA, using the online H.eM.P platform, the following information for

each sample of industrial hemp tested:

1. Producer's license number;
2. name of producer;
3. business address of producer;
4. lot identification number for the sample;
5. name of laboratory;
6. date of test and report;
7. identification of retest; and
8. test result.

E. Hemp Producer Annual Report- UDAF shall submit an annual report to USDA, using a digital format compatible with USDA's information sharing systems, whenever possible, by December 31 of each year and the report shall contain the following information:

1. total planted acreage;
2. total harvested acreage; and
3. total acreage remediated
4. total acreage destroyed.

XVI. CERTIFICATION OF RESOURCES and PERSONNEL

The Utah Department of Agriculture and Food certifies that it has the resources and personnel to carry out the requirements, practices, and procedures as outlined in 7 CFR 990.

STATE OF UTAH

Utah Department of Agriculture and Food ("UDAF")

By: _____
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Commissioner

Date: _____

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Date: _____

SOP # IHS-001	Title: Industrial Hemp Sampling - Harvest	Effective Date: December 1, 2021
Version: 2		Replaces: Version 1

SECTION 1.0 Purpose

The purpose of this SOP is to establish consistent and complete procedures for conducting field samples for industrial hemp. Samples are taken to obtain specimens for the measurement of tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the THC content in a “lot” of hemp crop acreage as identified by the producer.

SECTION 2.0 Scope

This SOP is primarily intended for use by an Industrial Hemp Compliance Specialist when conducting harvest sampling for industrial hemp. Although additional Cannabis program personnel may be required to collect samples they shall not collect official samples without USDA Sampling Certification. The training will be verified by the compliance specialist IV or program manager, and/or under direct supervision of a fully trained compliance specialist.

SECTION 3.0 Definitions & Acronyms

- NOI – Notice of Inspection
- NOV – Notice of Violation
- LOT - a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. A specific lot shall be defined by the producer in terms of farm location.

SECTION 4.0 Procedure

- 4.1 Sample Methods – All licensed cultivators shall submit a harvest sample request via the UDAF Industrial Hemp Program Website under, “Reports” section. Completed requests shall automatically email the assigned compliance specialist for the requested region. The Industrial Hemp program shall ensure at minimum two individuals receive email notifications at all times to ensure continuity of operations.
 - 4.1.1 The compliance specialist shall reference the licensee's planting report, growing area map and all applicable licensee information to prepare for sampling visit.
 - 4.1.2 The compliance specialists shall contact grower and schedule a date and time to take the harvest sample
 - 4.1.3 Upon arrival at the sampling location, the compliance specialists shall:
 - 4.1.3.1 Provide identification to the licensee or their representative and explain to licensee that you are a USDA-approved sampling agent
 - 4.1.3.2 Present the NOI form (See SOP-IHF 001) and request ate/signature from the license and/or representative.
 - 4.1.3.3 Identify and record the growing areas where samples shall be taken with GPS using smartphone or tablet.
 - 4.1.3.4 Validate the onsite location matches the harvest report submission and original license application data. Mark and record each growing area with a sample

SOP # IHS-001	Title: Industrial Hemp Sampling - Harvest	Effective Date: December 1, 2021
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number.

4.1.3.5 Sampling agent should estimate and record the average height, appearance, approximate density, condition of plants, and degree of maturity of the inflorescences (flowers/buds)

4.1.3.6 Sampling agents should visually evaluate and record the homogeneity of the stand to establish that the growing area is of like variety.

4.1.3.7 Prepare all applicable equipment needed to take samples

4.1.4 Sampling equipment includes – Latex Gloves, Cutting Scissors, Paper Sample bags, Sample Tags, Clorox wipes, Writing Pen, long handled scoop, corer, probe, security tape, GPS Unit/ Aerial Maps, Camera/Smartphone.

4.1.5 Samples shall be obtained from the flowering tops of plants when flowering tops are present and shall be approximately five to eight inches in length from the “main stem”, “terminal bud”, or “central cola” of the flowering top of the plant.

4.2 Sampling agents shall calculate “n” samples per lot based on production acreage for the lot.

4.2.1 Sampling agents should walk along crop rows whenever possible as to minimize crop disturbance.

4.3 If a production lot is less than one acre, including greenhouses, the sampling agent should select a minimum of 1 plant, then take a cutting from the plant to form a sample. Additional samples may be collected as appropriate or to meet the 10 grams minimum that the lab requires.

4.3.1 If a production lot is 2 acres, the sampling agent must collect 2 samples.

4.3.2 If the production lot is 10 acres, the sampling agent must collect 10 samples

4.3.3 Sampling agents should refer to the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999 for any lot that exceeds 10 acres.

SECTION 5.0 How to Sample and Sample Size

5.1 Samples shall be obtained from the flowering tops of plants when flowering tops are present and shall be approximately five to eight inches in length from the “main stem”, “terminal but”, or “central cola” of the flowering top of the plant.

5.2 Samples shall be randomly chosen and collection from the border of the field or greenhouse facility is discouraged.

5.4 Samples must represent a homogenous composition of each production lot that is sampled

5.5 Samples of hemp plant material from one lot shall not be commingled with hemp plant material from other lots even if multiple lots contain the same variety.

SOP # IHS-001	Title: Industrial Hemp Sampling - Harvest	Effective Date: December 1, 2021
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5.6 Harvest may begin after sampling has been completed but it is the responsibility of producers to maintain harvested lots separately to prevent commingling or cross-contamination until the licensed producer receives the laboratory report.

5.7 Sampling Bags

5.7.1 Put individual lot samples in one single sample bag. Complete the sample tag and Sample Collection Form.

5.7.1.1 Once the sample size is achieved or the bag is full, the bag shall be sealed as to prevent any commingling from happening

5.7.1.2. The sample tag shall include: Licensee's Name, Location of Sample, Licensee's email address, Strain Type, Compliance Specialists Name, Time of sample, Number of total plants in lot and number of cutting taken

5.7.1.3 Sampling bags should be labeled and if multiple bags are required for one lot, the other corresponding sample bags should read: Lot 101 $\frac{1}{3}$, $\frac{2}{3}$, $\frac{3}{3}$.

5.7.1.4 Sampling agents are required to maintain a record of samples collected for three years

5.7.2 Once the sample tag is complete the middle carbon copy shall be provided to the licensee or representative.

5.7.3 Place all sealed bags in a cooler and out of the sun to prevent mold or sample from deteriorating

5.7.4 Return sample bags to the lab the same day, if possible. Use overnight and trackable shipping if mailing samples. Do not use cold packs or place inside a plastic bag to reduce condensation within a sample bag. Samples shall be kept under a locked cooler at all times. Chain of custody shall be filled out whenever a sample agent takes and delivers samples.

SECTION 6.0 Quality Assurance / Quality Control

6.1 Always appropriately identify yourself, present appropriate credentials, and state the purpose of the visit before beginning the sampling

6.2 Maintain a courteous and professional working relationship with members of the regulated community: it is an important part of achieving regulatory compliance and maintaining good working relationships. Care should be taken to represent UDAF Cannabis Program in a professional manner:

6.3 Avoid interfering with normal business activities while conducting sampling.

6.4 Enter accurate, complete and legible data on the sample tag.

6.5 Follow all other applicable SOPs during the sampling

6.6 Address violations/discrepancies in the form of a NOV and HO as outlined in SOP IF-002 or SOP-IF-003.

SECTION 7.0 Contingencies

SOP # IHS-001	Title: Industrial Hemp Sampling - Harvest	Effective Date: December 1, 2021
Version: 2		Replaces: Version 1

7.1 In the event circumstances arise that indicate this SOP cannot be followed, consult the compliance specialist IV, or Program Manager.

7.2 If circumstances arise that warrant seizure of industrial hemp products or material the inspector shall accurately document all items seized and the rationale for removing the items versus initiating a HO

SECTION 8.0 Sampling of Remediated Hot Hemp

8.1 If a producer elects to perform remediation activities as allowed under the Final Rule's provisions, an additional sampling and testing of the post-remediated crop must occur to determine THC concentration levels

8.2 Remediation can be achieved by two ways

8.2.1 Separating and destroying non-compliant flowers including buds, trichomes, "trim", and "kief" while retaining stalks, stems, leaf material, and seeds. The remaining stalks, stems, and leaf material can be retested for THC compliance

8.2.2 Shredding the entire hemp plant to create a homogenous "biomass" that can be retested for THC compliance. The remediated biomass must be shredded by the grower, prior to the resampling inspection. The biomass material must be a homogenous, uniform biomass.

8.3 When sampling non-compliant flower separation, a representative sample of the remaining stalks, stems and leaf material should be taken for compliance purposes using a garden pruner or shears.

8.3.1 Sampling agents shall collect remediated material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material.

8.3.2 Sampling agents shall label, record, handle, and submit the collected sample in the same manner as is done with standard and performance-based compliance samples of live hemp plants.

8.4 When sampling remediated biomass, a representative sample of the biomass should be taken for compliance purposes using a long-handled sampling scoop, corer, or probe.

8.4.1 Sampling agents should collect biomass from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material.

8.4.2 Sampling agents shall label, record, handle, and submit the collected sample in the same manner as is done with standard and performance-based compliance samples of live hemp plants.

8.4.3 Remediated biomass and plant material should not leave the labeled and demarcated area until test results showing compliance with the acceptable hemp THC level is received or until the biomass is destroyed.

8.4.4 Only those successfully remediated crops will be allowed to enter the stream of commerce, and all other remaining non-compliant crops must then be disposed of.

SOP # IHS-001	Title: Industrial Hemp Sampling - Harvest	Effective Date: December 1, 2021
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SECTION 9.0 References / Attachments

SOPs Referenced

- SOP IF-001: Forms – Notice of Inspection
- SOP IF-002: Forms – Notice of Violation
- SOP IF-003: Forms – Hold Order
- Attachment A - Field Sample Tag

Additional References

- Utah Agricultural Code
- Utah Hemp Cannabinoid Act
- Utah Administrative Rule 68-24

Attachment A: Example – Field Sample Tag

TAG # 0720	Location of Sample Collected	Registrant Name / Billing Address	Sample Number:
			Tag #: 0720
Name of Product	E-Mail:	E-Mail:	Month/ Day/ Year
			Time (24 Hrs.)
	Product:	Billing: Time: _____ \$65/HR /15 Min Incr.	Sampler Name
		Fee: _____ \$50/Sample	# Containers /Plants in Lot:
	Brand / Strain Name:	Total: _____	# Containers Sampled:
	Guaranteed Analysis		Sample Type: ☐ Industrial Hemp ☐ CBD/Hemp Products
	_____mg / _____ mL = _____mg/mL CBD		Registered: ☐ Yes ☐ No
	☐ 0% THC ☐ > 0.3% THC		Lot / Batch:
	No liability shall attach to the Utah Department of Agriculture & Food or to any officer or representative of the Department with respect to this sampling certificate. Registrants will not SALE, DISTRIBUTE or TRANSPORT products until Official Testing Results have been completed in accordance with UAC R68-24-12-2. I hereby abide by what this sampling form states. Failure to comply may result in regulatory action.		Signature: _____ Date: _____
	Cannabis Division Copy		