

## Legal Updates to CA Hemp Statutes For Research Institutions

Food and Agriculture Code section 81000 – 81015.

(Note that Section 81004.5(a), setting out enhanced requirements for established agricultural research institutions, becomes operative as of the date on which a state plan for CA is approved pursuant to Section 297B of the federal Agricultural Marketing Act of 1946, added by Section 10113 of the 2018 Federal Farm Bill. Until that time, the previous statutory requirement applies (see Section 81011), which required notification of the County Ag Commissioner and providing contact info and GPS coordinates).

Under Section 81004.5(a), PIs must register with the County Ag Commissioner before conducting research (**Every Year**)

- Application fee waived.
- Applicant’s contact information and address
- Legal description, GPS coordinates and map of the geographic area where the hemp will be cultivated and/or stored
- Research plan (see definition below) that includes
  - List the Hemp varieties you are using
  - Your testing protocol (Section 81004.5 requires a plan for testing all of the plants cultivated)\*.
  - Plan for destruction of non-compliant plants,
  - Plans to prevent unlawful use (what kind/level of security?)
  - Maintenance of records (what kind of records?)

### Requirements

- Per Section 81013, No one on the research group can have a felony conviction relating to a controlled substance for the last 10 years.
- Per Section 81004.5(a)(3), Must register **every year** with local Ag Commissioner
- Per Section 81004.5(d), The Ag Commissioner must receive an update to any revisions in the research plan.
- Per Section 81004.5(c), The Ag Commissioner must receive an update if there are changes to location or land description
- Per Section 81006, Signs must be posted indicating that the plants being cultivated are industrial hemp.
- Violations have consequences. Three violations in a 5 year period revokes ability to conduct research

**“Research plan”** means a strategy devised by an established agricultural research institution, or applicant established agricultural research institution, detailing its planned approach to growing or cultivating hemp for academic or agricultural research.”

- Don't provide your detailed protocol. Under statute, your research plan is given to the local Ag Commissioner. Then the local Ag Commissioner sends a copy to CDFA. CDFA is required to then send a copy to the USDA.