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.

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.

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