

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 Research License allowing a higher education institution to perform academic research.

R68-22-2. Definitions.

As used in this rule:

- (1) "Academic Research" means processing of industrial hemp to discover and enable development of useful processes, information, and products.
- (2) "Applicant" means a person, or group of persons from a higher education institution who applies for an Industrial Hemp Research License from the Utah Department of Agriculture and Food.
- (3) "Bill of lading" means a detailed list of the items included in a shipment of industrial hemp or products derived from industrial hemp, in the form of a receipt given by the carrier to the person consigning the industrial hemp.
- (4) "Certificate of Analysis" or "COA" means a document produced by a testing laboratory listing the quantities of the various analytes for which testing was performed.
- (5) "Department" means the Utah Department of Agriculture and Food.
- (6) "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.
- (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% on a dry weight basis.
- (8) "Industrial Hemp Research License" means a license issued by the department to a higher education institution granting authorization to process or manufacture industrial hemp for academic research purposes.
- (9)(a) "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; and
- (b) "key participant" includes an:
 - (i) individual at an executive level, including a chief executive officer, chief operating officer, or chief financial officers; and
 - (ii) operation manager, site manager, 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.
- (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 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.
- (1) "Security Plan" means a plan to control and limit unauthorized access to industrial hemp and methods used to prevent the inadvertent dissemination of industrial hemp.
- (15) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the cannabinoid identified as CAS# 1972-08-3.

R68-22-3. Application for Industrial Hemp Research License.

- (1) Each applicant seeking an Industrial Hemp Research License 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 license, state, and federal laws; and
 - (b) they will allow department officials in the processing area during normal business hours.

R68-22-4. Terms of the License.

- (1) The term of the Industrial Hemp Research License 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 license each year.
- (3) Two weeks before product disposal, each applicant shall provide the department with a statement of the intended disposition of the 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.

R68-22-5. Transportation of Industrial Hemp Material.

1) Each movement of industrial hemp material shall include a transport manifest that includes the following information:

- a) a copy of the COA for each batch included in the shipment;
- b) the location of the sending and receiving parties;
- c) proof of registration or licensure for the sending and receiving parties; and
- d) a bill of lading for the transported material.

R68-22-6. Reporting Requirements.

(4) By December 31st or at the conclusion of their research, each Industrial Hemp Research License holder shall submit:

- (a) a completed production report, on a form provided by the department;
 - (b) a report of the results of their research as set forth in their research plan; and
 - (c) a report of the disposition of any industrial hemp material involved in their research.
- (5) The failure to submit each report required by this rule may result in the denial of a renewal license.

R68-22-7. Inspection and Revocation of License.

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

(2) Any material in the 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.

(5) Upon receipt of a failed test result the department may revoke the Industrial Hemp Research License, except as provided in this rule.

(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 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 license.

(9) Any laboratory test with a total THC and any THC analog concentration of 1.0% or greater will be turned over to the appropriate law enforcement agency and revocation of the license will be immediate, unless:

- (a) the applicant declared in the research plan the possibility of exceeding 1% total THC and any THC analog level;
- (b) the research plan includes an explanation for why the total THC and any THC analog 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.

R68-22-8. Renewal.

(1) Each Industrial Hemp Research License shall be renewed on a year to year basis.

(2) An applicant seeking renewal of the Industrial Hemp Research License shall resubmit each document required for licensing, with any updated information, 30 days before the expiration of the current year license.

R68-22-9. Violations.

(1) A batch of hemp raw material or hemp product is in violation of the terms of the Industrial Hemp Research License if a sample of the product or material is found to contain greater than 0.3% total THC by mass, except as specified in this rule.

(2) The holder of an Industrial Hemp Research License 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.

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