

R68. Agriculture and Food, Plant Industry.

R68-33. Industrial Hemp Retailer Permit.

R68-33-1. Authority and Purpose.

1) Pursuant to Subsections 4-41-103.3 and 4-2-103(1)(i), this rule establishes the requirements for a person seeking an industrial hemp retailer permit.

R68-33-2. Definitions.

- 1) "Department" means the Utah Department of Agriculture and Food.
- 2) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by weight.
- 3) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells or markets any industrial hemp product.
- 4) "Industrial hemp product" means product derived from or made by processing industrial hemp plants or plant parts.
- 5) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation or any employees of such.
- 6) "Premises" means a place where an industrial hemp product is sold, offered for sale, exposed for sale, stored, or marketed.

R68-33-3. Industrial Hemp Retailer Permit.

- 1) A person who sells, offers for sale, exposes for sale, or markets an industrial hemp product in the state shall secure an industrial hemp retailer permit from the department.
- 2) A permit shall be obtained before an industrial hemp product is offered for sale in Utah.
- 3) A person seeking an industrial hemp retailer permit shall provide to the department:
 - a) the name of the person who sells, offers for sale, or markets an industrial hemp product;
 - b) the address of each location where the industrial hemp product is sold, offer for sale, or marketed; and
 - c) written consent allowing a representative of the department to enter all premises where the person is selling industrial hemp product.
- 4) A retailer shall obtain a permit for each individual store or retail establishment location where industrial hemp products are sold.
- 5) A permit fee, as set forth in the fee schedule approved by the legislature, shall be paid to the department with the submission of the application.
- 6) The department may deny a permit for an incomplete application.
- 7) A permit is renewable for up to a one-year period with an annual renewal fee that shall be paid on or before December 31st of each year.
- 8) A late fee shall be assessed for a renewal of an industrial hemp retailer permit submitted after December 31st and shall be paid before the renewal is issued.

R68-33-4. Inspection and Testing.

- 1) The department shall randomly inspect a retailer permittee to ensure industrial hemp product distributed or available for distribution in Utah is in compliance with this rule and Rule R68-26.
- 2) The department shall periodically sample, analyze, and test industrial hemp product distributed within the state for compliance with registration and labeling requirements, and the certificate of analysis, if applicable.
- 3) The department may inspect industrial hemp product distributed or available for distribution for any other reason the department deems necessary.
- 4) The sample taken by the department shall be the official sample.
- 5) Pursuant to Section 4-1-105, the department may take samples at no charge to the department.

R68-33-5. Retailer Permittee Responsibilities.

- 1) A retailer shall:
 - a) ensure that an advertisement for industrial hemp product sold or marketed in Utah does not contain any medical claim unless the product has been issued a National Drug Code by the FDA; and
 - b) ensure that an industrial hemp product sold is properly registered with the department.
- 2) A retailer shall provide the identity of the manufacturer of an industrial hemp product sold upon request of the department.
- 3) A retailer may register the product in lieu of the manufacturer if the product is not registered.
- 4) A retailer shall ensure that each location is permitted.

R68-33-6. Violation.

- 1) Industrial hemp product shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.
- 2) It is a violation to:
 - a) market or sell industrial hemp product in the state of Utah without an industrial hemp retail permit;
 - b) distribute, market, or sell industrial hemp product that is not registered with the department;
 - c) distribute or market a product that contains greater than 0.3% THC;
 - d) distribute or market an industrial hemp product containing a cannabinoid that is not in a medicinal dosage form;
 - e) market or sell industrial hemp products without a valid retailer permit; or
 - f) refuse inspection of a retail establishment, product for sale, or a product storage area.

KEY: industrial hemp, retailer permit

Date of Enactment or Last Substantive Amendment: August 10, 2020

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-41-103.3