



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

April 30, 2019

To: Interested Industrial Hemp Cultivation Applicants

Subject: California Industrial Hemp Cultivation Requirements

Thank you for your interest in registering to cultivate industrial hemp in California.

California's industrial hemp law can be found in Division 24 of the California Food and Agricultural Code (FAC). The California Department of Food and Agriculture (CDFA) has also adopted Sections 4900, 4920, and 4921 in Title 3 of the California Code of Regulations pertaining to the registration fee and list of approved seed cultivars.

It is important to understand the cultivation requirements outlined in law and regulations. A copy of the current laws and regulations are included in the application packet for your convenience. Please review the law and regulations prior to submitting your application to your county agricultural commissioner's office.

Please note that FAC Section 81006(d)(1) requires registrants to obtain a laboratory test report indicating the THC content prior to harvest. CDFA is currently developing regulations pertaining to industrial hemp sampling and testing with consideration of recommendations from the Industrial Hemp Advisory Board.

Any regulations developed regarding industrial hemp cultivation will proceed through the regular rulemaking process in accordance with the Administrative Procedure Act. CDFA will notify all registrants and the public via our e-mail listserv when any regulations are posted and available for public comment. For more information on the regular rulemaking process, please visit [https://oal.ca.gov/rulemaking\\_process/regular\\_rulemaking\\_process/](https://oal.ca.gov/rulemaking_process/regular_rulemaking_process/).

For information regarding any additional local restrictions that may apply to any proposed activities, please contact the applicable county and/or city officials, including the county agricultural commissioner's office. The following counties may have additional restrictions on industrial hemp cultivation: Amador, Calaveras, Glenn, Humboldt, Lassen, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange,



## California Industrial Hemp Cultivation Requirements

April 30, 2019

Page 2

Placer, Sacramento, San Bernardino, San Joaquin, Santa Barbara, Shasta, Sierra, Siskiyou, Sonoma, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

For additional information on California's hemp law, and to sign up to receive updates on the status of industrial hemp from CDFA, please visit us online at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

Attachments: California Industrial Hemp Law

California Code of Regulations Sections 4900, 4920-4921

Industrial Hemp Registration Application

## California Industrial Hemp Law

The following sections are extracts from Division 24 the California Food and Agricultural Code. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Food and Agricultural Code published by the California State Legislature.

**81000.** Definitions. For purposes of this division, the following terms have the following meanings:

(a) “Board” means the Industrial Hemp Advisory Board.

(b) “Commissioner” means the county agricultural commissioner.

(c) “Established agricultural research institution” means any institution that is either:

(1) A public or private institution or organization that maintains land or facilities for agricultural research, including colleges, universities, agricultural research centers, and conservation research centers; or

(2) An institution of higher education (as defined in Section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that grows, cultivates or manufactures industrial hemp for purposes of research conducted under an agricultural pilot program or other agricultural or academic research.

(d) “Industrial hemp” has the same meaning as that term is defined in Section 11018.5 of the Health and Safety Code.

(e) “Secretary” means the Secretary of Food and Agriculture.

(f) “Seed breeder” means an individual or public or private institution or organization that is registered with the commissioner to develop seed cultivars intended for sale or research.

(g) “Seed cultivar” means a variety of industrial hemp.

(h) “Seed development plan” means a strategy devised by a seed breeder, or applicant seed breeder, detailing his or her planned approach to growing and developing a new seed cultivar for industrial hemp.

*(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.2. Section operative January 1, 2017, pursuant to Section 81010.)*

**81001.** (a) There is in the department an Industrial Hemp Advisory Board. The board shall consist of 11 members, appointed by the secretary as follows:

(1) Three of the board members shall be growers of industrial hemp that are registered pursuant to the provisions of this division. In the case of forming the initial board, and if the registration program established pursuant to this division has not yet been implemented, these board members shall be those who intend to register as growers of industrial hemp. A member of the board who is a grower of industrial hemp, or who intends to register as a grower of industrial hemp, shall be a representative of at least one of the following functions:

- (A) Seed production.
- (B) Seed condition.
- (C) Marketing.
- (D) Seed utilization.

(2) Two of the board members shall be members of an established agricultural research institution.

(3) One member of the board shall be a representative as provided by the California State Sheriffs' Association and approved by the secretary.



- (4) One member of the board shall be a county agricultural commissioner.
- (5) One member of the board shall be a representative of the Hemp Industries Association or its successor industry association.
- (6) One member of the board shall be a representative of industrial hemp product processors or manufacturers.
- (7) One member of the board shall be a representative of businesses that sell industrial hemp products.
- (8) One member of the board shall be a member of the public.

(b) It is hereby declared, as a matter of legislative determination, that growers and representatives of industrial hemp product manufacturers and businesses appointed to the board pursuant to this division are intended to represent and further the interest of a particular agricultural industry, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that persons who are appointed to the board shall be subject to the conflict-of-interest provisions described in Section 87103 of the Government Code.

(c) The term of office for a member of the board is three years. If a vacancy exists, the secretary shall, consistent with the membership requirements described in subdivision (a), appoint a replacement member to the board for the duration of the term.

(d) A member of the board shall not receive a salary but may be reimbursed by the department for attendance at meetings and other board activities authorized by the board and approved by the secretary.

(e) The board shall advise the secretary and may make recommendations on all matters pertaining to this division, including, but not limited to, industrial hemp seed law and regulations, enforcement, annual budgets required to accomplish the purposes of this division, and the setting of an appropriate assessment rate necessary for the administration of this division.

(f) The board shall annually elect a chair from its membership and, from time to time, other officers as it deems necessary.

(g) The board shall meet at the call of its chair or the secretary, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to the proposals.

*(Added by Stats. 2013, Ch. 398, Sec. 4. Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)*

**81002.** (a) Except when grown by an established agricultural research institution or by a seed breeder developing a new California seed cultivar, industrial hemp shall only be grown if it is on the list of approved seed cultivars, or produced by clonal propagation of industrial hemp that is on the list of approved seed cultivars and therefore genetically identical to, and capable of exhibiting the same range of characteristics as, the parent cultivar.

(b) The list of approved seed cultivars shall include all of the following:

- (1) Industrial hemp seed cultivars that have been certified by member organizations of the Association of Official Seed Certifying Agencies, including, but not limited to, the Canadian Seed Growers' Association.
- (2) Industrial hemp seed cultivars that have been certified by the Organization of Economic Cooperation and Development.
- (3) California varieties of industrial hemp seed cultivars that have been certified by a seed-certifying agency pursuant to Article 6.5 (commencing with Section 52401) of Chapter 2 of Division 18.

(c) (1) Upon recommendation by the board or the department, the secretary may update the list of approved seed cultivars by adding, amending, or removing seed cultivars.  
(2) The adoption, amendment, or repeal of the list of approved seed cultivars, and the adoption of a methodology and procedure to add, amend, or remove a seed cultivar from the list of approved

seed cultivars, pursuant to this section shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) The department, in consultation with the board, shall hold at least one public hearing with public comment to determine the methodology and procedure by which a seed cultivar is added, amended, or removed from the list of approved seed cultivars.

(4) The department shall finalize the methodology and procedure to add, amend, or remove a seed cultivar from the list of approved seed cultivars and send the methodology and procedure to the Office of Administrative Law. The Office of Administrative Law shall file the methodology and procedure promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The methodology and procedure shall do all of the following:

- (A) Indicate that the methodology and procedure are adopted pursuant to this division.
- (B) State that the methodology and procedure are being transmitted for filing.
- (C) Request that the Office of Administrative Law publish a notice of the filing of the methodology and procedure and print an appropriate reference in Title 3 of the California Code of Regulations.

(d) The department, in consultation with the board, may determine the manner in which the public is given notice of the list of approved seed cultivars, and any addition, amendment, or removal from that list.

*(Amended by Stats. 2018, Ch. 986, Sec. 1. (SB 1409) Effective January 1, 2019.)*

**81003.** (a) (1) Except for an established agricultural research institution, and before cultivation, a grower of industrial hemp for commercial purposes shall register with the commissioner of the county in which the grower intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

- (A) The name, physical address, and mailing address of the applicant.
- (B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.
- (C) The approved seed cultivar to be grown, including the state or county of origin

(3) (A) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(B) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew his or her registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met, the commissioner shall issue a registration to the applicant.

(c) A registrant that wishes to alter the land area on which the registrant conducts industrial hemp cultivation, storage, or both, shall, before altering the area, submit to the commissioner an updated legal description, Global Positioning System coordinates, and map specifying the proposed alteration. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate industrial hemp on the altered land area.

(d) A registrant that wishes to change the seed cultivar grown shall submit to the commissioner the name of the new, approved seed cultivar to be grown. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate the new seed cultivar.

(e) The commissioner shall transmit information collected under this section to the department.

*(Amended by Stats. 2018, Ch. 986, Sec. 2. (SB 1409) Effective January 1, 2019.)*

**81004.** (a) (1) Except when grown by an established agricultural research institution, and before cultivation, a seed breeder shall register with the commissioner of the county in which the seed breeder intends to engage in industrial hemp cultivation.

(2) The application shall include all of the following:

- (A) The name, physical address, and mailing address of the applicant.
- (B) The legal description, Global Positioning System coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both.
- (C) The approved seed cultivar to be grown for seed production, including the state or county of origin.
- (D) If an applicant intends to develop a new California seed cultivar to be certified by a seed-certifying agency, the applicant shall include all of the following:
  - (i) The name of the seed-certifying agency that will be conducting the certification.
  - (ii) The industrial hemp varieties that will be used in the development of the new California seed cultivar.
  - (iii) A seed development plan specifying how the listed industrial hemp varieties will be used in the development of the new seed cultivar, measures that will be taken to prevent the unlawful use of industrial hemp or seed cultivars under this division, and a procedure for the maintenance of records documenting the development of the new seed cultivar.

(3) (A) The application shall be accompanied by a registration fee, as determined pursuant to Section 81005.

(B) A registration issued pursuant to this section shall be valid for one year, after which the registrant shall renew its registration and pay an accompanying renewal fee, as determined pursuant to Section 81005.

(b) If the commissioner determines that the requirements for registration pursuant to this division are met, the commissioner shall issue a seed breeder registration to the applicant.

(c) A registrant that wishes to alter the land area on which the registrant conducts industrial hemp cultivation, storage, or both, shall, before altering the area, submit to the commissioner an updated legal description, Global Positioning System coordinates, and map specifying the proposed alteration. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate industrial hemp on the altered land area.

(d) A registrant that wishes to change the seed cultivar grown shall submit to the commissioner the name of the new, approved seed cultivar to be grown. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that it may cultivate the new seed cultivar.

(e) A registrant developing a new California seed cultivar who wishes to change any provision of the seed development plan shall submit to the commissioner the revised seed development plan. Once the commissioner has received the change to the registration, the commissioner shall notify the registrant that he or she may cultivate under the revised seed development plan.

(f) All records pertaining to the seed development plan shall be kept and maintained by the seed breeder and be available upon request by the commissioner, a law enforcement agency, or a seed certifying agency.

(g) The commissioner shall transmit information collected under this section to the department.

*(Amended by Stats. 2018, Ch. 986, Sec. 3. (SB 1409) Effective January 1, 2019.)*

**81005.** (a) The department shall establish a registration fee and appropriate renewal fee to be paid by growers of industrial hemp for commercial purposes and seed breeders, not including an established agricultural research institution, to cover the actual costs of implementing, administering, and enforcing the provisions of this division.

(b) Fees established pursuant to subdivision (a) that are collected by the commissioners upon registration or renewal pursuant to Section 81003 or 81004, except for amounts retained pursuant to this subdivision, shall be forwarded, according to procedures set by the department, to the department for deposit into the Department of Food and Agriculture Fund to be used for the administration and enforcement of this division. A commissioner or the county, as appropriate, may retain the amount of a fee necessary to reimburse direct

costs incurred by the commissioner in the collection of the fee.

(c) The board of supervisors of a county may establish a reasonable fee, in an amount necessary to cover the actual costs of the commissioner and the county of implementing, administering, and enforcing the provisions of this division, except for costs that are otherwise reimbursed pursuant to subdivision (b), to be charged and collected by the commissioner upon registrations or renewals required pursuant to Section 81003 or 81004 and retained by the commissioner or the county, as appropriate.

*(Amended by Stats. 2018, Ch. 986, Sec. 4. (SB 1409) Effective January 1, 2019.)*

**81006.** Industrial Hemp Growth Limitations; Prohibitions; Imports; Laboratory Testing.

(a) (1) Except when grown by an established agricultural research institution or a seed breeder, industrial hemp shall be grown in acreages of not less than one-tenth of an acre at the same time.

(2) Seed breeders, for purposes of seed production, shall only grow industrial hemp in acreages of not less than one-tenth of an acre at the same time.

(3) Seed breeders, for purposes of developing a new California seed cultivar, shall grow industrial hemp in dedicated acreage of not less than one-tenth of an acre and in accordance with the seed development plan. The entire area of the dedicated acreage is not required to be used for the cultivation of the particular seed cultivar.

(b) Clandestine cultivation of industrial hemp is prohibited. All plots shall have adequate signage indicating they are industrial hemp.

(c) Industrial hemp shall include products imported under the Harmonized Tariff Schedule of the United States (2013) of the United States International Trade Commission, including, but not limited to, hemp seed, per subheading 1207.99.03, hemp oil, per subheading 1515.90.80, oilcake, per subheading 2306.90.01, true hemp, per heading 5302, true hemp yarn, per subheading 5308.20.00, and woven fabrics of true hemp fibers, per subheading 5311.00.40.

(d) (1) Except when industrial hemp is grown by an established agricultural research institution, a registrant that grows industrial hemp under this section shall, before the harvest of each crop and as provided below, obtain a laboratory test report indicating the THC levels of a random sampling of the dried flowering tops of the industrial hemp grown.

(2) Sampling shall occur no more than 30 days before harvest.

(3) The sample collected for THC testing shall be taken with the grower or seed breeder present. The department shall establish, by regulation, the sampling procedures, including all of the following:

(A) The number of plants to be sampled per field, and any composting of samples.

(B) The portions of the plant to be sampled.

(C) The plant parts to be included in a sample.

(D) Additional procedures as necessary to ensure accuracy and the sanitation of samples and fields.

(4) The sample collected for THC testing shall be accompanied by the following documentation:

(A) The registrant's proof of registration.

(B) Seed certification documentation for the seed cultivar used.

(C) The THC testing report for each certified seed cultivar used.

(5) The laboratory test report shall be issued by a laboratory approved by the department, using a department-approved testing method, and indicate the percentage content of THC on a dry-weight basis, indicate the date and location of samples taken, and state the Global Positioning System coordinates and total acreage of the crop. If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the words "PASSED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report. If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent, the words "FAILED AS CALIFORNIA INDUSTRIAL HEMP" shall appear at or near the top of the laboratory test report.

(6) If the laboratory test report indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent, the laboratory shall provide the person who requested the testing not less

than 10 original copies signed by an employee authorized by the laboratory and shall retain one or more original copies of the laboratory test report for a minimum of two years from its date of sampling.

(7) If the laboratory test report indicates a percentage content of THC that is greater than three-tenths of 1 percent and does not exceed 1 percent, the registrant that grows industrial hemp shall submit additional samples for testing of the industrial hemp grown.

(8) A registrant that grows industrial hemp shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a percentage content of THC that exceeds 1 percent or a second laboratory test report pursuant to paragraph (7) indicating a percentage content of THC that exceeds three-tenths of 1 percent but is less than 1 percent. If the percentage content of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within 7 days, after receipt of the laboratory test report. If the percentage content of THC in the second laboratory test report exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

(9) A registrant that intends to grow industrial hemp and who complies with this section shall not be prosecuted for the cultivation or possession of marijuana as a result of a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent but does not exceed 1 percent.

(10) Established agricultural research institutions shall be permitted to cultivate or possess industrial hemp with a laboratory test report that indicates a percentage content of THC that is greater than three-tenths of 1 percent if that cultivation or possession contributes to the development of types of industrial hemp that will comply with the three-tenths of 1 percent THC limit established in this division.

(11) Except for an established agricultural research institution, a registrant that grows industrial hemp shall retain an original signed copy of the laboratory test report for two years from its date of sampling, make an original signed copy of the laboratory test report available to the department, the commissioner, or law enforcement officials or their designees upon request, and shall provide an original copy of the laboratory test report to each person purchasing, transporting, or otherwise obtaining from the registrant that grows industrial hemp the fiber, oil, cake, or seed, or any component of the seed, of the plant.

(e) If, in the Attorney General's opinion issued pursuant to Section 8 of the act that added this division, it is determined that the provisions of this section are not sufficient to comply with federal law, the department, in consultation with the board, shall establish procedures for this section that meet the requirements of federal law.

*(Amended by Stats. 2018, Ch. 986, Sec. 5. (SB 1409) Effective January 1, 2019. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)*

**81007.** As part of the registration program established pursuant to this division, the department may establish and carry out, by regulation, an agricultural pilot program pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940) in accordance with the purposes of that section.

*(Added by Stats. 2018, Ch. 986, Sec. 6. (SB 1409) Effective January 1, 2019.)*

**81008.** Attorney General Reports; Requirements.

(a) Not later than January 1, 2019, the Attorney General shall report to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety the reported incidents, if any, of the following:

(1) A field of industrial hemp being used to disguise marijuana cultivation.

(2) Claims in a court hearing by persons other than those exempted in subdivision (f) of Section 81006 that marijuana is industrial hemp.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

California Industrial Hemp Law (FAC §81000-81010)

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2023, or four years after the date that the report is due, whichever is later.

*(Amended November 8, 2016, by initiative Proposition 64, Sec. 9.5. Section operative January 1, 2017, pursuant to Section 81010. Repealed on January 1, 2023, or later as prescribed by its own provisions.)*

**81009.** Not later than January 1, 2019, or five years after the provisions of this division are authorized under federal law, whichever is later, the board, in consultation with the Hemp Industries Association, or its successor industry association, shall report the following to the Assembly and Senate Committees on Agriculture and the Assembly and Senate Committees on Public Safety:

(a) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in California.

(b) The economic impacts of industrial hemp cultivation, processing, and product manufacturing in other states that may have permitted industrial hemp cultivation.

*(Added by Stats. 2013, Ch. 398, Sec. 4. Effective January 1, 2014. Section operative January 1, 2017, pursuant to Section 81010.)*

**81010.** This division, and Section 221 shall become operative on January 1, 2017.

*(Amended by Stats. 2017, Ch. 27, Sec. 112. Effective June 27, 2017. Note: This section was amended on Nov. 8, 2016, by initiative Prop. 64, making Division 24 (commencing with Section 81000) operative on January 1, 2017.)*

**81011.** Before cultivating industrial hemp, an established agricultural research institution shall provide the Global Positioning System coordinates of the planned cultivation site to the commissioner of the county in which the site is located.

*(Added by Stats. 2018, Ch. 986, Sec. 7. (SB 1409) Effective January 1, 2019.)*



## Registration Fees

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

### California Code of Regulations

#### Title 3. Food and Agriculture

#### Division 4. Plant Industry

#### Chapter 8. Industrial Hemp Cultivation

#### Article 1. Registration of Industrial Hemp Growers

### 4900. Registration Fees

- (a) The Secretary establishes the following fees for registration of growers of industrial hemp for commercial purposes and seed breeders to be submitted along with the registration application:
  - (1) Prior to cultivation, a fee of nine-hundred dollars (\$900) per applicant shall be submitted with the application to the commissioner.
  - (2) A separate registration is required for each county in which the applicant intends to grow industrial hemp.
  - (3) This registration is valid for one year from date of issuance by the commissioner.
- (b) The Secretary establishes the following fees for registration renewal of growers of industrial hemp for commercial purposes and seed breeders:
  - (1) Upon expiration of registration, a fee of nine-hundred dollars (\$900) per registrant shall be due to the commissioner in each county in which the applicant intends to continue to grow industrial hemp.
  - (2) Renewed registration is valid for one year from date of issuance of renewal by the commissioner.

Note: Authority cited: Sections 407, 483, and 81005, Food and Agricultural Code.  
Reference: Sections 81003, 81004, and 81005, Food and Agricultural Code.





## List of Approved Seed Cultivars

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

### California Code of Regulations

#### Title 3. Food and Agriculture

#### Division 4. Plant Industry

#### Chapter 8. Industrial Hemp Cultivation

#### Article 2. Regulations for Industrial Hemp Cultivation

### 4920. List of Approved Seed Cultivars

- (a) The Secretary, as provided in Section 81002 of the Food and Agricultural Code, adopts the following list of approved seed cultivars.
  - (1) Industrial hemp seed or propagative materials certified as breeder, foundation, registered, or certified seed or stock by one of the following agencies:
    - (A) Member organizations of the Association of Official Seed Certifying Agencies,
    - (B) Organization of Economic Cooperation and Development, or
    - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
  - (2) Industrial hemp seed or propagative materials produced in a quality assurance program approved by one of the following agencies:
    - (A) Member organizations of the Association of Official Seed Certifying Agencies,
    - (B) Organization of Economic Cooperation and Development, or
    - (C) An officially approved and recognized seed-certifying agency listed in Title 3, California Code of Regulations, Section 3875, as provided in Section 52401 of the Food and Agricultural Code.
  - (3) Industrial hemp seed or propagative materials produced by an authorized participant in a state industrial hemp agricultural pilot program, pursuant to Section 7606 of the federal Agricultural Act of 2014 (7 U.S.C. Sec. 5940).
    - (A) The crop from which the seed or propagative materials were harvested from shall have been tested in accordance with a testing method approved by the regulatory authority in the state of origin and found to have no more than three-tenths of one percent tetrahydrocannabinol (THC) on a dry weight basis.
    - (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).
  - (4) Industrial hemp seeds or tissue culture plants imported from outside the United States that meets federal importation requirements.
    - (A) The crop from which the seeds or tissue culture plants were harvested from shall have been tested in accordance with a testing method approved by the department of



**List of Approved Seed Cultivars (3 CCR § 4920)**

agriculture in the country of origin and found to have no more than three-tenths of one percent THC on a dry weight basis.

- (B) The commissioner shall be notified of the importation of all propagative materials into the county. The shipment is subject to inspection by the commissioner and shall not be used for cultivation until released by the commissioner (California Food and Agricultural Code Division 4, Part 2, Chapter 2 § 6401 and § 6501).
  - (C) For the purposes of this section, the term “tissue culture” means in vitro material introduced into culture from nodal cuttings at a particular time and from a single plant and grown in aseptic conditions to be used as a source of propagative material.
- (5) Industrial hemp seed or propagative materials produced in California in accordance with the provisions of Division 24 of the Food and Agricultural Code and this chapter.
- (A) The crop from which the seed or propagative materials were harvested from shall have been tested by a department-approved laboratory and found to have no more than three-tenths of one percent THC on a dry weight basis.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code.  
Reference: Sections 81001 and 81002, Food and Agricultural Code.



## Methodology and Procedure to Update the List of Approved Seed Cultivars

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

### California Code of Regulations

#### Title 3. Food and Agriculture

#### Division 4. Plant Industry

#### Chapter 8. Industrial Hemp Cultivation

#### Article 2. Regulations for Industrial Hemp Cultivation

### 4921. Methodology and Procedure to Update the List of Approved Seed Cultivars

- (a) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
  - (1) Upon request from the chair of the Board, or of any four members of the Board, the Department shall schedule a public hearing to consider a proposal to update the list of approved seed cultivars by adding, amending, or removing seed cultivars. A notice and text of the proposal shall be made available to the public no less than 30 days prior to the hearing.
  - (2) The public hearing to consider a proposal to update the list of approved seed cultivars shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory board.
  - (3) The public hearing shall include:
    - (A) Presentation of the proposal to update the list of approved seed cultivars;
    - (B) Presentation of the purpose for the update; and
    - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
  - (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny a proposal for recommendation to the Secretary.
  - (5) Upon recommendation by the Board to adopt a proposal and approval by the Secretary, the Department shall amend the list of approved seed cultivars and shall submit the amended list to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.
  - (6) The Department shall post the list of approved seed cultivars to its website and shall provide electronic and/or mail notification of amendments to list of approved seed cultivars to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the list of approved seed cultivars via an electronic mail listserv.
- (b) The Secretary adopts the following methodology and procedure to add, amend or remove a seed cultivar from the list of approved seed cultivars.
  - (1) By motion, the Board may recommend amending the methodology and procedure in subsection (a). In consultation with the chair of the Board, the Department shall schedule a public hearing to consider the recommendation, and a notice and text of the proposed amendment shall be made available to the public no less than 30 days prior to the hearing.



**Methodology and Procedure to Update the List of Approved Seed Cultivars (3 CCR § 4921)**

- (2) The public hearing to consider a proposal to amend the methodology and procedure shall be part of a regularly scheduled meeting of the Industrial Hemp Advisory Board.
- (3) The public hearing shall include:
  - (A) Presentation of the proposal to amend the methodology and procedure;
  - (B) Presentation of the purpose for the amendment; and
  - (C) Opportunity for public comment, pursuant to Section 11125.7 of the Government Code.
- (4) After receiving comments from the public, the Board shall vote to accept, amend and accept, or deny the proposal for recommendation to the Secretary.
- (5) Upon recommendation by the Board to adopt the amendment and approval by the Secretary, the Department shall amend the methodology and procedure, and shall submit the amended methodology and procedure to the Office of Administrative Law to be filed promptly with the Secretary of State. Pursuant to Section 81002 of the Food and Agricultural Code, the proposal shall not be subject to further review.
- (6) The Department shall provide electronic and/or mail notification of the amendment to the methodology and procedure to parties that have requested notification. An interested party may go to the Department's website and elect to receive automatic notifications of any changes to the methodology and procedure via an electronic mail listserv.

Note: Authority cited: Sections 407 and 81002, Food and Agricultural Code.  
Reference: Sections 81001 and 81002, Food and Agricultural Code.



**INDUSTRIAL HEMP REGISTRATION APPLICATION  
 FOR SEED BREEDERS**

<input type="checkbox"/> New	Change Of:	
<input type="checkbox"/> Renewal	<input type="checkbox"/> Business Name	<input type="checkbox"/> Cultivation Site
Registration #: _____	<input type="checkbox"/> Contact Information	<input type="checkbox"/> Approved Seed Cultivar
	<input type="checkbox"/> Primary Contact	

**REGISTRANT INFORMATION**

Applicant Name:		Business Name:		<input type="checkbox"/> Same as applicant
Mailing Address:		City:	State:	Zip:
Primary Contact Name:		Phone Number:		Email (optional):
<input type="checkbox"/> Same as applicant				

**CULTIVATION SITE #1 / SEED CULTIVAR INFORMATION**

Additional Cultivation Sites Attached

**Total Sites:** \_\_\_\_\_

Physical Address:		City:	Zip:	Site Purpose:
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area)		Size:		<input type="checkbox"/> Cultivation
Latitude:	Longitude:	<input type="checkbox"/> Acres	<input type="checkbox"/> Square Feet	<input type="checkbox"/> Storage
				<input type="checkbox"/> Both
Legal Description of Site:				

**REQUIRED: Attach a map showing boundaries of this growing area.**

Approved Seed Cultivar	State/Country of Origin	Certified?	Documentation to Meet CCR § 4920 Requirement
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting

Additional Seed Cultivars, associated with Cultivation Site #1, Attached

**IF you are developing a new seed cultivar, complete this section and attach the seed development plan.**

<input type="checkbox"/> Check box if you plan to develop a new seed cultivar	Seed Certifying Agency to certify cultivar (if applicable):
---	---

**FEE AND PAYMENT INFORMATION**

**Fees**

**Fees Submitted**

Industrial Hemp Seed Breeder Annual Registration Fee      \$900      \$ \_\_\_\_\_

**SUBMIT THIS APPLICATION TO AGRICULTURAL  
 COMMISSIONER ALONG WITH CHECK OR MONEY  
 ORDER PAYABLE TO "CDFA Cashier":**

**County of  
 Agricultural Commissioner's Office**

**I hereby certify that the information submitted in this application is true and correct to the best of my knowledge and belief.**

**I understand that any changes to the cultivation site, seed cultivar, and/or seed development plan must be provided to the county agricultural commissioner prior to planting. I also understand that all documentation to meet the approved seed cultivar requirement must be provided to the county agricultural commissioner prior to planting.**

Signature		Print Name and Title		Date
County Use Only:				
Registration #	Issue Date	Expiration Date	Signature	

**INDUSTRIAL HEMP REGISTRATION SUPPLEMENTAL  
 FORM FOR ADDITIONAL CULTIVATION SITE/SEED  
 CULTIVAR**

Applicant Name:
County Use Only

**CULTIVATION SITE / SEED CULTIVAR INFORMATION**

Site #: \_\_\_\_ of \_\_\_\_

Physical Address:	City:	Zip:	Site Purpose:
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area)		Size:	<input type="checkbox"/> Cultivation <input type="checkbox"/> Storage <input type="checkbox"/> Both
Latitude:	Longitude:	<input type="checkbox"/> Acres <input type="checkbox"/> Square Feet	

Legal Description of Site:

**REQUIRED: Attach a map showing boundaries of this growing area.**

Approved Seed Cultivar	State/Country of Origin	Certified?	Documentation to Meet CCR § 4920 Requirement
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting

**CULTIVATION SITE / SEED CULTIVAR INFORMATION**

Site #: \_\_\_\_ of \_\_\_\_

Physical Address:	City:	Zip:	Site Purpose:
Global Positioning System (GPS) coordinates (Coordinates should be from the approximate center of the growing area)		Size:	<input type="checkbox"/> Cultivation <input type="checkbox"/> Storage <input type="checkbox"/> Both
Latitude:	Longitude:	<input type="checkbox"/> Acres <input type="checkbox"/> Square Feet	

Legal Description of Site:

**REQUIRED: Attach a map showing boundaries of this growing area.**

Approved Seed Cultivar	State/Country of Origin	Certified?	Documentation to Meet CCR § 4920 Requirement
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Attached <input type="checkbox"/> Will be provided prior to planting

# **INDUSTRIAL HEMP SEED BREEDER REGISTRATION APPLICATION INSTRUCTIONS**

## **REGISTRATION FEE**

The annual registration fee is \$900.00 (nine hundred dollars) for one year from the date of registration issuance. Registration is not automatically renewed. Registrant must submit a renewal application along with the registration fees every year.

### **Who Must Register**

- Any person who cultivates industrial hemp for commercial purposes (complete the [Industrial Hemp Registration Application for Growers](#))
- Any person who cultivates industrial hemp for seed production and seed development

## **APPLICATION INSTRUCTIONS**

All information provided must be complete, legible, and accurate. Any incomplete section or illegible information may delay the processing of the registration.

### **Registrant Information**

Applicant must complete all sections for the registrant information. Email address is optional. All correspondences, including the proof of registration will be sent to the mailing address provided on the application. Applicant must provide all assumed business names (DBA) specifically used for industrial hemp cultivation.

### **Cultivation Site/ Seed Cultivar Information**

Applicant must complete all sections for each cultivation site within the county and list the approved seed cultivar(s) to be planted for each cultivation site. Additional cultivation sites and/or approved seed cultivars must be listed on the supplemental form.

- A **Cultivation Site** is a contiguous area with no breaks (e.g., fences, trees, roads, etc.) dividing the area. Each noncontiguous field is considered a separate cultivation site. Indoor and outdoor growing areas are to be treated as separate cultivation sites.
- **Total Sites** is the total number of cultivation sites to be used for industrial hemp cultivation within the county.
- **Physical address** is the location address of the cultivation site. Use cross streets if the cultivation site does not have a physical address.
- Indicate if the cultivation site is for cultivation, storage, or both in **Site Purpose**.
- **Global Positioning System (GPS) coordinates** must be the approximate center of the growing area and in the format of decimal degrees, up to six decimals with a negative longitude (i.e., 38.574968, -121.492337 **NOT** 38°N and 121°W).
- Indicate the acreage or square footage of the cultivation site in **Size**.
- Include information to describe, locate, and identify the boundaries of the cultivation site in **Legal Description**. A legal description is required if the cultivation site does not have a physical address. Assessor's parcel numbers (APN) or operator identification number for Pesticide Use Enforcement can be provided in this section.
- A **Boundary Map** outlining each cultivation site must include the applicant name, physical address of each site (if available), labels for all roadways, labels for each cultivation site (Site 1, Site 2, etc.) that corresponds to the application, and an outline of each cultivation site.
- Applicant must provide the **Name** of each approved seed cultivar, **Origin** (state or country) of the approved seed cultivar and indicate if **documentation to meet CCR § 4920** for the approved seed cultivar is attached to the application or will be provided to the commissioner prior to planting.

### **Developing a New Seed Cultivar**

If applicant intends to develop a new seed cultivar, applicant must attach a **seed development plan** that includes an outline of the planned approach and strategy to grow and develop the new seed cultivar. If applicant intends to certify the new seed cultivar, indicate the **seed certifying agency** that will certify the new cultivar.

In accordance to FAC § 81004(c)-(e), the registrant must submit a request, prior to planting, for any changes to the cultivation site(s), approved seed cultivar(s), and/or the seed development plan to the commissioner. The commissioner will notify registrant when the changes to the application have been approved.

## **ALTERNATIVE FORMATS**

This application can be made available in alternative formats for visual or hearing-impaired individuals. Please contact the California Department of Food and Agriculture (916-654-0435 or [industrialhemp@cdfa.ca.gov](mailto:industrialhemp@cdfa.ca.gov)) to request the application in an alternative format. Please allow 7-10 working days for production of the alternative format. Requests for an alternative format may be sent to the address and telephone number below.

If you have additional questions, please contact the County Agricultural Commissioner's office.

**County of  
Agricultural Commissioner's Office**