R68. Agriculture and Food, Plant Industry.
R68-22. Industrial Hemp Research.
R68-22-1. Authority and Purpose.

Pursuant to Section 4-41-103, this rule establishes the standards, practices, and procedures of the Industrial Hemp Growing or Industrial Hemp Processing Certificate allowing a higher education institution to perform academic or agricultural research.


As used in this rule:

(1) "Academic Research" means growth or processing of industrial hemp to discover and enable development of useful processes, information, and products.

(2) "Agricultural Research" means growth of industrial hemp for seed stock from parent material intended for varietal development, phytoremediation, and agronomic practices.

(3) "Applicant(s)" means a person, or group of persons from a higher education institution who apply for an Industrial Hemp Growing or Industrial Hemp Processing Certificate from the Utah Department of Agriculture and Food.

(4) "Department" means the Utah Department of Agriculture and Food.

(5) "Final product" means a reasonably homogenous industrial hemp product in its final packaged form created using the same standard operating procedures and the same formulation.

(6) "Growing Area" means the area where the hemp is grown, inside or outside.

(7) "Industrial Hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.

(8) "Industrial Hemp Growing or Industrial Hemp Processing Certificate" means a certificate issued by the department to a higher education institution granting authorization to grow, cultivate, process, or manufacture industrial hemp for academic research purposes.

(9) "Key Participant" means any person who has a financial interest in the business entity including 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 chief executive officer, chief operating officer, or chief financial officer. Key participants are also operation managers and site managers, or any employee who may present a risk of diversion.

(10) "Processing area" means the area where industrial hemp is harvested, extracted, refined, and manufactured to be prepared for market.

(11) "Processing research" means research that involves harvesting, extracting, refining, and manufacturing of industrial hemp.

(12) "Raw plant material" or "Raw concentrate" means industrial hemp plant material or concentrate that is not in final product form.

(13) "Research Plan" means a plan stating the objective and purpose of the academic research being proposed, including an explanation of whether the research is agricultural research or processing research, as well as the methods and procedures for carrying out the research, procedures governing the proposed disposition of industrial hemp material, the name and telephone number for the faculty advisor, the institution's name and address, and the names of each individual involved in the project.

(14) "Security Plan" means a plan to control and limit unauthorized access to industrial hemp, whether in seed, plant, or harvested form, and methods used to prevent the inadvertent dissemination of industrial hemp.

(15) "THC" means total composite tetrahydrocannabinol, including delta-9-tetrahydrocannabinol, tetrahydrocannabinolic acid, and any THC analogs as defined in Subsection 58-37-4(2)(a)(ii)(AA).


(1) Each applicant seeking an Industrial Hemp Growing Certificate shall submit the following to the department:

(a) a completed application form provided by the Department;
(b) a research plan;
(c) a description of the industrial hemp varieties to be planted on the growing area;
(d) the legal description of the growing area;
(e) the physical address of the growing area;
(f) the global positioning coordinates for the center of the outdoor growing area;
(g) maps of the growing area showing the boundaries and dimensions of the growing area in acres or square feet, and the location of the different varieties within the growing area; and
(h) a security plan.

(2) Each applicant shall acknowledge and agree to the following:

(a) they will comply with the terms and conditions of the certificate, state, and federal laws, and
(b) they will allow department officials on the growing area during normal business hours.


(1) Each applicant seeking an Industrial Hemp Processing Certificate shall submit the following to the department:

(a) a completed application form provided by the department;
(b) a research plan;
(c) a description of the industrial hemp products to be processed;
(d) the blueprint of the processing building;
(e) the physical address where the industrial hemp will be processed;
(f) maps of the processing area showing the boundaries and dimensions in relation to campus; and
(g) a security plan.
(2) Each applicant shall acknowledge and agree to the following:
(a) they will comply with the terms and conditions of certificate, state, and federal laws; and
(b) they will allow department officials in the processing area during normal business hours.

R68-22-5. Terms of the Certificate.
(1) The term of the Industrial Hemp Growing or Industrial Hemp Processing Certificate is one calendar year beginning in January and ending in December. A person seeking to perform academic research for more than one year shall reapply for a certificate each year.
(2) Prior to each planting, applicants shall provide the department with a statement verifying:
(a) the type and varieties to be planted in the growing area;
(b) the location of each growing area; and
(c) the amount to be planted in each location.
(3) Two weeks prior to harvest or product disposal, each applicant shall provide the department with a statement of the intended disposition of the crop waste or product.
(4) Each applicant shall take any necessary measures to avoid the inadvertent dissemination of industrial hemp.
(5) Each applicant shall notify the department of any change in their research plan.

R68-22-6. Transportation of Industrial Hemp Material.
(1) A printed transport permit provided by the department shall accompany each transport of any industrial hemp material within the possession of each holder of an Industrial Hemp Growing or Industrial Hemp Processing Certificate.
(2) The permit shall contain the following information:
(a) the address and license number of the departure location;
(b) the physical address and license number of the receiving location;
(c) the strain name, quantities by weight, and unique identification numbers of each industrial hemp material to be transported;
(d) the date and time of departure;
(e) the estimated date and time of arrival; and
(f) the name and signature of each agent accompanying the industrial hemp material.
(3) The transport permit may not be voided or changed after departing from the original industrial hemp licensee or certificate holder.
(4) A copy of the transport permit shall be given to the receiving industrial hemp licensee or certificate holder.
(5) The receiving industrial hemp licensee or certificate holder shall ensure that the industrial hemp material received is as described in the transport manifest and shall:
(a) record the amounts received for each strain; and
(b) document any differences between the quantity specified in the transport permit and the quantities recorded.
(6) During transportation, industrial hemp material shall be:
(a) shielded from the public view;
(b) secured; and
(c) temperature controlled if perishable.
(7) A certificate holder shall contact the department within 24 hours if a vehicle transporting industrial hemp material is involved in an accident that involves product loss.
(8) Only key participants involved in the industrial hemp academic research may occupy a transporting vehicle.

(1) Within ten days of planting, each Industrial Hemp Growing Certificate holder shall submit a Planting Report, on a form provided by the department, that includes:
(a) a list of industrial hemp varieties and other plants in the growing area that were planted;
(b) the actual acres planted or the seeding rate or number of clones planted in the growing area;
(c) adjusted maps and global position coordinates for the area planted; and
(d) the amount of seed that was not used.
(2) 30 days prior to harvest, each Industrial Hemp Growing Certificate holder shall submit a Harvest Report, on a form provided by the department, that includes:
(a) any contracts entered into between the certificate holder and another certificate holder or licensee or a statement of the intended use of industrial hemp cultivated in the growing area;
(b) any intended storage areas for industrial hemp or industrial hemp material; and
(c) the harvest dates and location of each variety cultivated in the growing areas.
(3) Each Industrial Hemp Growing Certificate holder shall immediately inform the department of any changes in the reported harvest date that exceed five days.

(4) By December 31st, each Industrial Hemp Growing or Industrial Hemp Processing Certificate holder shall submit:
(a) a completed production report, on a form provided by the department; and
(b) a report of the results of their research as set forth in their research plan.

(5) The failure to submit each report required by this rule may result in the denial of a renewal certificate.

**R68-22-8. Inspection and Revocation of Certification.**

(1) The department shall have complete and unrestricted access to industrial hemp plants and seeds whether growing or harvested, any raw material and product, and any land, buildings and other structures used for the cultivation, processing, and storage of industrial hemp, during normal business hours.

(2) Any material in the growing or processing area is subject to random sampling and testing by the department to ensure the THC concentration is within the limits required by this rule.

(3) Each Industrial Hemp Growing Certificate holder shall notify the department of their intended harvest date at least three weeks prior to harvest.

(4) The department shall test each growing area no more than two weeks prior to harvest.

(5) Upon receipt of a failed test result the department may revoke the Industrial Hemp Growing or Processing Certificate, except as provided in Subsection R68-22-8(7).

(6) Upon receipt of notice of a failed test, the department shall:
(a) notify the faculty advisor of each test result; and
(b) allow for additional testing to be done at the request of the faculty advisor.

(7) The faculty advisor shall notify the department, in writing, within ten days if they are seeking additional testing.

(8) In response to receiving notification of a failed test result and notification from the faculty advisor that they will not seek additional testing, the department shall:
(a) supervise the destruction of the industrial hemp crop, raw plant material, raw concentrate, or product; and
(b) send notification of revocation to the faculty advisor within 30 days if a determination is reached to suspend the certificate.

(9) Any laboratory test with a result of 1.0% or greater will be turned over to the appropriate law enforcement agency and revocation of the certificate will be immediate, unless:
(a) the applicant declared in the research plan the possibility of exceeding 1% THC level;
(b) the research plan includes an explanation for why the THC level may exceed 0.3%; and
(c) the research plan includes additional measures that may need to be taken to control access to the industrial hemp.

**R68-22-9. Renewal.**

(1) Each Industrial Hemp Growing or Processing Certificate shall be renewed on a year to year basis.

(2) An applicant seeking renewal of the Industrial Hemp Growing or Processing Certificate shall resubmit each document required for certification, with any updated information, 30 days prior to the expiration of the current year certificate.

**R68-22-10. Violations.**

(1) A lot of industrial hemp plants shall be considered to be in violation of the terms of the industrial hemp growing certificate if a sample of the raw plant material is found to contain greater than 0.3% total THC on a dry weight basis, except as specified in Subsection R68-22-8(7).

(2) A batch of hemp raw material or hemp product shall be considered to be in violation of the terms of the industrial hemp processing certificate if a sample of the product or material is found to contain greater than 0.3% total THC by mass, except as specified in Subsection R68-22-8(7).

(3) The holder of an Industrial Hemp Growing or Industrial Hemp Processing certificate shall be in violation of the certificate if any raw plant material, raw concentrate, or product is not destroyed following the completion of academic research.

**KEY:** hemp, academic research

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