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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Civil Action No.: _____

MICHAEL GOODENOUGH, DARREN CUGNO, RICARDO SOTIL, NORMAN PLUDE and WELLS FARMING LLC Plaintiffs, v. NED LAMONT, IN HIS OFFICIAL CAPACITY AS THE GOVERNOR OF THE STATE OF CONNECTICUT; WILLIAM TONG, OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF THE STATE OF CONNECTICUT, PATRICK J. GRIFFIN, IN HIS OFFICIAL CAPACITY AS CHIEF STATE'S ATTORNEY FOR THE STATE OF CONNECTICUT AND BRYAN CAFFERELLI, IN HIS CAPACITY AS COMMISSIONER OF THE DEPARTMENT OF CONSUMER PROTECTION FOR THE STATE OF CONNECTICUT, Defendants.	**COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

Plaintiffs, farmers and processors of hemp as hemp is defined by The Agriculture Improvement Act of 2018, Pub. L. 115-334 (the "2018 Farm Bill") and Connecticut's USDA approved Hemp Plan dated December 17, 2021 (the "CT Hemp Plan"), bring the instant action against Ned Lamont, in his official capacity as Governor of the State of Connecticut; William

Tong, in his official capacity as the Attorney General of the State of Connecticut, Patrick J. Griffin, in his official capacity as Chief State's Attorney and Bryan Cafferelli, in his capacity as Commissioner of the Department of Consumer Protection, seeking 1) a declaration that Connecticut must define hemp as set forth in the CT Hemp Plan and 2018 Farm Bill; 2) a declaration that Defendants must comply with the CT Hemp Plan as filed and permit Plaintiffs to grow and produce hemp as hemp is defined in the 2018 Farm Bill and the CT Hemp Plan; 3) to enjoin Defendants from preventing Plaintiffs from farming and manufacturing hemp grown in accordance with CT Hemp Plan and 2018 Farm Bill; and 4) to enjoin Defendants from impermissibly infringing upon the Plaintiffs' property rights in any licenses issued by the State of Connecticut related to the farming and production of hemp.

INTRODUCTION

1. Plaintiffs are hemp farmers and hemp processers in the State of Connecticut as hemp is defined both under the CT Hemp Plan and the 2018 Farm Bill.

2. Plaintiff Michael Goodenough ("Goodenough") is a fifth-generation farmer and a combat veteran of the Marine Corps. Mr. Goodenough obtained a hemp license from the State of Connecticut, transitioning to hemp cultivation after the 2018 Farm Bill legalized hemp federally and Connecticut received approval for the CT Hemp Plan.

3. Plaintiff Darren Cugno ("Cugno") operates a small diversified organic farm in Colchester CT and has been farming hemp under a Connecticut issued hemp license for 6 seasons.

4. Plaintiff Ricardo Sotil ("Sotil") is a hemp extract processor who invested over a million dollars to obtain equipment in order to process hemp under a hemp processing license.

5. Plaintiff Norman Plude ("Plude") started his hemp farm in 2019, farming hemp under his Connecticut hemp license on 9 acres, presently reduced to only 400 square feet.

6. Plaintiff Wells Logging LLC ("Wells") was founded by the son of a Connecticut dairy farmer and presently runs the largest Connecticut licensed hemp farm.

7. Each Plaintiff received a license from the State of Connecticut pursuant to the 2018 Farm Bill and CT Hemp plan to farm and produce hemp as hemp defined by both the CT Hemp Plan and the 2018 Farm Bill.

8. The 2018 Farm Bill permits the cultivation, extraction, and manufacture of hemp and hemp-derived cannabinoids with a Delta 9 THC limit of 0.3%. "For the purposes of 7 CFR part 990, and as defined in the 2018 Farm Bill, the term 'hemp' means the plant species Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether farming or not, **with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.** Delta-9 tetrahydrocannabinol, or THC, is the primary intoxicating component of cannabis." Federal Register / Vol. 86, No. 11 / Tuesday, January 19, 2021 / Rules and Regulations. Pg 5597.

9. Section 297B (7 U.S.C. 1639p) of the 2018 Farm Bill requires that states or Indian tribes seeking primary regulatory authority over the production of hemp in that State or territory of that Indian Tribe, submit, for the approval of the Secretary, a plan concerning the monitoring and regulation of such hemp production. State or Tribal plans must be submitted to USDA and approved prior to their implementation. See Federal Register / Vol. 86, No. 11 / Tuesday, January 19, 2021 / Rules and Regulations. Pg 5597.

10. The USDA has adopted the 2018 Farm Bill definition of hemp Federal Register / Vol. 86, No. 11 / Tuesday, January 19, 2021 / Rules and Regulations. Pg 5614.

11. Even before the enactment of the 2018 Farm Bill, Connecticut took steps to allow the farming of hemp Below is the history of legalized hemp farming in Connecticut:

2014 – Feasibility Study

- **HB 5476** was enacted as **Public Act No. 14-191**, directing Connecticut's Departments of Agriculture, Consumer Protection, and Economic & Community Development to study the feasibility of legalizing the possession, production, and sale of industrial hemp and devise a licensing system. The report was due by January 1, 2015.

2015 – Legalization of Hemp

- **HB 5780**, codified as **Public Act 15-202**, took effect on July 1, 2015. This removed industrial hemp from the state's definition of marijuana, effectively legalizing it under state law. It passed overwhelmingly—142–2 in the House, 36–0 in the Senate—and became law without the governor's signature.

2019 Pilot Program Implementation

- **SB 893**, signed as **Public Act 19-3** on May 9, 2019 established Connecticut's industrial hemp pilot program. It authorized the Departments of Agriculture and Consumer Protection to license growers, processors, and manufacturers.

2022 Federal Alignment and USDA Approval (2022)

- In January 2022, under the requirements of the 2018 Farm Bill, the USDA approved Connecticut's Hemp Plan (CT Hemp Plan), attached hereto as **Exhibit A.**
- Connecticut has never modified or amended the CT Hemp Plan.

2023-2025 Abrogation of Federal Law

- **2023 – HB 6699, enacted as Public Act 23-79** (effective October 1, 2023): Introduced classifications for high-THC hemp, with thresholds varying by product type (e.g., flower, tinctures, edibles, concentrates), in violation of the 2018 Farm Bill and the CT Hemp Plan.
- **2023 – HB 6700, enacted as Public Act 23-166**: Allowed hemp-derived products to be sold through cannabis dispensaries and hybrid retailers, in violation of the 2018 Farm Bill and the Approved Plan.
- **2024- HB 5150, enacted as Public Act 24-76**:
  a) Banned synthetic cannabinoids.
  b) Re-defined high-THC hemp to include not only flower (over 0.3 % of ANY THC dry weight) and concentrates, but also manufacturer products like edibles and tinctures (1 mg/serving up to 5 mg/container).
  c) Created two new categories:

  - **Moderate-THC hemp**, limited (0.5 mg–5 mg/container, excluding beverages), which can only be sold by DCP-certified businesses and only to adults aged 21+ starting **January 1, 2025**;
  - **Infused Beverages** (≤ 3 mg THC per 12 oz container), made by permitted licensees and sold only at licensed dispensaries or retailers to 21+ individuals.
- **2025 - Public Act 25-101** – enacted **July 1, 2025**
  a) Established additional requirements concerning manufacturer hemp products and hemp flower.
  b) Again revises definitions related to cannabis and hemp.
- **2025 - Public Act 25-166** – enacted **July 1, 2025:** Established a Statewide Cannabis and Hemp Policy Board to identify "enforcement opportunities".

12. Initially, after enactment of the 2018 Farm Bill, approximately 119 hemp farming and processing licenses were issued by the State of Connecticut.

13. Presently, approximately only 25 hemp licenses remain active. This reduction is a direct result of Connecticut's failure to adhere to both the requirements of the 2018 Farm Bill and the CT Hemp Plan.

14. The State of Connecticut has never modified or amended, and upon information and belief, has never sought amendment or modification of the federally approved USDA CT Hemp Plan.

15. The USDA and the 2018 Farm Bill only permit state regulation of the production of hemp if such regulation is undertaken in accordance with a USDA approved hemp plan. Otherwise, hemp farming regulation defaults to the USDA.

16. Connecticut's current laws regarding hemp are in direct contradiction to and are in abrogation of both the 2018 Farm Bill and the USDA approved CT Hemp Plan.

17. Each of the Plaintiff's has been directly harmed by the State of Connecticut's failure to comply with the 2018 Farm Bill and the USDA approved CT Hemp Plan.

18. Each hemp license held by the Plainitffs has been directly impaired by the State of Connecticut's failure to comply with the 2018 Farm Bill and the USDA approved CT Hemp Plan.

19. Plaintiffs seek: 1) a declaration that Connecticut must define hemp as set forth in the CT Hemp Plan and 2018 Farm Bill; 2) a declaration that Defendants must comply with the CT Hemp Plan as filed and permit Plaintiffs to grow and produce hemp as hemp is defined in the 2018 Farm Bill and the CT Hemp Plan; 3) to enjoin Defendants from preventing Plaintiffs from farming and manufacturing hemp grown in accordance with CT Hemp Plan and 2018 Farm Bill; and 4) to enjoin Defendants from impermissibly infringing upon the Plaintiffs' property rights in any licenses issued by the State of Connecticut related to the farming and production of hemp.

PARTIES

20. Plaintiff Goodenough is a State of Connecticut hemp license holder and is an individual with a business address of 215A Chaplin Road, Eastford, Connecticut 06424 and has standing to bring this action.

21. Plaintiff Cugno is a State of Connecticut hemp license holder and is an individual with a business address of 102 Prospect Hill Rd, Colchester, Connecticut 06415 and has standing to bring this action.

22. Plaintiff Sotil is a State of Connecticut hemp license holder and is an individual with a business address of 426 S Grand Street, Suffield, Connecticut 06078 and has standing to bring this action.

23. Plaintiff Plude is a State of Connecticut hemp license holder and is an individual with a business address of 165 Derby Avenue, Seymour, Connecticut 06483 and has standing to bring this action.

24. Plaintiff Wells is a State of Connecticut hemp license holder and is Connecticut limited liability company with a business address of 513 Wormwood Hill Road, Mansfield Center,

Connecticut and has standing to bring this action.

25. Defendant NED LAMONT is the Governor of the State of Connecticut, with business address of 210 Capitol Avenue, Hartford, CT 06106.

26. Defendant WILLIAM TONG is the Attorney General of the State of Connecticut, with a business address of 165 Capital Avenue, Hartford, CT 06106.

27. Defendant PATRICK J. GRIFFIN is the Chief State's Attorney for the State of Connecticut, with a business address of 300 Corporate Place, Rocky Hill, CT 06067.

28. Defendant BRYAN CAFFERELLI is the Commissioner of the Department of Consumer Protection for the State of Connecticut, with a business address of 450 Columbus Blvd., Suite 901, Hartford CT 06103.

JURISDICTION AND VENUE

29. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1343 in that this action arises under federal law.

30. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

31. Injunctive and declaratory relief is authorized by 28 U.S.C. § 2201.

STATEMENT OF APPLICABLE FACTS COMMON TO ALL COUNTS

A. Hemp in Brief

32. The *Cannabis sativa L.* plant produces both hemp and marijuana.

33. Under the 2018 Farm Bill, hemp is defined as "the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether farming or not, **with a delta-9**

tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis." (emphasis added) 7 U.S.C. § 1639o.

34. The hemp component of the *Cannabis sativa L.* plant includes important non-intoxicating cannabinoid *isomers* including CBD, CBG, CBC, THCv, and their acidic versions.

35. According to the Food and Drug Administration (the "FDA"), "[c]annabis is a plant of the Cannabaceae family and contains more than 80 biologically active chemical compounds," including tetrahydrocannabinol ("THC"). (Scientific Data and Information About Products Containing Cannabis or Cannabis-Derived Compounds; Public Hearing; Request for Comments, 84 Fed. Reg. 12969, 12970 (Apr. 3, 2019). (**See Exhibit B**)

36. The THC components of the *Cannabis sativa L.* plant have several cannabinoid *isomers,* including delta-8 ("Delta-8 THC"), delta-9 ("Delta-9 THC"), and delta-10 ("Delta-10 THC").

37. Delta-9 THC is the most commonly known cannabinoid and is the principal psychoactive agent in cannabis and distinguishes marijuana[1] from hemp.

38. Under the 2018 Farm Bill, hemp is legally distinct from marijuana, and hemp consists of *everything* **with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."** 7 U.S.C. § 1639o(1) 2022

B. <u>Applicable Federal Law</u>

[1] "The Agriculture Improvement Act of 2018, Pub. L. No. 115-334, 132 Stat. 4490, removed "hemp" from the definition of marijuana. 21 U.S.C. § 802(16)(B). As defined by the Act, hemp means "any part" and "all derivatives" of the cannabis plant "**with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."** 7 U.S.C. § 1639o(1). 2022

1. The 2018 Farm Bill

39. The 2018 Farm Bill removed Hemp from the Controlled Substances Act. 7 U.S.C. § 1639o(1) & 21 U.S.C. § 802(16)(B)(i).

40. In the 2018 Farm Bill, classification as hemp depends only on the concentration of Delta-9 THC.

41. The 2018 Farm Bill governs how states like Connecticut may regulate hemp and includes both anti-preemption and preemption provisions.

42. States may only regulate hemp production within that state in accordance with a federal USDA approved hemp plan.

43. The 2018 Farm Bill also prevents the states from circumventing its provisions through laws that attempt to change the definition of federal definition of hemp. The Conference Report to the 2018 Farm Bill, H. Rept. 115-1072 - AGRICULTURE IMPROVEMENT ACT OF 2018, a part of the 2018 Farn Bill itself, makes clear that in regulating hemp and hemp related products, states like Connecticut shall not alter the ***definition*** of hemp set out in the 2018 Farm Bill:

> In Sec. 297B, the Managers intend to authorize states and tribal governments to submit a state plan to the Secretary for approval to have primary regulatory authority over the farming and production of hemp. The Managers do not intend to limit what states and tribal governments include in their state or tribal plan, as long as it is consistent with this subtitle. **For example, states and tribal governments are authorized to put more restrictive parameters on the production of hemp, but are not authorized to alter the definition of hemp** or put in place policies that are less restrictive than this title. (emphasis added) (p. 737; https://www.govinfo.gov/app/details/CRPT-115hrpt1072/context).

2. The USDA

44. The 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the United States. See https://www.ams.usda.gov/rules-regulations/hemp/HempLawsandRegulations.

45. The USDA published a final rule on January 19, 2021, that provides regulations for the production of hemp in the United States and became effective on March 22, 2021. See https://www.ecfr.gov/current/title-7/subtitle-B/chapter-IX/part-990

46. As required by the 2018 Farm Bill, the USDA developed a system in which states and Indian tribes submit plans to USDA for approval to administer hemp production in their areas. States or Tribal hemp production plans must include the elements as outlined in the Requirements for State and Tribal Hemp Plans and License Numbering Scheme (See **Exhibit C**).

47. A state's plan may include other practices or procedures as long as consistent with the USDA requirements and the 2018 Farm Bill.

48. All state-issued hemp licenses must be in accord with that particular state's USDA approved hemp plan.

49. Absent a USDA approved state-plan, the regulation of hemp production defaults to the USDA.

C. Relevant Connecticut Law

50. Conn. Gen. Stat. § 22-61n governs the manufacture, marketing, cultivation and storage of hemp and hemp products in the state of Connecticut.

51. Conn. Gen. Stat. § 22-611 adopts the 2018 Farm Bill definitions of, among other things, hemp and marijuana:

> (a) For the purpose of this section and section 22-61m, the following terms have the same meaning as provided in 7 CFR 990.1, as amended from time to time: "Acceptable hemp THC level", "Agricultural marketing service", "Audit", "Cannabis", "Conviction", "Corrective action plan", "Culpable mental state greater than negligence", "Decarboxylated", "Decarboxylation", "Disposal", "Dry weight basis", "Gas chromatography", "Geospatial location", "Handle", "Liquid chromatography", "Immature plants", "Information sharing system", "Measurement of uncertainty", "Negligence", "Phytocannabinoid", "Postdecarboxylation", "Remediation", "Reverse distributor" and "Total THC";
>
> …
> (a)(7) "Hemp" has the same meaning as provided in the federal act[the 2018 Farm Bill] ;
>
> (a)(8) "Hemp products" means all manufacturer hemp products and producer hemp products.

52. Starting in 2023, in conflict with Conn. Gen. Stat. § 22-611, Connecticut has enacted a myriad of laws that attempt to redefine hemp in violation of the 2018 Farm Bill, including the most recent Public Act 25-101.

53. Presently, the State of Connecticut advises potential hemp farmers that they must follow the CT Hemp Plan. See https://portal.ct.gov/DOAG/Regulatory/Regulatory/CT-Dept-of-Ag-Hemp-Producer-Application-and-Licensing.

54. The approved CT Hemp Plan defines hemp in accordance with the 2018 Farm Bill.

55. Many laws in the State of Connecticut, however, contradict the CT Hemp Plan and define hemp differently than in the 2018 Farm Bill.

56. Under the present state of the hemp laws in Connecticut, Plaintiffs' compliance with the 2018 Farm Bill and the CT Hemp Plan actually violate current Connecticut law.

COUNT ONE
DECLARATION THAT HEMP IS DEFINED SOLELY BY THE 2018 FARM BILL

57. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

58. The 2018 Farm Bill legalized hemp and all products derived from hemp so long as such products do not contain a Delta-9 THC concentration that exceeds 0.3 percent on a dry weight basis.

59. The Farm Bill allows hemp to contain any amount of Delta-8 and Delta-10.

60. The State of Connecticut has adopted the 2018 Farm Bill definition of hemp in Conn. Gen. Stat. § 22-61l and in the CT Hemp Plan.

61. However, in other statutes, Connecticut has departed from the 2018 Farm Bill definition of hemp.

62. Connecticut now has something called "moderate THC hemp" and "high THC hemp."

63. The 2018 Farm Bill does not allow for hemp to be defined as anything other than "any part" and "all derivatives" of the cannabis plant **with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.**

64. "As required by the 2018 Farm Bill, USDA developed the U.S. Domestic Hemp Production Program to provide regulatory oversight of the cultivation of hemp in the United States". See https://www.ams.usda.gov/rules-regulations/hemp.

65. Connecticut's attempt to change the definition of hemp violates the applicable federal law.

66. Plaintiffs have been harmed by Connecticut's redefinition of hemp in derogation of the federal definition of hemp as set out in the 2018 Farm Bill, as accepted by the USDA and the CT Hemp Plan as accepted by the USDA.

67. Plaintiffs are prevented by Connecticut law from farming and producing hemp in a

manner consistent with federal law and the CT Hemp Plan.

68. Plaintiffs are entitled to a declaration that hemp shall be defined only as set out in the 2018 Farm Bill.

COUNT TWO
DECLARATION THAT DEFENDANTS MUST COMPLY WITH THE CT HEMP PLAN AS FILED AND PERMIT PLAINTIFFS TO GROW AND PRODUCE HEMP AS HEMP IS DEFINED IN THE 2018 FARM BILL AND THE CT HEMP PLAN

69. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

70. "The 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the United States." See https://www.ams.usda.gov/rules-regulations/hemp/HempLawsandRegulations.

71. The USDA is responsible for the oversight of all hemp production in the United States. ("**As required by the 2018 Farm Bill, USDA developed the U.S. Domestic Hemp Production Program to provide regulatory oversight of the cultivation of hemp in the United States**". See https://www.ams.usda.gov/rules-regulations/hemp)

72. Connecticut filed the CT Hemp Plan, which was accepted and approved by the USDA. See https://www.ams.usda.gov/rules-regulations/hemp/state-and-tribal-plan-review.

73. Connecticut has failed to comply with its own CT Hemp Plan.

74. Connecticut has changed the definition of hemp in a manner that is inconsistent with the federally accepted definition of hemp as set forth in the 2018 Farm Bill and as expressly adopted by the USDA.

75. Connecticut's redefinition of hemp and deviation from the USDA approved CT Hemp plan is unlawful.

76. Plaintiffs have been harmed by Connecticut's failure to adhere to the 2018 Farm Bill and the CT Hemp Plan as accepted and approved by the USDA.

77. Plaintiffs are prevented by Connecticut law from farming and producing hemp in a manner consistent with federal law and the CT Hemp Plan.

78. Plaintiffs are entitled to a declaration that Connecticut must comply with federal hemp laws, the 2018 Farm Bill, the USDA hemp rules and specifically the CT Hemp Plan.

COUNT THREE
DEFENDANTS MUST BE ENJOINED FROM PREVENTING PLAINTIFFS FROM FARMING AND PRODUCING HEMP IN ACCORDANCE WITH CT HEMP PLAN AND 2018 FARM BILL

79. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

80. "The 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the United States." See https://www.ams.usda.gov/rules-regulations/hemp/HempLawsandRegulations.

81. The USDA is responsible for the oversight of all hemp production in the United States. ("As required by the 2018 Farm Bill, USDA developed the U.S. Domestic Hemp Production Program to provide regulatory oversight of the cultivation of hemp in the United States". See https://www.ams.usda.gov/rules-regulations/hemp)

82. Connecticut filed the CT Hemp Plan that was accepted and approved by the USDA. See https://www.ams.usda.gov/rules-regulations/hemp/state-and-tribal-plan-review.

83. Connecticut has failed to comply with its own CT Hemp Plan.

84. Connecticut has changed the definition of hemp that is inconsistent with the

federally accepted definition of hemp as set forth in the 2018 Farm Bill and as expressly adopted by the USDA.

85. Connecticut's redefinition of hemp and deviation from its USA approved CT Hemp plan is unlawful.

86. Connecticut has unlawfully enacted laws preventing the Plaintiffs from farming and producing hemp in accordance with the 2018 Farm Bill and CT Hemp Plan.

87. Plaintiffs have been harmed by Connecticut's laws what prevent them from farming and producing hemp in accordance with the 2018 Farm Bill and the USDA approved CT Hemp Plan.

88. Plaintiffs are prevented by Connecticut law from farming and producing hemp in a manner consistent with federal law and the CT Hemp Plan.

89. Plaintiffs are entitled to a declaration that Connecticut must comply with federal hemp laws, including specifically the CT Hemp Plan, and allow Plaintiffs to grow and produce hemp in accordance with those laws and the USDA approved CT Hemp Plan.

COUNT FOUR

DEFENDANTS MUST BE ENJOINED FROM IMPERMISSIBLY INFRINGING UPON THE PLAINTIFFS' PROPERTY RIGHTS IN ANY LICENSES ISSUED BY THE STATE OF CONNECTICUT RELATED TO THE FARMING AND PRODUCTION OF HEMP(PROCEDURAL DUE PROCESS)

90. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

91. Plaintiffs were issued hemp licenses by the State of Connecticut in accordance with state law as set forth in the CT Hemp Plan approved by the USDA.

92. Plaintiffs have property interests in those licenses cognizable by the Due Process

Clause of the Constitution. See Adoption Servs. of Conn., Inc. v. Ragaglia, 178 F. Supp. 2d 139, 146 (D. Conn. 2001); Bell v. Burson, 402 U.S. 535, 539, 29 L. Ed. 2d 90, 91 S. Ct. 1586 (1971) ("Once licenses are issued, . . . their continued possession may become essential in the pursuit of a livelihood. Suspension of issued licenses . . . involves state action that adjudicates important interests of the licensees. In such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment.").

93. Plaintiffs have legitimate claims of entitlement to their state-issued hemp licenses.

94. Plaintiffs' hemp licenses affect their rights to pursue an occupation and are property rights.

95. Plaintiffs' property rights in their state-issued hemp licenses are protected by the Due Process Clause of the United States Constitution. See Board of Regents v. Roth, 408 U.S. 564, 577, 33 L. Ed. 2d 548, 92 S. Ct. 2701 (1972).

96. Defendants have improperly infringed upon Plaintiffs' protected property rights in their state-issued hemp licenses.

97. Plaintiffs have been harmed by the infringement of their protected property rights.

98. Plaintiffs are prevented by Connecticut law from farming and producing hemp in a manner consistent with federal law and the CT Hemp Plan and their state-issued hemp licenses.

99. Plaintiffs are entitled to an order enjoining Defendants from infringing upon Plaintiffs' property rights in their state-issued hemp licenses.

COUNT FIVE
INJUNCTIVE RELIEF

100. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

101. Plaintiffs are likely to succeed on the merits of this action.

102. Plaintiffs have no adequate remedy at law and face irreparable harm.

103. The balance of harms weighs in favor of Plaintiffs, as the injunction will not harm Defendants; it will simply place Connecticut's laws back into compliance with federal law, the 2018 Farm Bill and the CT Hemp Plan.

104. An injunction is in the best public interest.

105. Plaintiffs are entitled to the issuance of relief in the form of an immediate temporary restraining order preventing the further infringement of their property rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request an order from this Court granting the following relief:

a) a declaration that hemp shall be defined only as set out in the 2018 Farm Bill;

b) a declaration that Connecticut must comply with federal hemp laws, the 2018 Farm Bill, the USDA hemp rules and specifically the CT Hemp Plan;

c) a declaration that Connecticut must comply with federal hemp laws, including specifically the CT Hemp Plan, and allow Plaintiffs to grow and produce hemp in accordance with those laws and the USDA approved CT Hemp Plan;

d) an order enjoining Defendants from infringing upon Plaintiffs' property rights in their state-issued hemp licenses;

e) an immediate temporary restraining order preventing the further infringement of Plaintiffs' property rights;

f) an award of the costs and reasonable attorney fees incurred in connection with this

action; and

g) granting Plaintiffs such other and further relief as the Court deems just and proper.

Dated August 26, 2025

Respectfully submitted,

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STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner

Bryan P. Hurlburt
Commissioner

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December 17, 2021

Via Email: farmbill.hemp@usda.gov

Ms. Sonia Jimenez
Deputy Administrator
Specialty Crops Program
USDA Agricultural Marketing Service
1400 Independence Avenue SW
Room 2077-S, Stop 0235
Washington, D.C. 20250-0235

Re: Submission of the Connecticut Hemp State Plan for USDA Approval

Dear Deputy Administrator Jimenez:

Please accept this as the State of Connecticut Hemp Plan as required in Subtitle G of the Agriculture Improvement Act of 2018.

The State of Connecticut, Department of Agriculture has been preparing for the growing and harvesting of Hemp in our state for the past several years. Connecticut General Statutes ("C.G.S.") 22-61l ("CT hemp law", attachment A) incorporated by reference the United States Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) as amended from time to time, to include the federal Agriculture Improvement Act of 2018 (the "Act"). The CT hemp law provides the Department with the necessary authority to enforce the Act as written by Congress. Several amendments to the CT hemp law have incorporated changes need to comply with the Hemp Interim Final Rules published by USDA on January 15, 2021, effective March 22, 2021.

Connecticut Department of Agriculture State Hemp Plan

The Connecticut Department of Agriculture, headed by the Commissioner of Agriculture, is a cabinet level agency within the executive branch of the State of Connecticut. The CT hemp law, and other existing statutory authority, provide the Commissioner of Agriculture with the authority to conduct inspections and investigations, issue penalties, promulgate regulations, issue cease and desist orders, issue hold and destroy orders, and other broad powers that enable the Department to effectively regulate a Hemp industry in our state.

The CT hemp law provides authority to the Commissioner of Agriculture to regulate all phases of producing hemp in the state of Connecticut. Additionally, C.G.S. § 22-4a permits the Commissioner to delegate their authority to "…any deputy commissioner or any employee, assistant or agent employed

by the Department of Agriculture to exercise such authority of the Commissioner of Agriculture as the commissioner delegates for the administration or enforcement of any applicable statute, regulation, permit or order…"

As set forth below, the CT hemp law, along with Department guidance documents, meet each of the requirements forth in section 297B(a)(2)(A) of the federal Agriculture Improvement Act of 2018, namely:

- Subsections (b), (c) and (d) of the CT hemp law fully incorporate by reference the United States Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) as amended from time to time, which includes federal Agriculture Improvement Act of 2018.

- Subsection (c) of the CT hemp law and Guidance Document Hemp Producer License Application Instructions (information collected electronically through license application) Consent to Criminal History Records Check, Data Sharing Protocol, Due Date Overview, Fee Schedule, Greenhouse Indoor Planting Report, Harvest Request, Lot Modification Application, Outdoor Field Planting Report. Producer Reporting to FSA, Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application, and Sample Legal Description provide for the following:

  Plan to maintain relevant producer and land information

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp and Laboratory Testing Procedures provide for the following:

  Plan for accurate and effective sampling and testing using post-decarboxylation or similarly reliable methods [990.3 (a) (2)]

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp and Performance-Based Sampling Procedures provide for the following:

  Procedures to either sample all lots or do performance-based sampling

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp, and Performance-Based Sampling Procedures, provide for the following:

  Procedures for sampling agents (currently only Department employees are authorized under state law)

- Subsection (c) of the CT hemp law and Guidance Document Laboratory Testing Procedures provide for the following:

  Procedures on testing

- Subsection (c) of the CT hemp law and Guidance Documents Destruction Request and Remediation and Disposal Procedures provide for the following:

  Plan for disposal procedures

- Subsection (c) of the CT hemp law and Guidance Documents Destruction Request and Remediation and Disposal Procedures provide for the following:

Plan for remediation procedures

- Subsections (c) and (r) of the CT hemp law provide for

Plan for inspection procedures

Subsections (c), (g) and (s) of the CT hemp law and Guidance Documents Consent to Criminal History Records Check, Data Sharing Protocol, Due Date Overview, Fee Schedule, Greenhouse Indoor Planting Report, Harvest Request, Lot Modification Application, Outdoor Field Planting Report. Producer Application Checklist, Producer Reporting to FSA, Sample Legal Description, and Transporting Hemp Samples in CT provide for the following:

Plan for collection of information

- Subsections (c), (d), and (k) through (p) of the CT hemp law and Guidance Document Hemp Producer Enforcement Procedures, and Consent to Criminal History Records Check provide for the following:

Plan to comply with enforcement procedures

- Hemp Producer Enforcement Procedures

The following guidance documents, included as Attachment B (also referenced above) are key components of our State Plan, and address the following topics:

Consent to Criminal History Records Check
Data Sharing Protocol
Destruction Request
Due Date Overview
Fee Schedule
Greenhouse Indoor Planting Report
Harvest Request
Hemp Producer Enforcement Procedures
Hemp Producer License Application Instructions
Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application
Laboratory Testing Procedures
Lot Modification Application
Outdoor Field Planting Report
Performance-Based Sampling Procedures
Producer Reporting to FSA
Remediation and Disposal Procedures
Sample Legal Description
Sampling Procedures for Hemp
Transporting Hemp Samples Hemp in CT

In addition, our website contains additional guidance on completing a license application, obtaining a background check, reporting to FSA, and our state's reporting forms for producers. https://portal.ct.gov/DOAG/Regulatory/Regulatory/Hemp-Home-Page (This link currently reflects the pilot program, updated language is attached as Attachment C and will go live on January 1, 2022.)

The Connecticut Department of Agriculture will follow the federal law for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received.

Finally, the undersigned Connecticut Commissioner of Agriculture hereby certifies that the State has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi) of sec. 297B(a)(2)(A) of the Act.

I believe that this letter provides all of the information that is necessary for you to approve Connecticut's State Hemp Plan within the 60-day period prescribed by law.

If you have any questions about Connecticut's State Hemp Plan, or would like to request additional information about Connecticut's Hemp program, please contact our staff attorney, Carole Briggs at carole.briggs@ct.gov or 860.883.8765.

Sincerely,

[redacted]

Commissioner of Agriculture

Encs. Letters from the Governor, CT state's attorney, and Attorney General
Attachment A CT Hemp law
Attachment B Connecticut Guidance documents
Attachment C 2022 CT Hemp Web page

Cc: The Honorable N. Lamont w/encs.
CT State's Attorney w/encs.
CT Attorney General w/encs.

STATE OF CONNECTICUT

GOVERNOR NED LAMONT

December 16, 2021

To Whom It May Concern:

I write to commend to you and the U.S. Department of Agriculture the Connecticut State Plan for Hemp Production as prepared by the Connecticut Department of Agriculture led by Commissioner Bryan Hurlburt. I affirm both that the Office of the Governor has been consulted on it, and that I support the Plan.

Sec. 297B of the Agriculture Improvement Act of 2018 requires that: "A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State Department of Agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production." The Connecticut Department of Agriculture has met those requirements and I have approved the proposed Hemp State Plan.

Thank you for your consideration and review of Connecticut Department of Agriculture's plan. On behalf of the citizens of Connecticut, we look forward to operating the State's hemp program.

Sincerely,

Ned Lamont Governor

210 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106 TEL (860) 566-4840 • www.governor.ct.gov
Governor.Lamont@ct.gov

State of Connecticut
DIVISION OF CRIMINAL JUSTICE
OFFICE OF THE CHIEF STATE'S ATTORNEY

RICHARD J. COLANGELO, JR.
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
(860) 258 5800

December 13, 2021

Bryan P. Hurlburt
Commissioner of Agriculture
State of Connecticut
Department of Agriculture
450 Columbus Boulevard
Hartford, Connecticut 06103

Attn: Attorney Carole Briggs
Carole.Briggs@ct.gov

Re: Connecticut Hemp Plan

Dear Commissioner:

My name is Richard J. Colangelo, Jr., and I am the Chief State's Attorney for the State of Connecticut. As Connecticut's chief law enforcement officer, I have been consulted on the State Plan for Hemp Production, as presented by counsel for your department. Upon review of the plan, prepared in accordance with the federal act and 7 CFR 990.3, the Division of Criminal Justice stands ready to prosecute any such violation that fall within the lawful jurisdiction of the Office of the Chief State's Attorney and its thirteen judicial districts.

Should you require any additional information, please do not hesitate to contact me.

Very truly yours,

RICHARD J. COLANGELO, JR.
CHIEF STATE'S ATTORNEY

OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

December 13, 2021

Ms. Sonia Jimenez
Deputy Administrator
Specialty Crops Program
USDA Agricultural Marketing Service
1400 Independence Avenue SW
Room 2077-S, Stop 0235
Washington, D.C. 20250-0235

Re: Connecticut State Plan for Hemp Production

Dear Deputy Administrator Jimenez:

I am writing regarding the Connecticut State Plan for Hemp Production, as presented by Commissioner of Agriculture Bryan Hurlburt, specifically the requirement of § 297B of the 2018 federal Farm Bill that:

> A State . . . desiring to have primary regulatory authority over the production of hemp in the State . . . shall submit to the Secretary, through the State Department of Agriculture (in consultation with the Governor and chief law enforcement officer of the State) . . . a plan under which the State . . . monitors and regulates that production.

I confirm that the Office of the Attorney General has consulted with the Department of Agriculture in the development of the Connecticut State Plan for Hemp Production.

I thank Commissioner Hurlburt and his staff for their work in developing Connecticut's plan and look forward to facilitating the productive implementation of Connecticut's program.

Very sincerely yours,

William Tong
Connecticut Attorney General

cc: Commissioner Bryan Hurlburt

165 Capitol Avenue
Hartford, Connecticut 06106

Attachment A

Conn. Gen. Stat. § 22-61l

Current through all Acts from the 2021 Regular and June Special Sessions.

Sec. 22-61l Definitions. Hemp research. Pilot program. State plan. Licensure requirements. Fees. Violations. Penalties. Inspection and testing program. Records. Regulations. Indian tribe pilot program.

(a) For the purpose of this section and section 22-61m, the following terms have the same meaning as provided in 7 CFR 990.1, as amended from time to time: “Acceptable hemp THC level”, “Agricultural marketing service”, “Audit”, “Cannabis”, “Conviction”, “Corrective action plan”, “Culpable mental state greater than negligence”, “Decarboxylated”, “Decarboxylation”, “Disposal”, “Dry weight basis”, “Gas chromatography”, “Geospatial location”, “Handle”, Liquid chromatography”, “Immature plants”, “Information sharing system”, “Measurement of uncertainty”, “Negligence”, “Phytocannabinoid”, “Postdecarboxylation”, Remediation, “Reverse distributor and “Total THC”. In addition, for the purpose of this section and section 22-61m:
(1) “Cannabidiol” or “CBD” means the nonpsychotropic compound by the same name;
(2) “Certificate of analysis” means a certificate from a laboratory describing the results of the laboratory’s testing of a sample;
(3) “Commissioner” means the Commissioner of Agriculture, or the commissioner’s designated agent;
(4) “Cultivate” means to plant, grow, harvest, handle and store a plant or crop;
(5) “Federal act” means the United States Agricultural Marketing Act of 1946, 7 USC 1639o et seq., as amended from time to time;
(6) “Department” means the Department of Agriculture;
(7) “Hemp” has the same meaning as provided in the federal act;
(8) “Hemp products” means all manufacturer hemp products and producer hemp products;
(9) “Independent testing laboratory” means a facility:
(A) For which no person who has any direct or indirect financial or managerial interest in the laboratory and also has any direct or indirect interest in a facility that:
(i) Produces, distributes, manufactures or sells hemp or hemp products, or marijuana in any state or territory of the United States; or
(ii) Cultivates, processes, distributes, dispenses or sells marijuana; and
(B) That is accredited as a laboratory in compliance with section 21a-408-59 of the regulations of Connecticut state agencies;
(10) “Laboratory” means a laboratory that meets the requirements of 7 CFR 990.3 and that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third-party accrediting body such as the American Association for Laboratory Accreditation or the Assured Calibration and Laboratory Accreditation Select Services;
(11) “Law enforcement agency” means the Connecticut State Police, the United States Drug Enforcement Administration, the Department of Agriculture, the Department of Consumer Protection Drug Control Division or any other federal, state or local law enforcement agency or drug suppression unit;
(12) “Licensee” means an individual or entity that possesses a license to produce or manufacture hemp or hemp products in this state;

(13) "Manufacture" means the conversion of the hemp plant into a by-product by means of adding heat, solvents or any method of extraction that modifies the original composition of the plant for the purpose of creating a manufacturer hemp product for commercial or research purposes;
(14) "Manufacturer" means a person in the state licensed by the Commissioner of Consumer Protection to manufacture, handle, store and market manufacturer hemp products pursuant to the provisions of section 22-61m and any regulation adopted pursuant to section 22-61m;
(15) "Marijuana" has the same meaning as provided in section 21a-240;
(16) "Market" or "marketing" means promoting, distributing or selling a hemp product within the state, in another state or outside of the United States and includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers;
(17) "On-site manager" means the individual designated by the producer license applicant or producer responsible for on-site management and operations of a licensed producer;
(18) "Pesticide" has the same meaning as "pesticide chemical" as provided in section 21a-92;
(19) "Lot" means a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of hemp throughout the area;
(20) "Post-harvest sample" means a representative sample of the form of hemp taken from the harvested hemp from a particular lot's harvest that is collected in accordance with the procedures established by the commissioner;
(21) "Pre-harvest sample" means a composite, representative portion from plants in a hemp lot, that is collected in accordance with the procedures established by the commissioner;
(22) "Produce" means to cultivate hemp or create any producer hemp product;
(23) "State plan" means a state plan, as described in the federal act and as authorized pursuant to this section;
(24) "THC" means delta-9-tetrahydrocannabinol;
(25) "Controlled Substances Act" or "CSA" means the Controlled Substances Act as codified in 21 USC 801 et seq.;
(26) "Criminal history report" means the fingerprint-based state and national criminal history record information obtained in accordance with section 29-17a;
(27) "Drug Enforcement Administration" or "DEA" means the United States Drug Enforcement Administration;
(28) "Farm service agency" or "FSA" means an agency of the United States Department of Agriculture;
(29) "Key participant" means a sole proprietor, a partner in partnership or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer;
(30) "Manufacturer hemp product" means a commodity manufactured from the hemp plant, for commercial or research purposes, that is intended for human ingestion, inhalation, absorption or other internal consumption, that contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of such manufacturer hemp product;
(31) "Producer" means an individual or entity licensed by the commissioner to produce and market producer hemp products pursuant to the federal act, the state plan, the provisions of this section and the regulations adopted pursuant to this section;
(32) "Producer hemp product" means any of the following produced in this state: Raw hemp product, fiber-based hemp product or animal hemp food product, and each of which contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of such producer hemp product;
(33) "USDA" means the United States Department of Agriculture;
(34) "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization or other similar organization, including any such organization participating in the hemp production as

a partner in a general partnership, a participant in a joint venture or a participant in a similar organization; and
(35) "Homogenize" means to blend hemp into a mixture that has a uniform quality and content throughout such mixture.
(b) The Commissioner of Agriculture shall establish and operate an agricultural pilot program, as defined in 7 USC 5940, as amended from time to time, for hemp research to enable the department, and its licensees, to study methods of producing and marketing hemp. All producer licensees licensed pursuant to this section shall be participants in the state agricultural pilot program for hemp research. Until such time as said commissioner adopts regulations, in accordance with the provisions of chapter 54, the Department of Agriculture shall utilize procedures and guidance policies that the commissioner deems to be consistent with the provisions of 7 USC 5940, as amended from time to time, provided such procedures and guidance policies shall, at a minimum, require: (1) The commissioner to certify and register any lot used to grow hemp, (2) any person who produces hemp to produce plants that meet the definition of hemp and verify such, (3) the maintenance of records by any person who grows hemp and the availability of inspection of such records by the commissioner, and (4) verification of compliance with the definition of hemp by a laboratory, at the expense of any licensee. The provisions of this section shall take precedence over any such procedure or guidance policy. Participants in the state agricultural pilot program for hemp research shall be licensed in accordance with the provisions of this section. Such pilot program shall operate until the earlier of the date of a fully approved state plan under the federal act, as described in this section, or the date of repeal of the federal law permitting the state's agricultural pilot program for hemp research.
(c)
(1) The commissioner shall prepare a state plan in accordance with the federal act and 7 CFR 990.3, for approval by the Governor, in consultation with the office of the Chief State's Attorney and the Attorney General. The state plan, once approved by the Governor and the Attorney General, shall be submitted by the commissioner to the United States Secretary of Agriculture for his or her approval. The commissioner shall have the authority to amend the state plan, in consultation with the Governor, the Attorney General and the office of the Chief State's Attorney, as necessary to comply with the federal act.
(2) The commissioner shall operate the state plan, which shall include, at a minimum, the following requirements:
(A) The sampling of hemp shall comply, at a minimum, with 7 CFR 990.3 and be performed by an authorized sampling agent;
(B) The testing of hemp shall comply, at a minimum, with 7 CFR 990.3;
(C) The control, remediation and disposal of noncompliant cannabis plants shall comply with 7 CFR 990.27 and 7 CFR 990.3;
(D) The department shall comply with all recordkeeping and reporting requirements in the federal act, and 7 CFR 990.1 to 7 CFR 990.71, inclusive;
(E) The department shall comply with enforcement procedures in 7 CFR 990.6;
(F) The department shall conduct annual inspections of, at a minimum, a random sample of producers to verify that hemp is not produced in violation of the federal act, the state plan and the provisions of this section, and shall enforce any violation as provided for in the federal act and as defined in 7 CFR 990.6;
(G) Producers shall report their required license, lot and hemp crop acreage information to FSA, in accordance with the requirements in 7 CFR 990.7; and
(H) Producers shall report to the commissioner the total acreage of hemp planted, harvested and, if applicable, disposed of or remediated, and such other information as the commissioner may require.
(3) All sampling and testing of hemp shall be done using protocols that are at least as statistically valid as the USDA's published protocols for sampling and testing of hemp, which protocols shall

be posted on the department's Internet web site. During a scheduled sample collection, the producer, or an authorized representative of the producer, shall be present at the lot. A producer shall not harvest the cannabis crop prior to the taking of samples. Samples of hemp plant material from one lot shall not be commingled with hemp plant material from other lots. Lots tested and not certified by a laboratory at or below the acceptable hemp THC level shall be handled, remediated and disposed of in accordance with the federal act, the provisions of this section and the state plan, as applicable.

(4) The commissioner shall collect, maintain and provide to the USDA, on a timely basis, and not less than once per month, license status of each hemp producer, contact information for each hemp producer licensed in the state, including lot legal descriptions and locations, and any changes to such information. The commissioner shall also report to the USDA, on a timely basis, and not less than once per month, all required hemp test results and disposal information for all nonconforming hemp plants and plant material. Such information shall not include state and federal fingerprint-based records pursuant to section 29-17a.

(d) The commissioner shall have the authority to enforce the federal act, as amended from time to time, the state plan, this section and any regulations adopted in accordance with the federal act and chapter 54 for hemp production in the state. The commissioner shall have the authority to enforce the applicable standards for producer hemp products. The commissioner may consult, collaborate and enter into cooperative agreements with any federal or state agency, municipality or political subdivision of the state concerning application of the provisions of the federal act and the regulations adopted pursuant to the federal act, as may be necessary to carry out the provisions of this section.

(e) Any person who produces hemp shall: (1) Be licensed by the commissioner; (2) comply with the federal act, the state plan, the provisions of this section and any regulation adopted pursuant to this section; and (3) transport hemp and hemp samples in a manner and with such documentation as required by the commissioner.

(f) Any person who sells hemp products shall not be required to be licensed provided such person only engages in: (1) The retail or wholesale sale of hemp or hemp products in which no further producing or manufacturing of the hemp products occurs and the hemp products are acquired from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity to possess and sell such hemp products; (2) the acquisition of hemp or hemp products for the sole purpose of product distribution for resale; or (3) the retail sale of hemp products that are otherwise authorized under federal or state law.

(g) Any applicant for a license pursuant to this section shall meet each of the following requirements, as applicable:

(1) Each applicant, whether an individual or an entity, shall submit an application for a license that consists, at a minimum, of the following: (A) The name, telephone number, electronic mail address, business address and address of any individual who is the applicant, the full name of any entity that is the applicant, including any applicable principal business location and the full name, title and electronic mail address of each key participant; (B) the name and address of each lot for the hemp cultivation or producing location; (C) the geospatial location of each lot by means of global positioning system coordinates and legal description of each lot used for the hemp cultivation; (D) the acreage size of each lot where the hemp will be cultivated; (E) written consent allowing the commissioner to conduct both scheduled and random inspections of and around the premises on which the hemp is to be cultivated, harvested, stored and produced; (F) the applicant's employer identification number or the applicant's Social Security number if an employer identification number is not available; and (G) any other information as may be required by the commissioner;

(2) Each individual who is an applicant and each key participant of any entity applying for a producer license, or renewal thereof, shall submit to state and national fingerprint-based criminal history records checks conducted in accordance with section 29-17a, at his or her own expense;
(3) No individual, including any key participant of any entity, who has been convicted of any state or federal felony, related to a controlled substance, shall be eligible to obtain or hold a producer license for ten years from the date of the conviction, provided such restriction shall not apply to any individual who lawfully grew hemp with a license, registration or authorization under any state pilot program authorized by section 7606 of the Agricultural Act of 2014 before December 20, 2018. Any individual or entity that materially falsifies any information in an application pursuant to this section shall be ineligible to obtain a producer license; and
(4) Each individual or entity who is required by this section to obtain a producer license shall pay for all costs of sampling, testing, retesting and resampling any samples at a laboratory for the purpose of determining the THC concentration level of any cannabis under their control, or in their possession. Each individual or entity who is required by this section to obtain a producer license shall pay for all costs of disposal of all noncompliant cannabis plants under their control, or in their possession.
(h) Any producer license issued by the commissioner shall expire on the third following December thirty-first and may be renewed during the preceding month of October. Such licenses shall not be transferable.
(i) The following fees shall apply for each producer license and inspection:
(1) A nonrefundable license application fee of fifty dollars, provided any constituent unit of higher education, state agency or department shall be exempt from such application fee if such production is for research purposes;
(2) A nonrefundable triennial producer license fee of four hundred fifty dollars for up to one acre of planned hemp plantings and thirty dollars per each additional acre of planned hemp plantings rounded to the nearest acre, except no license fee charged shall exceed three thousand dollars, provided any constituent unit of higher education, state agency or department shall be exempt from such license fee if such production is for research purposes; and
(3) In the event that resampling by the commissioner is required due to a test result that shows a violation of any provision of this section or any regulation adopted pursuant to this section, the licensee shall pay an inspection fee of fifty dollars. Such fee shall be paid prior to the inspection and collection of the sample to be used for resampling.
(j) After receipt and review of an application for producer licensure, the commissioner may grant a triennial license upon a finding that the applicant meets the applicable requirements. Each producer licensee shall notify the commissioner of any changes to their application information, not later than fifteen days after such change. While the pilot program is in effect, the commissioner may grant a conditional approval of a producer license, pending receipt of the criminal history records check required by this section. The commissioner shall assign each producer with a license or authorization identifier in a format consistent with 7 CFR 990.3.
(k) Whenever an inspection or investigation conducted by the commissioner pursuant to this title reveals any violation of the state plan, this section or any regulation adopted thereunder, the producer license applicant or respondent, as applicable, shall be notified, in writing, of such violation and any corrective action to be taken and the time period within which such corrective action shall be taken. Any such producer license applicant or respondent may request a hearing, conducted in accordance with chapter 54, on any such notification. Any notification issued pursuant to this section shall be made by certified mail, return receipt requested to the producer license applicant or respondent's last known address, by in-hand service by the commissioner or designated agent of the commissioner, electronic mail service with the consent of the recipient, or by service in accordance with chapter 896. The commissioner shall report all producer violations made with a culpable mental state greater than negligence to the United States Attorney General and the State's Attorney for the judicial district in which the producer violation occurred.

(l) Nothing in this section shall be construed to limit the commissioner's authority to issue a cease and desist order pursuant to section 22-4d, or an emergency order, in order to respond to a condition that may present a public health hazard, or issue orders necessary to effectuate the purposes of this section, including, but not limited to, orders for the embargo, partial destruction, destruction and release of hemp or hemp products. Any cease and desist order or an emergency order shall become effective upon service of such order by the commissioner. Following service of any such order, subsequent proceedings shall proceed in accordance with the provisions of section 22-4d and the rules of practice for such agency. Any embargo, partial destruction, destruction or release order issued pursuant to this section shall be served by certified mail, return receipt requested to the respondent's last known address, by in-hand service by the commissioner or designated agent of the commissioner, or by service in accordance with chapter 896.

(m) Following a hearing conducted in accordance with chapter 54, the commissioner may impose an administrative civil penalty, not to exceed two thousand five hundred dollars per violation, and suspend, revoke or place conditions upon any producer licensee who violates the provisions of this section or any regulation adopted pursuant to this section.

(n)

(1) Any individual who produces hemp in this state without obtaining a license pursuant to this section, or who produces hemp in this state after having a license suspended or revoked shall have committed an infraction.

(2) Any entity that produces hemp in this state without obtaining a license pursuant to this section, produces hemp in violation of this section or produces hemp in this state after having a license suspended or revoked may be fined not more than two thousand five hundred dollars per violation, after a hearing conducted in accordance with chapter 54.

(o)

(1) Any negligent violation, as described in the federal act, of this section or the state plan shall be subject to enforcement in accordance with the federal act, and the state plan for negligent violations.

(2) For any negligent violation, a producer shall be required to correct such negligent violation, by means of a corrective action plan approved by the commissioner. Each corrective action plan shall include, at a minimum, a reasonable completion deadline for correction of the negligent violation, periodic reporting to the commissioner for at least two years and compliance with the state plan.

(3) Any producer that negligently violates the state plan shall not, as a result of such negligent violation, be referred by the commissioner for any criminal enforcement action by the federal, state or local government.

(4) Any producer that negligently violates the state plan three times during any five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) The commissioner shall conduct an inspection to determine if the corrective action plan for a producer who commits any such negligent violation was properly implemented.

(p) Any person aggrieved by an order issued pursuant to this section may appeal to the commissioner in accordance with the provisions of chapter 54. Such appeal shall be made in writing to the commissioner and received not later than fifteen days after the date of the order. If no appeal is made pursuant to this subsection the order shall be final.

(q)

(1) All documents submitted under this section shall be subject to disclosure in accordance with chapter 14, except: (A) Information depicting or describing (i) the test results of any producer, (ii) the location of any hemp growing, harvesting, processing or storage location, or (iii) hemp producer location security schematics; and (B) the results of any criminal history records check.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, all documents and records submitted or maintained pursuant to this section shall be disclosed to any law enforcement agency upon request of such law enforcement agency.
(r) The commissioner may inspect and shall have access to the buildings, equipment, supplies, vehicles, records, real property and other information that the commissioner deems necessary to carry out the commissioner's duties pursuant to this section from any person participating in producing, handling, storing marketing or researching hemp.
(s) Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f.
(t) All licensees pursuant to this section shall maintain records required by the federal act, the state plan, this section and any regulation adopted pursuant to this section. Each licensee shall make such records available to the department immediately upon request of the commissioner and in electronic format, if available.
(u) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section including, but not limited to, the labeling of producer hemp products.
(v) Notwithstanding any provision of the general statutes: (1) Marijuana does not include hemp or hemp products; (2) THC that does not exceed 0.3 per cent by dry weight and that is found in hemp shall not be considered to be THC that constitutes a controlled substance; (3) hemp-derived cannabidiols, including CBD, shall not constitute controlled substances or adulterants solely on the basis of containing CBD; and (4) hemp products that contain one or more hemp-derived cannabidiols, such as CBD, intended for ingestion shall be considered foods, not controlled substances or adulterated products solely on the basis of the containing hemp-derived cannabidiols.
(w) Whenever the commissioner believes or has reasonable cause to believe that the actions of a licensee or any employee of a producer licensee are in violation of the federal act, the state plan, or any state law concerning the growing, cultivation, handling, transporting or possession of marijuana, the commissioner shall notify the Department of Emergency Services and Public Protection and the State Police.

Attachment B

Connecticut Guidance documents

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

Bureau of Regulatory Services
450 Columbus Blvd, Suite 702 Hartford, CT 06103
Phone: 860-713-2502 Email: AGR.Hemp@ct.gov

Bryan P. Hurlburt
Commissioner

860-713-2501
CTGrown.gov

Consent to Conduct Criminal History Records Check
For the
Connecticut Department of Agriculture
Hemp Producer License Application
450 Columbus Boulevard, Suite 702
Harford, CT 06103
Phone: 860.713.2502 Email: Agr.Hemp@ct.gov
(rev. 12.2.21)

You have received this form because you have applied for a hemp producer license for which a fingerprint-based criminal history records check is required pursuant to CGS 22-611. No key participant listed in the application **shall have any felony conviction for a controlled substance now or in the 10 years prior to the date of the application.**

As a condition of being considered for licensing for the growing of Hemp:

- I hereby consent to and authorize the Connecticut Department of Agriculture (the Department) through the Department of Emergency Services and Public Protection, Division of State Police to conduct a criminal history records check that includes a fingerprint-based search of state and federal registries and databases. I hereby release the Department and the Connecticut State Police from any and all liabilities, claims or lawsuits in regards to the use of information obtained from any and all sources used.

- I understand the Department, pending the results of the state and federal criminal history record search, may issue a conditional license for the growing of Hemp. I understand and agree that if the criminal history records check reveals a disqualifying conviction, the conditional license will be revoked.

- I agree to provide all the information necessary to conduct the required criminal history records check.

- I understand that the Department may receive additional and ongoing criminal history information related to me subsequent to the initial fingerprint-based criminal history record check.

Applicant Information

Applicant Type:

Individual Applicant (Key Participant) for Producer License Yes____ No_____
Key Participant for Applicant for Producer License Yes____ No_____

"Key participant" means a sole proprietor, a partner in partnership or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer;

Last Name	
First Name	
Date of Birth	
Business Name	
Complete Address	

Agency Privacy Requirements

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

Requesting Entity:_____

FBI Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/30/2018

Note: This privacy act statement is located on the back of the FD-258 fingerprint card.

[redacted]

This document must be retained by the Entity.

Noncriminal Justice Applicant's Privacy Rights

Requesting Entity: _____

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (suchas an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. **All notices must be provided to you in writing.** [1] These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later), by the agency that will receive your criminal history results, when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained. [2]
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record asset forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at https://www.fbi.gov/services/cjis/identity- history-summary-checks and https://www.edo.cjis.gov.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via https://www.edo.cjis.gov. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[3]

Updated 11/6/2019

If you need additional information or assistance, please contact:

Connecticut Records:	**Out-of-State Records:**
Department of Emergency Services and Public Protection State **Police Bureau of Identification (SPBI)** **1111 Country Club Road** **Middletown, CT 06457** **860-685-8480**	**Agency of Record** **OR** **FBI CJIS Division-Summary Request** **1000 Custer Hollow Road** **Clarksburg, West Virginia 26306**

[redacted]

This document must be retained by the Entity.

[1] **Written notification includes electronic notification, but excludes oral notification.**
[2] **See https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement**

[3] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Confirmation of Consent

I affirm that I have not committed a disqualifying offense, and acknowledge that a disqualifying offense reported in the criminal history records check, required by CGS 22-61l, shall constitute good cause for rejection of the application to grow Hemp or revocation of a conditional license to grow Hemp.

I acknowledge that I have received a copy of the Federal Bureau of Investigation United States Department of Justice Privacy Act Statement and Notice of Noncriminal Justice Applicant's Privacy Rights.

I certify that the above information is true and correct, under penalty of false statement, punishable under Section 53a-157b of the Connecticut general Statutes.

Applicant's Name (please print): _____

Signature of Applicant: _____ **Date:**_____

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Commissioner

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Data Sharing Protocol
(rev. 12.2.21)

This protocol specifies the data that the Connecticut Department of Agriculture (DOAG) collects during the licensing, inspection, and sampling process for the Hemp Program, and indicates the procedure by which DOAG will report such data to the U.S.Department of Agriculture (USDA).

Data Collection

DOAG collects data from Hemp Program applicants during the application process. The data is entered by the applicant into an online application form and the collected data is stored in a State License System. The following data is collected from each Applicant during the license application process and maintained byDOAG:

1. Full name of each Applicant
2. Federal Employer Identification Number (EIN) of Entity Applicant if available
3. Physical address of individual Applicant
4. Physical address of principal business location of Entity Applicant
5. Mailing address, if different from physical address
6. Telephone Number
7. Email address
8. Full name, title, and email address (if applicable) of Key Participants
9. Criminal History Report of each individual Applicant or Key Participants
10. Date of application and Date of licensing
11. Legal description of each registered land area where hemp will be grown or processed.
12. Geospatial location data on land area where hemp will be grown or processed.

DOAG creates or assigns the following data for each licensee at the time of application:

1. License Number
2. License Status (i.e. Active, Inactive, etc.)

DOAG inspects and samples a random subset of registered grow locations and submits samples to a Department- approved lab for THC analysis. Samples collected by all entities will follow procedures as outlined in the Department's Sampling Procedures. The lab reports the test results to DOAG. DOAG hempprogram staff makes the determination of whether a specific hemp Lot conforms to the legal definition of hemp based on the test results. The data collected during this process are listed below.

This data will be maintained by DOAG and shared with the USDA to the extent necessary to comply with 7 C.F.R. Part 990:

1. Sample number
2. Hemp variety sampled
3. Name of the producer/license holder
4. FSA Lot Number (Farm, Tract, CLU/Field number)
5. Producer's license number
6. Geospatial location of the land area where the sample was collected
7. Date of sampling
8. Date of lab submission
9. THC test results for the sample
10. Legal determination of sample (Pass/Fail)

Data Retention

The Hemp Program will maintain application, licensing, and testing information for a minimum of three years.

DOAG Data Reporting

Producer Report: As required by 7 C.F.R. § 990.70(a), DOAG will share a Producer Report with the USDA. DOAG will upload the data to USDA using the online H.eM.P. system by the first of each month. DOAG will only send data on ***new*** licenses issued and ***changes*** to licenses in the 30 days since the last report was sent

Disposal and Remediation Report: In accordance with 7 C.F.R. § 990.70(b), DOAG will notify the USDA of any occurrence of cannabis plants or plant material that do not meet the definition of hemp, and attach records demonstrating the appropriate Disposal or Remediation of all of those plants and materials from the Lot from which therepresentative samples were taken. DOAG will provide USDA a Hemp Disposal and Remediation Report using the online H.eM.P. system every month with the information required by that subpart, including:

1. Name and address of the producer
2. Producer license number
3. Location information, such as Lot number, location type, and geospatial data, or other location descriptor for theproduction area subject to Disposal or Remediation, Disposal or Remediation completion date
4. Total acreage

Annual Report: DOAG will provide USDA with an Annual Report using the online H.eM.P. system by December 15 of each year, as required by7 C.F.R. § 990.70(c), with the following information:

1. Total planted acreage.
2. Total harvested acreage.
3. Total acreage Disposed or Remediated

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Destruction Request

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense within 15 days prior to destruction. No destruction is authorized until you receive approval in writing from the Department. Note: An inspector from the Department may be present at the growing lot during the producer's scheduled hemp crop destruction.

Producers must email DoAg in writing at AGR.Hemp@ct.gov before submitting a Destruction Request. You must include the following information for the Destruction Request in your email.

- Why the crop is being destroyed
- When it is expected to be destroyed
- Method of destruction or remediation plan (for biomass only) for the crop

Once you have received a reply from DOAG authorizing you to file a Destruction Request, you must include the following information for the Destruction Request in eLicense.

- FSA Lot ID, as soon as available
- Planned Date of Destruction
- CT DoAg Embargo # (if under embargo)
- Destruction Acres
- Destruction Square Feet
- Destruction Reason
- Planned Destruction Method
- Remediation Plan for biomass only
- Date of Report
- Attestation

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Due Date Overview
(rev. 12.2.2021)

Event	Due Date
Application	May be filed at any time. Producer licenses expire on the third anniversary of the license, and do not automatically renew.
Hemp Planting	Producers plant on their own schedule
Planting Report Forms- required for every lot ID	Due dates: • Field Planting Report - DUE within 15 days following the first day of each planting. • Greenhouse/ Indoor Growing Report - DUE within 15 days following the first day of each planting in an empty structure.
CT Department of Agriculture Site Inspection	Verification inspections by the Department can take place at any time with or without notice.
Pre-Harvest Sample Collection by Authorized Sampling Agent	Producer will contact authorized sampling agent (currently DOAG staff only) to take the official sample to an approved laboratory for each lot to be tested within 30 days prior to harvest. Authorized sampling agents will follow the Hemp Sampling Protocol.
THC Testing	The laboratory will report THC rest results to the Department, licensee and the USDA.
Sample Results	Pass: Once the Department receives notification from the lab of a passed sample, the Department will notify the producer IN WRITING to proceed with the harvest. Fail: Contact the Department to determine whether to resample the plot or destroy the crop.
Harvest/ Destruction Report Form	DUE within 30 days prior to harvest or 15 days prior to destruction of a crop. Destruction requests must be accompanied by required information stated in request form.
Harvest	Harvest must be completed within 30 days of sample collection, and approval to harvest. Lots should not be commingled until a test result showing an acceptable hemp THC level is received for each lot.
Post-Harvest Report	DUE within 15 days post-harvest

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Hemp Research Program Fee Schedule
(rev. 12.2.2021)

Producer

Fee Type	Program Fees	Fee Due Date
License Application Fee *nonrefundable	$50 (academia, state agency or department research projects exempt)	At time of application
Licensing Fee	$450 for the first acre (43,560 sq. ft.) of planned hemp plantings $30 an acre for each additional acre Max license fee $3,000 (academia, state agency or department research projects exempt)	At time of application. Triennial License. License expires 3 years from date of issuance.
Post-Harvest Inspection by the Department	$50 inspection fee per instance These tests are only required if warranted by initial test results, or at the Department's discretion if a producer fails to harvest within 30 days of the pre-harvest sample.	Prior to the inspection and collection of the sample
Lot Modification Fee	$30 per added acre (above the first acre)	At time of request

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Greenhouse/ Indoor Planting Report

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense within 15 days of first planting.

You must include the following information in the Greenhouse/Indoor Planting Report in eLicense.

- FSA Lot ID
- Date Planted
- Hemp Variety Planted
- Seed (Y/N)
- Transplants (Y/N)
- Square Feet planted

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Harvest Request

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense for every lot (indoor or outdoor) you are requesting to harvest. This report is due no more than 30 days prior to the intended harvest date. (***note:*** if harvest must be expedited due to an urgent situation, e.g. mold, weather, contact the Department. Harvest shall occur no more than 30 days from the date of the sample. No harvest is authorized until you receive approval from the Department.

Provide the following harvest request information in eLicense.

- FSA Lot ID
- Sample Date
- Complete Harvest (Y/N)
- How many acres/square feet will be harvested?
- Date when Harvest will be Completed
- Hemp Variety
- Where you will be Drying/Storing Hemp

Lots should not be commingled until a test result showing an acceptable hemp THC level is received for each lot.

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Hemp Producer Enforcement Procedures

(rev. 12.2.2021)

Per 7 CFR 990.6 and CGS 22-61l(k) through (p) violations of the State Plan shall be addressed as follows:

Producer Violations

Producer violations of the Connecticut state plan shall be subject to enforcement in accordance with 7 CFR 990.6 and CGS 22-61l(k) through (p).

Negligent Violations

Negligent violations are:

1. Failure to provide a legal description of land on which the producer produces hemp
2. Failure to obtain a license or other required authorization from the Connecticut Department of Agriculture
3. Production of cannabis with a delta-9 THC concentration exceeding the acceptable hemp THC level. Hemp producers do not commit a negligent violation under this section if they make reasonable efforts to grow hemp and the cannabis(marijuana) does not have a delta-9THC concentration of more than 1% on a dry weight basis

If the producer commits more than three negligent violations in a five-year period, the producer may be subject to additional civil and or criminal penalties.

The Department shall require a Corrective Action for Negligent Violations

Each correction action plan for negligent violations shall include, at a minimum, the following terms:

1. A reasonable date by which the producer shall correct the negligent violation.
2. A requirement that the producer shall periodically report to the Connecticut Department of Agriculture on their compliance with State plan for a period of not less than the next 2 years from the date of the negligent violation.
3. A producer that negligently violates the Connecticut State Plan shall not as a result of that violation be subject to any criminal enforcement action by the Federal, State, Tribal, or local government.
4. A producer that negligently violates the Connecticut State Plan three times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.
5. The Connecticut Department of Agriculture shall conduct an inspection to determine if the corrective action plan has been implemented as submitted.

Culpable Violations

Culpable violations are producer violations made with a culpable mental state greater than negligence, and shall be addressed by the Department as follows:
If the Connecticut Department of Agriculture determines that a producer has violated the plan with a culpable mental state greater than negligence, the Connecticut Department of Agriculture shall immediately report the producer to the U.S. Attorney General and the applicable chief law enforcement officer in Connecticut, and take such additional action as permitted by 7 CFR 990.6 and CGS 22-61l(k) through (p).

Restrictions on Licensing due to certain Felony Convictions

1. Any person with at State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the plan and producing hemp under the Connecticut State Plan from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.
2. Any producer growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 before October 31,2019 shall be exempted from (1) of this section.
3. Business entities shall identify to the Connecticut Department of Agriculture which participants are considered to be "key," or have executive managerial control and subject to the felony conviction restriction for purposes of (1) of the section, which shall be subject to Department verification of accuracy.

False Statements By Applicants and Licensees

Any person who materially falsifies any information contained in an application to participate in this program shall be ineligible to participate in the program.

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Hemp Producer License Application Instructions

(rev. 12.2.2021)

Important definitions you need to understand:

"Key participant" means a sole proprietor, a partner in partnership, or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer.

"Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Are you applying for a Hemp Producer license as a business entity or as individual sole proprietor?

Please note: If you registered with E-License as an individual and are planning to operate your hemp business as a separate business entity (defined above), then you must log out and create a registration under the entity's name, before applying for your hemp producer license.

You must be logged into this application under your personal ID, business ID or organization ID that you intend to use for this license application. Using your personal ID and attempting to enter information for your business or organization information may affect other personal licenses or permits you hold in the E-License system.

Required Documents to complete this application

You must have available electronic copies of the several documents available for uploading when requested. Full instructions and required forms can be found by following this hyperlink.

All supporting documents must be uploaded through this system. These include:

- Site location documentation to include:
- Latitude and Longitude coordinates in decimal degrees to the thousandth place
- A map showing boundaries
- A Legal description of each lot.

You will also need to provide the following information:

- Personal Information for the individual applicant and the key participants for any business entity applicant (key participants are the officers of the entity)
- SSN or FEIN for entities
- Date of Birth for individual applicant and the key participants
- Business Address for applicant
- Home Address for individual applicants and key participants, and other contact information

Criminal History Records check:

At the present time, the federal and state criminal history records check program for the State Department of Agriculture has not been approved by the FBI, and background checks cannot be completed at this time. The commissioner has the discretion to issue conditional grower licenses without the completion of this records check. Once the state and federal criminal history records check program has been approved and the required background checks can be completed, you will be notified, and have 30 days to complete the background checks for the individual applicants and all key participants. The Commissioner shall revoke or terminate any conditional grower license upon expiration of the 30 day period, if the applicant's or conditional licensee's, (including all key participants) results do not meet the requirements of the federal act, and CGS 22-61l.

Once background checks are authorized, you must authorize the release of the results to DOAG for each individual applicant and key participant of an application, on the Consent to Criminal History Records Check form.

DOAG will not accept criminal history reports completed more than 60 days before the submission of an application.

Research Institutions, Microgreens Producers, Greens Producers and Transplant Producers:

Research Institutions, Microgreens Producers, Greens Producers and Transplant Producers must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that research of hemp, hemp breeding, or growing of immature hemp for sale is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species Cannabis sativa L. that will be subject to the

alternative method will not test above the acceptable hemp THC level. Sampling plans must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide a disposal and/or remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level.

Next Steps after application is approved and conditional license is issued:

If your application is approved, remember to bring your license certificate with you when you visit your local Farm Service Agency field office to report your hemp crop acreage. Click this hyperlink. to find you county FSA office. You will need to provide DOAG with the lot numbers issued by FSA for each of your lots. Your license is not complete until this step is completed.

You must inform the DOAG of the FSA lot numbers by using the eLicense system. Log back in and select the Online Service and select the Address and General Maintenance tab. Then select the start button with your HEMP Producer number. Use the down menu to select FSA lot updates. Remember to page all the way through the update screens using the "NEXT" button --- This transaction is not completed until you select the "Finish' Button on the last screen and information is processed

Term of License:

Once DOAG approves an application, DOAG will issue a conditional producer license. Licenses are valid until for three (3) years from the date issued and do not automatically renew. Licenses must be renewed every three years and will be required to include an updated criminal history report. If any of the information on your license application changes, you must notify the department within 15 days, in writing, and receive approval of the changes, in writing, before the changes are effective.

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Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following instructions outline required lot map contents and basic instructions for obtaining a map. If you need more information after reading these instructions, contact us at (860) 713-2502 or AGR.Hemp@ct.gov.

You are required to provide to DoAg a photographic aerial map of all growing, handling, and storage locations. This requirement applies to all applicants and License Holders, and will assist with the DoAg's required reporting to law enforcement.

Each map should be **in color** and contain the following:

- Contain only one address per map and all locations for that address on a single map
- The applicant's full name printed on the page
- If applicable, the full name of the business entity
- The map location's street address, city, state and zip code printed on the page
- The map should show the lot location, a public roadway, and the road name.
- Field location. This includes:
  - Outline of each separate field to be used for planting
  - Lot ID/name for each separate field; and
  - Indicate the acreage for that field intended for planting
- Greenhouses, indoor growing structures, storage buildings, or handling facilities and the lot ID/name of each structure.
- GPS coordinates for each field or building. GPS coordinates should be provided in DECIMAL DEGREES (to four decimal places) with a pinpoint showing exactly where the GPS coordinate was taken. The Google Earth instructions on the DoAg's website (link at top of this page) gives specific instructions for obtaining the coordinates in the correct format. Other websites like, Map Quest, Google Maps etc. can also be used to obtain GPS Coordinates. There are also apps on some smart phones that can be used to obtain GPS coordinates.

The DoAg prefers maps created with Google Earth. You can download Google Earth Pro for free by visiting https://www.google.com/earth/versions/#earth-pro . Electronic USDA Farm Service Agency (FSA) maps or USDA Natural Resources Conservation Service maps with **legible** handwritten information will also be acceptable.

To obtain a map online:

- You can go to Google Maps online at http://maps.google.com/ . When you have the address on your screen, you can click the button in the lower left corner that says “Earth” or “Satellite” for an aerial view of the location.
- On Map Quest at http://www.mapquest.com/ , locate the address on your screen, then click in the upper right corner on “Satellite” for an aerial view of the location.

Print out the map when you are satisfied with the level of zoom (i.e. should show at least one nearby road, the entrance to the lot, and the location of the hemp locations), then finish by **legibly** handwriting the required information. The map must be named with the lot id and in pdf format for uploading.

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Connecticut Laboratory Testing Guidelines
(rev. 12.2.2021)

Purpose:

1. Standard testing procedures are specified for samples taken in accordance with the Connecticut Sampling Procedures for the Connecticut Hemp Production Program to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of samples on a dry weight basis.

2. The results are intended to measure the total THC concentration of composite hemp samples collected from a "lot" of hemp crop acreage designated by a hemp producer and as reported to Connecticut Department of Agriculture as required under the Connecticut Hemp Program. The purpose of the measurements is to determine whether the total THC concentration of the tested material is within the acceptable hemp THC level.

3. Acceptable Hemp THC Level definition: When a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. For the purpose of compliance with the requirements of the CT Hemp Plan, the acceptable hemp THC level is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less.

Scope:

1. Hemp grown under the CT Hemp Plan is subject to sampling and compliance testing for THC concentration. Certain producers, including research institutions and facilities growing immature plants may have different testing requirements.

2. Tests shall measure the total THC concentration in a sample submitted to a laboratory for analysis. The laboratory will perform chemical analysis on the sample using postdecarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC. See Summary of Practice section 1.8 and Testing Guidelines item 2 for currently approved testing methodologies.

3. The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

4. Laboratories shall calculate and include the Measurement of Uncertainty (MU) when they report THC concentration test results. "Measurement of uncertainty" is defined as "the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement." USDA does not establish or standardize an upper or lower boundary for general use by laboratories to calculate a measurement of uncertainty. MU is typically not standardized, but rather is controlled using test methods controlled by performance standards (e.g., AOAC Standard Method Performance Requirements 2019.003 that can be found at https://www.aoac.org/resources/smpr-2019003/).

5. Hemp testing laboratories are required to be ISO 17025 accredited.

6. It is the responsibility of the licensed producer to pay any fees associated with testing or retesting.

Summary of Practice:

1. As required under USDA Hemp Production Program regulations, laboratories that analyze hemp to determine total delta-9 tetrahydrocannabinol (THC) should meet the following standards:

1.1. Laboratory quality assurance protocols must ensure the validity and reliability of test results;

1.2. Analytical method selection, validation, and verification protocols must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

1.3. Protocols for demonstrating testing validity must ensure consistent, accurate analytical performance;

1.4. Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this part; and

1.5. Testing protocols must include an effective disposal procedure, in accordance with USDA guidelines, for non-compliant samples that do not meet the requirements of this part.

1.6. Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

1.7. Sample preparation of pre- or post-harvest sample shall require grinding of the sample to ensure homogeneity of plant material prior to testing.

1.8 At a minimum, analytical testing of samples for total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary in writing. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC), and the test result must reflect the total available THC derived from the sum of the THC and THCA content. Current testing methodologies meeting these requirements include gas chromatography and liquid chromatography. Other methods may be approved if they meet the regulatory requirements.

1.9 The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

2. Laboratories should create an internal SOP specific to testing and retesting hemp and should have the SOP available upon request for inspection.

3. After December 31, 2022, laboratories approved for THC testing must also be registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

General Guidelines:

General Sample Preparation and Testing Procedures should be conducted as follows:

1. Laboratory receives sample.
2. Sample may be dried prior to analysis, or results may be corrected for moisture content.

3. Grind entire sample including leaves, seeds, twigs, and stems.
4. Separate sample into “Test” and “Retain” specimens.
5. Package and store the “Retain” specimen(s) until needed.
6. Analyze the “Test” specimen.
7. Determine moisture content or dry to a consistent weight.
8. Perform chemical analysis.
9. Calculate total THC concentration on a dry weight basis. Test results should be reported on a dry weight basis.

Sample Preparation Guidelines:

Samples should be prepared for testing as follows:

1. Laboratories must receive and store items according to procedures that prevent deterioration of the test item. Samples must be clearly labeled and identified.

2. Once the composite sample is received by the laboratory, the laboratory should dry the composite sample until brittle in a manner that maintains the THC level of sample. If it is not possible to dry the composite sample within 24 hours from the time of sample arrival, the sample should be held in a freezer at approximate -20°C or lower until the sample is dried.

3. After the initial drying step, the laboratory should grind the entire sample including leaves, seeds, twigs, and stems using centrifugal rotor mill or other method as appropriate. All samples received should be ground, regardless of whether they consist of the initial intact material or “remediated” (shredded or blended) material, as allowed under USDA regulations.

4. The laboratory should create both a “Test Specimen” and a “Retain Specimen for reanalysis and/or confirmation as needed.” One sample part should be selected for analysis and labeled "Test Specimen.” The other sample part should be marked "Retain Specimen" and should be packaged and stored in a secured place. The testing laboratory internal SOP should define the sample size and distribution of “Test Specimen” and “Retain Specimen.

5. Samples should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).

6. The laboratory should then either determine moisture content or dry the test specimen to a consistent weight. Samples should be dried to a consistent loss (typically 5- 12% moisture content) so that the test can be performed on a dry weight basis, meaning the percentage of THC by weight, after excluding moisture from the sample. The moisture content is expressed as the ratio of the amount of moisture in the sample to the amount of dry solid in the sample.

   6.1 The sample can be dried to a consistent weight to remove all water and then be tested on a dry weight basis. If the sample is not to be extracted immediately after drying, it should be stored in a desiccator.

   6.2. Alternatively, the sample can be analyzed for moisture content and this moisture content can be factored into the total THC result to give a dry weight basis.

7. Extraction of the sample should occur as soon as possible from the time of sample arrival. Extracts should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).

Testing Guidelines:

1. The laboratory will perform chemical analysis on the sample using post- decarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC.

2. Testing methodologies meeting these requirements are those using gas chromatography and liquid chromatography.

3. The laboratory will then calculate total THC concentration on a dry weight basis.

Testing Methods:

1. The total available THC, derived from the sum of the THC and THCA content, shall be determined and reported on a dry weight basis.

2. Laboratories shall use appropriate, validated methods and procedures for all testing activities and shall evaluate measurement of uncertainty.

3. Laboratories should meet the AOAC International standard method performance requirements for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.) (SMPR 2019.003) for selecting an appropriate method.

4. The range of estimated uncertainty is reported as a ± value and is the same unit as the hemp THC threshold (e.g., +/- 0.05), following best practices for significant figures and rounding.

5. There are resources available for defining, guiding, and calculating measurement uncertainty. They include the GUM, ISO, and Eurachem. Once the expanded measurement uncertainty (MU) is determined, then the confidence interval can be calculated around a designated threshold. (i.e., the hemp threshold of 0.3% THC.)

Test Results Exceeding 0.3% THC Concentration:

1. If the results of a test conclude that the THC concentration levels of a sample are higher than the acceptable hemp THC level, the laboratory will promptly notify the producer and the CT Department of Agriculture via Agr.hemp@ct.gov.

   1.1 If the results of a test conclude that the THC concentration levels of a sample are higher than the acceptable hemp THC level, the producer is prohibited from handling, processing, or permitting the entry into the stream of commerce of any hemp grown in a lot. CT Department of Agriculture shall issue an Embargo pursuant to section 22-61 l(l) of the general statues. The laboratory will state “Fail” on the test results.

2. Retest Procedures

   2.1. Any hemp program licensee may request that the laboratory retest samples if it is believed the original THC concentration level test results were in error.

   2.2. If this occurs, the laboratory shall follow the same procedures as used to conduct the initial test.

   2.3. The licensee requesting the retest of the second sample will pay the cost of the test.

   2.4. The retest results shall be issued to the licensee requesting the retest, and a copy shall be provided to Connecticut Department of Agriculture at AGR.hemp@ct.gov and USDA.

Information Sharing:

1. Laboratories performing THC testing for compliance purposes of this program are required to share test results with the licensed producer, the CT Department of Agriculture via Agr.hemp@ct.gov and USDA. If necessary, laboratories shall report all test results, whether passing or failing, to USDA using AMS Form 22 found here: https://www.ams.usda.gov/rules-regulations/hemp/information-laboratories

2. Laboratories shall indicate that a test result is for "official compliance" purposes on lab testing results for compliance purposes. Laboratories shall not mark test results for monitoring of THC levels throughout the growing season as for "official compliance" purposes. Official compliance samples shall specify "pass" or "fail" on the test results based on the laboratory analysis. Laboratories shall retain a legible copy for inspection upon request of all test results for official compliance purposes for a period of three (3) years from date of analysis.

3. Laboratories may provide test results to licensed producers in whatever manner best aligns with their business practices, but producers must be able to produce a legible copy of test results upon request for inspection purposes. For this reason, providing test results to producers through a web portal or through electronic mail, so the producer will have ready access to print the results when needed, is preferred.

4. Results of testing conducted throughout the growing season for the purposes of monitoring THC concentration should not be submitted to USDA. Only the official test result for compliance testing purposes shall be submitted to the USDA.

Testing Remediated Hemp Samples:

1. Licensees can "remediate" hemp following an initial failed test by shredding plant material in a product called "biomass." In this instance, laboratories will receive samples of remediated biomass material for retesting.

2. For remediated testing, the laboratory shall follow the same testing procedures as described in this document for samples of remediated Hemp.

3. For remediated testing, the laboratory shall follow the same reporting procedures as described in this document. A licensee must maintain a legible copy of the remediated test results, available for inspection, for a period of three years from receipt of the testing results provided by the laboratory. Therefore, laboratories are required to provide such documentation to licensees.

Bryan P. Hurlburt
Commissioner

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Lot Modification Application
(rev. 12.2.2021)

You are receiving this form due to a deficiency in your application. Please enter the new or corrected lot information below. You must also upload a map including lot boundaries and GPS Coordinates for those lots into the eLicense portal. Upload this document and the maps into the eLicense system.

Paper applications will not be accepted.

Application Name:	Date:
Key Participant:	
Email:	Phone#:

LOT MODIFICATION

Enter the MODIFIED lot information in the cells below.

Location 1 Lot(s)	Planting Address 1	City	State	Zip	Own/Rent*
	GPS Latitude (Decimal Degrees**)	GPS Longitude (Decimal Degrees**)		Acres/ SqFt	Location (Outdoor, Greenhouse/Indoor, Drying/Storage)
Lot 1					
Lot 2					
Lot 3					
Lot 4					
Lot 5					
Location 2 Lot(s)	Planting Address 2	City	State	Zip	Own/Rent*
	GPS Latitude (Decimal Degrees**)	GPS Longitude (Decimal Degrees**)		Acres/ SqFt	Location (Outdoor, Greenhouse/Indoor, Drying/Storage)
Lot 1					
Lot 2					
Lot 3					
Lot 4					

Lot 5				

By accurate and complete. I understand that giving a false statement is punishable by law under section 53a-157b of the Connecticut General Statutes.

_____ signing my name below, I attest that I am a key participant for the license, and that this information is

Date: _____

Signature of Key Participant

Bryan P. Hurlburt
Commissioner

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Outdoor Field Planting Report
(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper Application will not be accepted.

The following reporting requirements must be entered in eLicense for every licensed lot on your application and any subsequent Lot Modification Requests. This form is due within 15 days following the first day of each planting. If you will NOT plant at a licensed lot, report of a "NO Planting" is due by July 31st.

You must include the following information in the Outdoor Field Planting Report in eLicense.

- FSA Lot ID
- Date Planted
- Hemp Variety Planted
- Seed (Y/N)
- Transplants (Y/N)
- Acres planted

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Performance-Based Sampling Procedures

(rev. 12.2.21)

Applicability: The sampling procedures in this document apply to research institutions and hemp producers of non-flowering hemp plants such as: hemp microgreen producers, hemp green producers or hemp transplant producers who sell, offer for sale or transfer immature non-flowering hemp plants.

I. Definitions:

1. **Research Institution**: an accredited institution of higher learning, or a research facility that conducts scientific research on hemp, or any licensee growing hemp for research purposes, and when none of the hemp is intended for commerce.

2. **Hemp Microgreens:** immature hemp seedlings for human consumption that are cut-off above the soil or substrate line and harvested prior to flowering and not more than 14 days after germination. Hemp microgreens are typically between two (2) and three (3) inches in height, but not taller than five (5) inches.

3. **Hemp Greens:** hemp leaves from immature plants germinated from seed and the plants are no more than ten (10) inches tall and are not flowering.

4. **Hemp Transplants**: hemp seedlings, rooted cuttings (clones), immature plants produced from tissue culture, or other means of reproduction, which are not harvested but transplanted into a large container or field to mature for harvest.

II. General Requirements for all Performance Based Sampling

1. A lot of hemp shall only be eligible for performance-based sampling consideration if the licensee maintains records documenting the subject cultivar's compliance with the acceptable hemp THC level.

2. All licensees shall ensure that the seeds, clones and starts used to produce hemp are from cannabis varieties that meet the definition of hemp.

3. A licensee's sampling program accepted under this protocol that demonstrates, at a confidence level of 95 percent, that the cannabis plant species Cannabis sativa L. that will be subject to this alternative method will not test above the acceptable hemp THC level. Sampling plans must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide

a disposal plan for any cannabis plants that are found to exceed the acceptable hemp THC level. The department reserves the right to sample, and test any hemp lot at any time to ensure compliance with the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. The department shall conduct random inspections, including records review of licensees, regardless of whether or not all licensees are subject to the sampling and testing requirement.

III. Research Institution Requirements:

1. **Licensing**: Research institutions must hold a producer license.

2. **Not for Commercial Use:** Hemp produced by a research institution shall not enter the stream of commerce, or be transferred to any third party.

3. **Application Procedure:** In addition to the Producer License application requirements, research institutions must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that research of hemp is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa L*. that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. **Testing Data:** Research institutions must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department.

5. **Reporting Requirements:** Research institutions shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.

6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials**: Any non-compliant lots of hemp produced by a research institution shall be disposed of and reported to the Connecticut Department of Agriculture.

7. **Inspection:** Research institutions shall be subject to a facility and records inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of any inspection.

8. **Negligent Violations:** Research institutions shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.

9. **Labeling and Sale of Seed and Transplants:** Any seed sold as a product of hemp breeding, must comply with the Connecticut and Federal Seed Law. Any transplant sold as a product of hemp breeding must be accompanied with a seed label for that variety.

IV. Hemp Microgreens, Greens, and Transplants

1. **Licensing**: Hemp producers of Microgreens, Greens, and Transplants must hold a producer license.

2. **Commercial Use:** Licensees are permitted to allow their hemp to enter the stream of commerce, and transferred to third parties, provided they have met the requirements of the state plan, any other applicable state and federal laws, and these sampling and testing requirements for growing Microgreens, Greens, and Transplants. Hemp Microgreen and Green producers may be subject to the Connecticut Produce Safety Rule.

3. **Application:** In addition to the Producer License application requirements, hemp producers of Microgreens, Greens, and Transplants must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that growing Microgreens, Greens, and Transplants is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. **Testing Data:** Hemp producers of Microgreens, Greens, and Transplants must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department. When hemp transplants move from the greenhouse/indoor facility to either larger pots or the field, this is not considered a harvest, and therefore would not require sampling because the final crop shall be sampled prior to harvest. The mature crop produced from hemp transplants is subject to sampling and testing.

5. **Reporting Requirements:** Hemp producers of Microgreens, Greens, and Transplants shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.

6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials**: Any non-compliant lots of hemp produced by hemp producers of Microgreens, Greens, and Transplants shall be disposed of and/or remediated, and reported to the Connecticut Department of Agriculture.

7. **Inspection:** Hemp producers of Microgreens, Greens, and Transplants shall be subject to inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of the inspection.

8. **Negligent Violations:** Hemp producers of Microgreens, Greens, and Transplants shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.

9. **Labeling and Sale of Seed**: Any transplant sold by producer of Transplants must be accompanied by a seed label for that variety of hemp which complies with the Connecticut and Federal Seed Law.

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Producer Reporting to FSA

(12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

Producers are required to establish farm records with the Farm Service Agency. Producers will be asked for the following information.

- Name
- Business type – Individual/entity
- Members (if applicable)
- Address
- Contact Information
- Participation Interest
- Tax ID number (if participating in FSA programs for payment)
- Land Documentation
    - Owned: Proof of landowner by deed, assessor card or town's assessor website.
    - Leased: a written lease, letter from the landowner of record.

Contact your local FSA office farmers.gov/service-center-locator
Producers planting hemp are required to file acreage reports with FSA by July 15th. The acreage report must include the following information:

- Producer's License or authorization number
- Street address
- License holders must designate the location and number of lots intended to be planted. For FSA purposes, the term "lots" refers to the specific subfield located within the field on the tract.
- Producers must report each variety or strain as a separate "lot".
- Hemp crop acreage
    - Reporting total acreage of hemp planted, harvested, and disposed.
    - Acreage of greenhouse or indoor square footage dedicated to the production of hemp.
- Geospatial location(s) of each lot or greenhouse where hemp will be produced.

FSA Crop Acreage Reporting Fact Sheet crop-acreage-reporting-20.pdf (usda.gov)

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Remediation and Disposal Procedures
(rev. 12.2.21)

Purpose:
1. Standard Remediation and Disposal guidelines are specified for commercial indoor and outdoor production of hemp as well as the production of hemp for research purposes.

2. Remediation refers to any process by which non-compliant hemp (THC concentration > 0.3%) is rendered compliant (THC concentration ≤ 0.3%). Remediation can be achieved by separating and destroying non-compliant flowers while retaining stalks, leaves, and seeds; or by shredding the entire hemp plant to create a homogenous "biomass" that can be retested for THC compliance.

3. Disposal means destroying non-compliant hemp or hemp for research purposes using one of the approved on-farm methods. Approved methods include plowing under, mulching / composting, disking, bush mowing, and deep burial.

Scope:
1. Lots shall be subject to remediation or disposal when a sample tests over the acceptable hemp THC level according to laboratory results obtained through Connecticut sampling and testing protocols.

2. Lots that test above the acceptable hemp THC level shall be subject to either remediation or disposal.

3. All remediation samples must be collected by the Connecticut Department of Agriculture.

4. All remediated hemp lots must be retested to verify acceptable THC level before the material may enter the stream of commerce.

5. It is the responsibility of the licensed producer or researcher to pay any fees associated with resampling, remediation, and/or disposal.

6. Producers must verify disposal or remediation by submitting required documentation in accordance with 7 CFR §990.27. All records regarding disposal and remediation of all cannabis plants that do not meet the definition of hemp shall be made available for inspection by Connecticut Department of Agriculture inspectors, auditors, or their representatives during reasonable business hours in accordance with the Connecticut State Plan.

7. Laboratories should have an effective disposal procedure as part of an internal SOP for noncompliant samples.

Summary of Practice:
1. This practice provides procedures for ensuring the disposal or remediation of non-compliant hemp. When a cannabis sample tests over the acceptable THC concentration level, all cannabis plants in the lot shall be embargoed by the Connecticut Department of Agriculture and then either be remediated to bring the lot under the acceptable THC concentration level, or all cannabis plants shall be disposed of. Both remediation and disposal may be performed by the producer, researcher or an approved representative of the Connecticut Department of Agriculture. Hemp produced for research must be disposed of using acceptable disposal procedures outlined in this document.

2. Non-compliant hemp plants may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves and seeds.

3. Non-compliant hemp plants may be remediated by shredding the entire hemp plant to create “biomass.” All flowers, buds, trichomes, leaves, stalks, seed, and all plant parts from a lot should be chopped or shredded in such a way as to create a homogenous, uniform blend of the lot called “biomass.” Lots should be kept separate and not be combined during this process. This biomass shall be resampled and retested by the Connecticut Department of Agriculture to ensure the biomass material tests within an acceptable THC concentration level before it may enter the stream of commerce in accordance with §990.3(d) and §990.27(c). If the biomass tests above the acceptable THC concentration level is non-compliant hemp and must be destroyed through one of the disposal options provided herein.

4. Disposal means destroying non-compliant hemp by performing any one or combination of the following on-farm activities: plowing under, mulching / composting, disking, bush mowing, and deep burial. Prior to the disposal of a hemp crop, the licensee must submit a Destruction Report to the Connecticut Department of Agriculture.

Equipment and Supplies:
1. Equipment for Remediation
1.2. Gloves
1.3 Shears, clippers, scissors, shredding equipment (to remove non-compliant flowers from stalks)
1.4 Striping, shredding, or mulching equipment
1.5 Large plastic bags or other containers to store shredded biomass
1.6 The bags and containers should be made from material known to be free from THC
1.7 Marking and labeling equipment (to mark and label hemp lots for remediation from other lots)

2. Equipment for Disposal
2.1. Plow or tractor (for plowing, mulching, composting, disking, bush mowing, deep burial)
2.2. Composter (for composting)

3. Equipment for Resampling for the Connecticut Department of Agriculture
3.1. Disposable gloves – Nitrile
3.2. Scoop with long handle (cleaned prior to and following each sample)
3.3 Bag to store resample

3.4. Permanent markers
3.5. The bags should be made from material known to be free from THC
3.6. A 750 mL or similar measuring instrument (cleaned prior to and following each sample)

Remediation Guidelines:
1. The licensee or designated employee; or an approved representative of the Connecticut Department of Agriculture shall remediate or destroy non-compliant hemp in accordance with §990.3(d) and §990.27(c). The non-compliant hemp shall be properly destroyed and rendered unusable. A Connecticut Department of Agriculture inspector may be present during the remediation or disposal process.

2. Upon notification that a lot has tested above the acceptable hemp THC level, the licensee should notify the Connecticut Department of Agriculture of the licensee's decision to either destroy or remediate the non-compliant lot in accordance with the Connecticut State Plan. Additionally, the licensee should notify the Connecticut Department of Agriculture of the remediation or disposal method set forth in §990.70 and §990.71.

3. If the licensee chooses to remediate the non-compliant lot, the licensee should select either to separate and remove all flowers from stalks, leaves and seeds of the lot or to shred the entire lot into "biomass."

4. Separation and removal of the flowers from stalks, leaves and seeds:

4.1 The flowers, including buds, trichomes, "trim," and "kief," should be removed from the lot and destroyed. Methods for removal of the flowers may include, but are not limited to, the removal, by hand, of non-compliant flowers and floral materials and the mechanical removal of non-compliant flowers and floral materials.

4.2 Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds should be separated from the non-compliant floral material and clearly labeled and demarcated as "hemp for remediation purposes."

4.3 Seeds removed from non-compliant hemp during remediation should not be used for propagative purposes.

5. Creation of Biomass
5.1 The entire lot, as reported to the FSA, should be shredded to create a homogenous, uniform biomass. Methods for the creation of biomass may include, but are not limited to, the shredding of hemp plants through shredders, composters, or specialty mechanical equipment.

5.2 The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). The Connecticut Department of Agriculture will conduct the resampling and retesting of the biomass. Biomass that fails the retesting is non-compliant hemp and shall be destroyed.

5.3. Remediated biomass should be separated from any compliant hemp stored in the area and clearly labeled and demarcated as "hemp for remediation purposes." All lots subject to remediation should be stored, labeled and demarcated apart from each other and from other compliant hemp lots stored or held nearby.

5.4. Remediated biomass should not leave the labeled and demarcated area until a test result showing compliance with the acceptable hemp THC level is received or until the biomass will be destroyed.

Re-sampling Remediated Biomass:
1. Remediated biomass shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). The Connecticut Department of Agriculture will conduct the resampling and retesting of the biomass. Biomass that fails the retesting shall be destroyed.
2. The resample shall be taken by a Connecticut Department of Agriculture sampling agent as described in the "Sampling Guidelines."

3. A representative sample of the biomass should be taken for compliance purposes. When taking the resample, the sampling agent should take biomass material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, ~750 mL or three (3) standard measuring cups of biomass material should be collected. Sampling agents may collect more biomass material based on the requirements of the testing laboratory. If ~750 mL of material is not available, the sampling agent should collect enough biomass material for a representative sample.

4. An original copy of the resample test results, or a legible copy, should be retained by the producer or an authorized representative and available for inspection for a period of three (3) years from the date of receipt.

5. Laboratories testing a resample should utilize the same testing protocols as when testing a standard sample as described in the "Laboratory Testing Guidelines."

Disposal Guidelines:

Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	**Plowing Under** • Curved plow blades rotate subsoil to surface and bury crop below	**Plowing Under** • "Green Manure" • Amends soil directly from crop	
	**Mulching / Composting** • Fields crops cut and blended with manure or other biomass material	**Mulching / Composting** • "Green Manure" • Mulch mixed with manure or other biomass	
	**Disking** • Leveling of field using tow-behind disk implement	**Disking** • "Green Manure" • Amends soil directly from crop while leveling field	

Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	**Bush Mower / Chopper** • Commercial lawn mower used to shred and mix thick vegetation	**Bush Mower / Chopper** • "Green Manure" • Shredded biomass decomposes into soil	
	**Deep Burial** • Fields are trenched, surface soil is buried at depth of at least 12"	**Deep Burial** • Field biomass buried in trenches and covered with soil	

Note: In accordance with 7 CFR 1.901(e), the contents of this document does not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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Sample legal description

FIRST PIECE:

Northeasterly on Aviation Road, Nine Hundred Nineteen and Thirty-eight one-hundredths (919.38) feet, more or less;
Southeasterly on land now or formerly of the Metropolitan District, Six Hundred Eleven and Thirty-three one-hundredths (611.33) feet, more or less;
Southerly on land now or formerly of the Hartford Electric Light Company, Seven Hundred Thirty-Six and Four One-hundredths (736.04) feet, more or less; and
Westerly and Northwesterly along land now or formerly of State of Connecticut, known as Hartford by-pass, Fourteen Hundred Eighty-six and Ninety-one one-hundredths (1486.91) feet, more or less.

Sampling Procedures for Hemp
(rev. 12.2.2021)

Purpose:

1. Establish hemp sampling procedures in accordance with 7 CFR 990.3

2. Samples are taken to obtain specimens for the measurement of total tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the total THC content in a "lot" of hemp crop acreage as identified by the producer. Hemp producers may not harvest hemp prior to the hemp being sampled for THC concentration. Testing procedures are provided in a separate guidance document.

Scope:

1. Samples collected under this procedure are acceptable for submission to a qualified testing laboratory for determination of total THC concentration in hemp. After December 31, 2022, all laboratories testing hemp under the U.S. Domestic Hemp Production Program must be registered with the DEA in accordance with §990.3(a)(3)(iii)(H) and §990.25(g)(iii).

2. Harvest shall be completed within 30 days from sample collection.

3. Samples shall be collected only by an authorized trained sampling agent, currently only Department of Agriculture employees. Authorized sampling agents must be trained under Connecticut Hemp sampling training procedures. Connecticut Department of Agriculture must maintain information, available to producers, about authorized trained sampling agents. Hemp producers may not act as sampling agents. Representatives of the sampling agency shall have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, and building, used for cultivation and/or handling, except private residences.

4. It is the responsibility of the licensed producer to pay any fees associated with sampling.

Summary of Practice:

A "lot" is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. The size of the "Lot" is determined by the producer in terms of farm location and field acreage and is to be reported as such to the FSA. The terminology used by FSA to denote land areas include terms like "farm," "tract," "field," and "subfield," which are equivalent to AMS's term "lot."

1. This practice provides procedures for entering a growing area and collecting the minimum number of plant specimens necessary to represent a homogeneous composition of the "lot" that is to be sampled. A trained sampling agent enters a growing area, strategically examines the growing area, establishes an

approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.

2. Cuttings from each "lot" of hemp crop acreage, as identified by the producer, and submitted to and uniquely identified by the Farm Service Agency (FSA) per the requirements of the USDA hemp production program, shall be organized as composite samples.

Standard Sampling Protocols:

1. The Connecticut Department of Agriculture standard sampling method must be used by all sampling agents.

2. The standard sampling protocol ensures, at a confidence level of 95 percent, that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level and ensures that a collected sample represents a homogeneous composition of the lot.

3. Every lot of every producer must be sampled and tested.

4. All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches from the "main stem" (that includes the leaves and flowers), "terminal bud" (that occurs at the end of a stem), "or "central cola" (cut stem that could develop into a bud) of the flowering top of the plant.

Equipment and Supplies:

1. Garden pruners/shears (Cleaned prior to and following each composite sample. Some examples of appropriate cleaning agents and supplies to use on garden pruners/shears are bleach, rubbing alcohol, steel wool, and/or sandpaper.)

2. Sample bags.

2.1. The size of the bags will depend upon the number of clippings collected per lot.

2.2 The bags should be made from material known to be free from THC.

3. Security tape

4. Permanent markers

5. Sample collection forms

6. GPS Unit of lot being sampled

7. Disposable gloves – Nitrile

8. Ladder (if necessary)

Sampling Guidelines:

1. The licensee or designated employee should be present throughout the sampling process, if possible.

2. Surveillance of the growing area.

2.1. The sampling agent should estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers/buds).
2.2. The sampling agent should visually establish the homogeneity of the stand to establish that the growing area is of like variety.
2.3. The sampling agent should verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to the Connecticut Department of Agriculture.

3.Time of Sampling:

3.1. Within 30 days prior to the anticipated harvest of a designated hemp lot, an authorized sampling agent shall collect representative samples from such cannabis plants for THC concentration level testing.

4. Lot Sampling:

4.1 For purposes of determining the number of individual plants to select for sampling, the size of the growing area should be considered. For sampling purposes, samples from separate lots must be kept separate and not be comingled.
4.2 When sampling use the tables (below) to determine the sample size.

Number of acres	Sample Size
Less than 1	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

Number of acres	Sample Size
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18-19	18
20	19
21	20
22	21
23	22
24	23
25-26	24
27	25
28	26
29	27
30	28
31-32	29
33	30
34	31
35	32
36	33
37-38	34
39	35

Number of acres	Sample Size
40	36
41-42	37
43	38
44	39
45-46	40
47	41
48	42
49-50	43
51	44
52	45
53-54	46
55	47
56	48
57-58	49
59	50
60-61	51
62	52
63-64	53
65	54
66-67	55
68	56
69-70	57
71	58
72-73	59
74	60

4.3 Sampling agents should always walk at right angles to the rows of plants if possible, beginning at one point of the lot and walking towards another point on the opposite side of the lot. If the lot is too dense for this to be possible, the sampling agent should take all reasonable steps to ensure that a sample is collected that represents a homogeneous composition of the lot by avoiding edges and thoroughfares. The sampling agent may also follow the sawtooth survey pattern (below).

4.4 While walking through the growing area, the sampling agent should cut at least “n” (n is the number of samples from the charts in 4.2) inflorescences (the flower or bud of a plant), at random but convenient distances. Avoid collecting sample specimens from the borders of the field/greenhouse.

4.5 The cut should be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length from the “main stem” (that includes the leaves and flowers), or “terminal bud” (that occurs at the end of a stem), or “central cola” (cut stem that develops into a bud) of the flowering top of the plant.

4.6. Utilize bag(s) for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, n, as calculated by 4.2. If one bag cannot accommodate the minimum number of cuttings due to lot size, the sample may be divided into multiple bags, but must be clearly labeled in such a way that each bag is appropriately matched with the corresponding lot. (i.e. For lot 101 with three corresponding sample bags: 101 1 of 3, 101 2 of 3, 101 3 of 3.)

4.7. Seal each bag and label as described in Section 5.1 of this document.

5.Sample identification:
5.1 The sampling agent should seal each bag and record the sample identification number. The sample should also be identified with the following information: Sampling collector contact information; name and contact information of the producer; producer hemp license; date of sample; time of sampling; address where sample was collected and lot identification.

Transporting Hemp Samples in Connecticut

(rev. 12.2.2021)

Transporting Hemp Samples to the Laboratory for Analysis

Hemp Samples for official sample results can only be taken and transported by authorized sampling agents.

Producers who transport unofficial hemp samples to laboratories shall keep them in sealed tamper proof packages. A copy of the Producer license must also be present. Each hemp sample label shall contain at a minimum:

- The date and time the sample was collected
- Licensee name and contact information
- Hemp Producer license number
- Sample collector contact information
- Lot Identification number
- Address where sample was collected
- A sample identification number or laboratory accession number

Hemp samples delivered to a laboratory via a delivery service such as FedEx, UPS or USPS must contain the above information and forms with the sample(s), and comply with any special labeling/packaging requirements the service requires.

See Sampling Procedures for more details on taking an unofficial hemp sample for laboratory analysis

Attachment C

Connecticut Hemp Program

Connecticut has an approved state plan by the United States Department of Agriculture (USDA) for hemp producers. Under the state plan, the Connecticut Department of Agriculture is authorized to issue producer licenses, conduct inspections and investigations, issue penalties, promulgate regulations, issue cease and desist orders, issue hold and destroy orders, and other broad powers that enable the Department to effectively regulate the Hemp industry in Connecticut.

If you are interested in obtaining a hemp producer license, please go to the following page where you will find all of our application instructions and producer guidance documents. For more information you can also email AGR.Hemp@ct.gov or call (860) 713-2502.

Hemp Producer Application Information and Guidance Documents

The current Hemp Licensing Fee schedule is:

Fee Type:	Program Fees:	Fee Due Date:
License Application Fee *nonrefundable	$50 (Academia, State Agency, or Department Research Projects are exempt)	At time of application
Licensing Fee	$450 for 1st acre (43,560 sq. ft. $30/acre for each additional acre Max License Fee: $3,000 (Academia, State Agency, or Department Research Projects are exempt)	At time of application. Triennial license. License expires 3 years from date of issuance.
Post-Harvest Inspection by the Department of Agriculture	$50 inspection fee per instance. Inspections only required when warranted by initial test result, or at the Department's discretion if a grower fails to harvest within 30 days of the pre-harvest sample.	Prior to the inspection and collection of the sample.
Site Modification Fee	$30 per additional acre (Above initial acreage)	At time of request.

Connecticut Hemp Production Data

	2019	2020
Number of Licensed Growers	109	140
Number of Licensed Lots	218	384
Acres Planted	172	156
Acres Harvested	120	134
Average Lot Size	1.44 Acres	1.03 Acres

Manufactured Hemp Products Information

The **Connecticut Department of Consumer Protection (DCP)** regulates products intended for human ingestion, inhalation, absorption or other internal consumption or external use manufactured from Hemp or Hemp derived ingredients including CBD products for human use. For more information, please see the Department of Consumer Protection's website here.

Information Resources about Hemp Production

The federal USDA Hemp Program information can be found here.

Below, find links to academic sites that provide information concerning growing and harvesting of Hemp:

- **University of Connecticut**
- **Cornell University**
- **Purdue University**
- **University of Kentucky**

Promoting Connecticut's Hemp Industry

Organizations involved in the promotion of Hemp include, but are not limited to:

- **Connecticut Farm Bureau Association**
- **Connecticut Hemp Industry Association**
- **Hemp Industries Association**
- **National Hemp Association**
- **U.S. Hemp Authority™**

- **U.S. Hemp Round Table**

Note: This is not an endorsement any of the above listed organizations.

For more information email **AGR.Hemp@ct.gov** or call (860) 713-2502.

IV. Notice of Hearing Under 21 CFR Part 15

The Commissioner of Food and Drugs is announcing that the public hearing will be held in accordance with part 15 (21 CFR part 15). The hearing will be conducted by a presiding officer, who will be accompanied by FDA senior management from the Office of the Commissioner, the Center for Devices and Radiological Health, the Center for Drug Evaluation and Research, and the Office of the Chief Counsel. Under § 15.30(f) (21 CFR 15.30(f)), the hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C). Under 21 CFR 10.205, representatives of the media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. Persons attending FDA's hearings are advised that the Agency is not responsible for providing access to electrical outlets. The hearing will be transcribed as stipulated in § 15.30(b) (see *Transcripts*). To the extent that the conditions for the hearing, as described in this notification, conflict with any provisions set out in part 15, this notification acts as a waiver of those provisions as specified in § 15.30(h).

Dated: March 28, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–06438 Filed 4–2–19; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 15

[Docket No. FDA–2019–N–1482]

Scientific Data and Information About Products Containing Cannabis or Cannabis-Derived Compounds; Public Hearing; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public hearing; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing a public hearing to obtain scientific data and information about the safety, manufacturing, product quality, marketing, labeling, and sale of products containing cannabis or cannabis-derived compounds.

DATES: The public hearing will be held on May 31, 2019, from 8 a.m. to 6 p.m. Submit requests to make oral presentations and comments at the public hearing by May 10, 2019. Electronic or written comments will be accepted until July 2, 2019. See the **SUPPLEMENTARY INFORMATION** section for registration and information.

ADDRESSES: The public hearing will be held at FDA White Oak Campus,10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public hearing participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FDA is establishing a docket for public comment on this hearing. The docket number is FDA–2019–N–1482. The docket will close on July 2, 2019. Submit either electronic or written comments on this public hearing by July 2, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 2, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 2, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–1482 for ''Scientific Data and Information about Products Containing Cannabis or Cannabis-Derived Compounds; Public Hearing; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked

as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beth F. Fritsch, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 32, Rm. 5308, Silver Spring, MD 20993, 301–796–8451, *StakeholderEngagement@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of Hearing

Cannabis is a plant of the Cannabaceae family and contains more than 80 biologically active chemical compounds. The most commonly known compounds are delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). Parts of the *Cannabis sativa* plant have been controlled under the Federal Controlled Substances Act (CSA) since 1970 under the drug class ''Marihuana'' (21 U.S.C. 802(16).[1] ''Marihuana'' is listed in Schedule I of the CSA due to its high potential for abuse, which is attributable in large part to the psychoactive effects of THC, and the absence of a currently accepted medical use for marijuana in the United States. Cannabis and cannabis-derived products have been the subject of increasing interest by consumers, industry, researchers, the public, and regulators. Regulatory oversight of products containing cannabis or cannabis-derived compounds is complex and involves multiple Federal and State agencies.

The legality of cannabis has been changing over time at both the State and Federal levels. Currently, 33 States and Washington, DC, allow ''medical'' use of marijuana under State law and 14 additional States have State law ''medical'' programs that are limited to CBD products. In addition, 10 States and Washington, DC, have legalized marijuana for recreational use under State law, and 13 additional States have decriminalized recreational marijuana possession under State law in some form.

At the Federal level, the Agriculture Improvement Act of 2018, Public Law 115–334 (the 2018 Farm Bill), was signed into law on December 20, 2018. Among other things, this new law changes certain Federal authorities relating to the production and marketing of hemp, defined as the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. These changes include removing hemp from the CSA, which means that cannabis plants and derivatives that contain no more than 0.3 percent THC on a dry weight basis are no longer controlled substances under Federal law.

The 2018 Farm Bill explicitly preserved FDA's authority to regulate products containing cannabis or cannabis-derived compounds under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and section 351 of the Public Health Service Act.[2] In doing so, Congress recognized FDA's important public health role with respect to all the products it regulates. Therefore, because the 2018 Farm Bill did not change FDA's authorities, cannabis and cannabis-derived products are subject to the same authorities and requirements as FDA-regulated products containing any other substance, regardless of whether the products fall within the definition of ''hemp'' under the 2018 Farm Bill.

FDA is aware that some companies are marketing products containing cannabis and cannabis-derived compounds in ways that violate the FD&C Act. FDA has taken action against companies illegally selling cannabis and cannabis-derived products that put the health and safety of consumers at risk. For example, FDA has issued warning letters[3] to companies illegally selling CBD products that were intended to prevent, diagnose, mitigate, treat, or cure serious diseases, such as cancer, and that had not obtained new drug approvals. Selling unapproved drug products with unsubstantiated therapeutic claims is not only a violation of the law, but also can put patients at risk as the marketing of unproven treatments raises significant public health concerns. Patients and other consumers may be influenced not to use approved therapies to treat serious and even fatal diseases.

FDA's warning letters also cited food products to which CBD had been added and CBD products marketed as dietary supplements. As discussed below, under current law, such products violate the FD&C Act because CBD is an active ingredient in an approved drug and has been the subject of substantial clinical investigations. Allowing drug ingredients in foods can undermine the drug approval process and diminish commercial incentives for further clinical study of the relevant drug substance. It also raises questions about the safety to consumers of exposure from broader consumption of such ingredients.

While the use of cannabis and cannabis-derived products, including hemp and hemp-derived products, has increased dramatically in recent years, questions remain regarding the safety considerations raised by the widespread use of these products. These questions could impact the approaches we consider taking in regulating the development and marketing of products. For example, a 2017 report by the National Academies of Sciences, Engineering, and Medicine[4] reviewed the scientific literature published since 1999 about what is known about the health impacts of cannabis and cannabis-derived products and identified the need for additional research. In addition, during its review of the marketing application for EPIDIOLEX, a CBD oral solution indicated for the treatment of seizures associated with Lennox-Gastaut syndrome and Dravet syndrome in patients 2 years of age and older that was approved in 2018, FDA identified certain safety concerns (see FDA's drug approval package at: *https://www.accessdata.fda.gov/drugsatfda_docs/nda/2018/210365Orig1s000TOC.cfm*). Specifically, at doses of 20

[1] Under the CSA, the term ''marihuana'' means all parts of the plant *Cannabis sativa L.,* whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such a term does not include hemp or the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

[2] For a discussion of FDA's legal authorities, see section IV of this notice.

[3] *https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm484109.htm.*

[4] *http://www.nationalacademies.org/hmd/Reports/2017/health-effects-of-cannabis-and-cannabinoids.aspx.*

milligrams per kilogram of body weight per day (mg/kg/day) of EPIDIOLEX in clinical trials, there was a potential for liver injury, evidenced by elevated transaminase levels. This is a potentially serious risk that can be managed when the product is taken under medical supervision in accordance with the FDA approved labeling for the product, but it is less clear how this risk might be managed if this substance is used far more widely, without medical supervision, and not in accordance with FDA-approved labeling. Other serious treatment-emergent adverse events reported in clinical studies of EPIDIOLEX included somnolence and lethargy; and hypersensitivity reactions. Common adverse reactions included decreased appetite, diarrhea, and sleep disorders.

Given the substantial interest in this topic and Congressional interest in fostering the development of appropriate hemp products under the 2018 Farm Bill, while also preserving FDA's ability to protect the public health, FDA is holding a public hearing. The goal of the hearing is to obtain additional scientific data and other information related to cannabis and cannabis-derived compounds, both from botanical and synthetic sources, to inform our regulatory oversight of these products. FDA does not intend for this hearing to produce any decisions or new positions on specific regulatory questions, but this hearing is expected to be an important step in our continued evaluation of cannabis and cannabis-derived compounds in FDA-regulated products.

II. Participating in the Public Hearing

Registration: To register to attend the public hearing, either in person or by webcast, on ''Scientific Data and Information about Products Containing Cannabis or Cannabis-Derived Compounds'' please register at *https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm634550.htm.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone and whether you want to attend in person or by webcast.

Request for Presentations: During online registration, you may indicate if you wish to make a formal presentation (with accompanying slide deck) or present oral comments during the public hearing session (with no slide deck) and which topic(s) you would like to address. FDA will do its best to accommodate requests to make public presentations. We are seeking to have a broad representation of ideas and issues presented at the meeting. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. Following the close of registration, FDA will determine the amount of time allotted to each presenter and the approximate time each presentation is to begin and will select and notify participants by May 21, 2019. All requests to make presentations must be received by the close of registration on May 10, 2019, Eastern Time.

If selected for a formal oral presentation (with a slide deck), each presenter must submit an electronic copy of their presentation (PowerPoint or PDF) to *Stakeholderengagement@fda.hhs.gov* with the subject line ''Scientific Data and Information about Products Containing Cannabis or Cannabis-Derived Compounds'' on or before May 28, 2019. No commercial or promotional material will be permitted to be presented or distributed at the public hearing.

Persons notified that they will be presenters are encouraged to arrive at the hearing room early and check in at the onsite registration table to confirm their designated presentation time. Actual presentation times may vary based on how the meeting progresses in real time. An agenda for the hearing and any other background materials will be made available 5 days before the hearing at *https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm634550.htm.*

Those without internet or email access can register and/or request to participate by contacting Beth F. Fritsch by the above dates (see **FOR FURTHER INFORMATION CONTACT**).

Streaming Webcast of the Public Hearing: For those unable to attend in person, FDA will provide a live webcast of the hearing. To join the hearing via the webcast, please go to *https://collaboration.fda.gov/cannabispart15.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm634550.htm.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**) and also will be available at *https://www.regulations.gov.*

III. Issues for Consideration and Request for Data and Information

We encourage public comments and presentations at the public hearing. In submitting comments, data, and information to the docket, please identify available references for the data and information, as well as the general category area and specific question number listed below.

A. Health and Safety Risks

As noted above, there are many unanswered questions about the safety of cannabis and cannabis-derived products. To inform FDA's regulatory oversight of these products, especially as we consider whether it is appropriate to exercise our authority to allow the use of CBD in dietary supplements and other foods, we are interested in obtaining information, including data and studies, on, among other things:

1. Based on what is known about the safety of products containing cannabis and cannabis-derived compounds, are there particular safety concerns that FDA should consider regarding its regulatory oversight and monitoring of these products? For example:

- What levels of cannabis and cannabis-derived compounds cause safety concerns?
- How does the mode of delivery (*e.g.,* ingestion, absorption, inhalation) affect the safety and exposure to cannabis and cannabis-derived compounds?
- How do cannabis and cannabis-derived compounds interact with other substances (*e.g.,* drug ingredients)?

2. Are there special human populations (*e.g.,* children, adolescents, pregnant and lactating women) or animal populations (*e.g.* species, breed, or class) that should be considered when assessing the safety of products containing cannabis and cannabis-derived compounds?

3. What are the characteristics of a successful system to collect representative safety information at the national or State level about products containing cannabis and cannabis-derived compounds?

- Are there systems that currently exist for the collection of this information (other than FDA's systems)?
- Are there particular safety concerns related to the overlap of therapeutic dose levels from approved drug products, with potential exposure from other uses (*e.g.,* from food, dietary supplements, cosmetics)? Please identify any safety concerns and include relevant data or studies.

4. What endpoints or outcomes would define a maximal acceptable daily intake from all products?

- What margin of exposure would represent an appropriate and safe level from anticipated cumulative exposure? Does that margin of exposure vary based on the form of consumption (*e.g.,* from ingestion, absorption, inhalation)? Please explain your reasoning and include relevant data or studies.

- What mechanisms would be available to help ensure that this margin of exposure was maintained at a level sufficiently protective of public health?

5. Are there any data known that would support the safe use of cannabis and cannabis-related compounds in general food use (including dietary supplements), including data regarding exposure levels to cannabis and cannabis-related compounds in foods (including dietary supplements) that would be acceptable from a food safety perspective?

- What data are available about residues of cannabis-derived compounds in human foods (*e.g.,* meat, milk, or eggs) that come from animals that consume cannabis or cannabis-derived compounds? Are there residue levels that should be tolerated in these foods? Please provide data or other information to support your reasoning.

6. How does the existing commercial availability of food products containing cannabis-derived compounds such as CBD (which may in some cases be lawful at the State level but not the Federal level) affect the incentives for, and the feasibility of, drug-development programs involving such compounds?

- How would the incentives for, and the feasibility of, drug development be affected if food products containing cannabis-derived compounds, such as CBD, were to become widely commercially available? How would this change if FDA established thresholds on acceptable levels of cannabinoids, including CBD, in the non-drug products it regulates? What else could FDA do to support drug development from cannabinoids?

B. Manufacturing and Product Quality

Please provide data and information on how products containing cannabis or cannabis-derived compounds (other than those marketed as drugs in compliance with the FD&C Act) are currently manufactured, including information about methods for ensuring product quality and consistency. More specifically, we are interested in obtaining information on, among other things:

1. Are there particular standards needed to address any safety issues related to the manufacturing, processing, and holding of products containing cannabis and cannabis-derived compounds (*e.g.,* genotoxic impurities, degradation of active compounds)? Please identify or describe those standards.

2. Are there particular standards or processes needed to ensure manufacturing quality and consistency of products containing cannabis or cannabis-derived compounds, including standards applied to evaluate product quality? Please identify or describe those standards.

3. What validated analytical testing is needed to support the manufacturing of safe and consistent products?

4. Are there any currently used standardized definitions for the ingredients in cannabis products (*e.g.,* ''hemp oil'')? If standardized definitions would be helpful, what terms should be defined and what should the definition(s) be?

5. What are the functional purposes of adding cannabis-derived compounds, such as CBD, to foods (*e.g.,* nutritive value, technical effect), both in terms of manufacturer intent and consumer perceptions and/or expectations? To the extent a compound is added to food to achieve a particular functional purpose, what evidentiary support is available to demonstrate that the addition of such compound has the intended or perceived effect?

C. Marketing/Labeling/Sales

FDA is interested in information about how products containing cannabis or cannabis-derived compounds, other than drug products approved by FDA for human or animal use, are marketed, labeled, and sold. More specifically, we seek information on, among other things:

1. How should consumers be informed about the risks associated with such products (*e.g.,* directions for use, warnings)? What specific risks should consumers be informed about? Are there any subpopulations for which additional warnings or restrictions are appropriate? Please explain your reasoning.

2. What conditions, restrictions, or other limitations on the manufacturing and distribution of these products have been put in place under State or local law, particularly with respect to food products containing cannabis-derived compounds such as CBD (which may, in some cases, be lawful at the State level but not the Federal level)? What other conditions, restrictions, or other limitations might be appropriate to ensure adequate consumer information and to protect the public health?

3. What statutory or regulatory restrictions are in place under State or local law to warn about the use of these products by certain vulnerable human populations (*e.g.,* children, adolescents, pregnant and lactating women) or animal populations (*e.g.* species, breed, or class)? Are there other steps that should be taken to warn about use by vulnerable populations? Please identify such steps and how they would apply to a particular subpopulation.

4. What other information should FDA consider in the labeling of specific product categories of cannabis and cannabis-derived products?

IV. FDA Legal Authorities

There are FD&C Act provisions that are relevant to the legality of cannabis or cannabis-derived products. To help in understanding the context of the public hearing and current FDA actions, a synopsis of FDA legal authorities is provided below.

A. Human Drugs

A drug is an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals (section 201(g) of the FD&C Act (21 U.S.C. 321(g)). A drug is also defined as an article (other than food) intended to affect the structure or any function of the body of man or other animals. Thus, the determination of whether a product is a drug turns in part on the ''intended use'' of the product.

By statute, it is a prohibited act to introduce a new drug into interstate commerce unless it has an approved marketing application (New Drug Application (NDA) or Abbreviated New Drug Application (ANDA)) (section 301(d) of the FD&C Act (21 U.S.C. 331(d)). FDA reviews the data submitted in a marketing application to evaluate whether a drug product meets the statutory standards for approval. To conduct clinical research that can lead to an approved new drug, including research using materials from plants such as cannabis, researchers submit an Investigational New Drug (IND) application to FDA, as described in 21 CFR part 312.

FDA has approved several drug products that contain compounds found in cannabis. Most recently, FDA has approved EPIDIOLEX,[5] which contains the purified drug substance CBD for the treatment of seizures associated with Lennox-Gastaut syndrome or Dravet syndrome in patients 2 years of age and older. We also have approved MARINOL and SYNDROS for therapeutic uses in the United States, including for the treatment of anorexia associated with weight loss in AIDS patients. MARINOL and SYNDROS include the active ingredient dronabinol, a synthetic THC which is considered the psychoactive component of marijuana. Another FDA-approved drug, CESAMET, contains the active ingredient nabilone, which has a

[5] *https://www.accessdata.fda.gov/drugsatfda_docs/nda/2018/210365Orig1s000TOC.cfm.*

chemical structure similar to THC and is synthetically derived.

B. Human Foods/Dietary Supplements

By statute, any substance intentionally added to food is a food additive, and therefore subject to premarket review and approval by FDA, unless the substance is generally recognized as safe (GRAS) by qualified experts under the conditions of its intended use, or the use of the substance is otherwise excepted from the definition of a food additive (sections 201(s) and 409 of the FD&C Act (21 U.S.C. 321(s) and 348)). Three hemp seed ingredients—hulled hemp seeds, hemp seed protein, and hemp seed oil—have gone through the FDA GRAS process and can be legally marketed in human foods for certain uses without food additive approval, provided they comply with all other requirements. More specifically, these three ingredients were the subject of a GRAS notice in which the submitter concluded that the ingredients were GRAS for specific uses in human foods. FDA evaluated these notices and had no questions [6] regarding the submitter's conclusions.

No other cannabis-derived compounds have been the subject of a food additive petition, an evaluated GRAS petition, or have otherwise been approved for use in food by FDA. Food companies that wish to use cannabis or cannabis-derived compounds in their foods are subject to the relevant laws and regulations that relate to the food additive [7] and GRAS [8] processes.

In addition, it is prohibited by statute to introduce or deliver for introduction into interstate commerce any food (including any animal food) to which has been added a substance which is an active ingredient in a drug product approved under section 505 of the FD&C Act (21 U.S.C. 355) or a drug for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public (section 301(*ll*) of the FD&C Act (21 U.S.C. 331(*ll*)). There are exceptions, including when the drug was marketed in food before the drug was approved or before the substantial clinical investigations involving the drug had been instituted or, in the case of animal food, that the drug is a new animal drug approved for use in animal food and used according to the approved labeling. Based on available evidence, FDA has concluded [9] that it is a prohibited act to introduce or deliver for introduction into interstate commerce any food (including any animal food) to which THC or CBD has been added. When this statutory prohibition applies to a substance, the substance cannot be added to any food that is sold into interstate commerce unless the Secretary of the Department of Health and Human Services (the Secretary),[10] in the Secretary's discretion, has issued a regulation approving the use of the substance in the food (section 301(*ll*)(2) of the FD&C Act. To date, no such regulation has been issued for any substance.

For similar reasons, FDA has determined that products that contain THC or CBD cannot be marketed as dietary supplements.[11] By statute, if an ingredient is approved as a new drug under section 505 of the FD&C Act or has been authorized for investigation as a new drug for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public, then products containing that substance are excluded from the statutory definition of a dietary supplement (sections 201(ff)(3)(B)(i) and (ii) of the FD&C Act. There is an exception if the substance was ''marketed as'' a dietary supplement or as a food before the new drug investigations were authorized. Based on available evidence, FDA has concluded that this is not the case for THC or CBD. There is also an exception if FDA has issued a regulation finding that the article would be lawful under the FD&C Act (section 201(ff)(3)(B) of the FD&C Act). At this time, no such regulation has been issued.

Some ingredients are derived from parts of the cannabis plant that may not contain THC or CBD, in which case those ingredients might fall outside the scope of this exclusion, and therefore might be able to be marketed as dietary supplements. However, the product must still comply with all other applicable laws and regulations governing dietary supplement products. For example, manufacturers and distributors who wish to market dietary supplements that contain ''new dietary ingredients'' (*i.e.,* dietary ingredients that were not marketed in the United States in a dietary supplement before October 15, 1994) generally must notify FDA [12] about these ingredients (section 413(d) of the FD&C Act (21 U.S.C. 350b(d)). Generally, the notification must include information demonstrating that a dietary supplement containing a new dietary ingredient will reasonably be expected to be safe under the conditions of use recommended or suggested in the labeling. A dietary supplement is adulterated if it contains a new dietary ingredient for which there is inadequate information to provide reasonable assurance that the ingredient does not present a significant or unreasonable risk of illness or injury (section 402(f)(1)(B) of the FD&C Act (21 U.S.C. 342(f)(1)(B)).

Numerous other legal requirements apply to food and dietary supplement products, including requirements relating to CGMPs, labeling, allergens, and various provisions of the FDA Food Safety Modernization Act. Information about these requirements, and about FDA requirements across all product areas, can be found on FDA's website, *https://www.fda.gov.*

C. Animal Food and Drugs

FDA regulates animal food in a variety of ways, including by approving safe food additives and establishing standards for animal food contaminants. FDA has not reviewed any food additive petitions for cannabis-derived animal feed, nor have any cannabis-derived feed ingredients been the subject of a GRAS determination by FDA, a GRAS notice that underwent FDA evaluation and received a ''no questions'' response, or otherwise been approved for use in animal feed by FDA. Animal food companies that wish to use cannabis or cannabis-derived compounds in their animal food products are subject to the relevant laws and regulations that relate to the food additive and GRAS processes. With respect to THC and CBD specifically, as discussed above, it is a prohibited act under section 301(*ll*) of the FD&C Act, to introduce or deliver for introduction into interstate commerce any animal food to which THC or CBD has been added.

As stated above, a drug is an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals (section 201(g) of the FD&C Act. A drug is also defined as an article (other than food) intended to affect the structure or any function of the body of man or other animals. Thus, the determination of whether a product is a drug turns in part on the ''intended use'' of the product.

[6] *https://www.fda.gov/Food/NewsEvents/ConstituentUpdates/ucm628910.htm.*

[7] *https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/default.htm.*

[8] *https://www.fda.gov/Food/IngredientsPackagingLabeling/GRAS/.*

[9] *https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm#legal.*

[10] The authority to make this determination has been delegated to FDA.

[11] *https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm#dietary_supplements.*

[12] *https://www.fda.gov/Food/DietarySupplements/NewDietaryIngredientsNotificationProcess/ucm109764.htm.*

Currently, there are no legally marketed new animal drugs that contain cannabis or cannabis-derived compounds. A new animal drug is deemed ''unsafe'' under section 512(a) of the FD&C Act (21 U.S.C. 360b(a)), and may not be sold into interstate commerce under section 301(a) of the FD&C Act), unless it has an approved new animal drug application (NADA), abbreviated NADA (ANADA), conditional approval (CNADA) or index listing. FDA reviews the data submitted in a marketing application to evaluate whether an animal drug product meets the statutory standards for approval. To conduct clinical research that can lead to an approved new animal drug, including research using materials from plants such as cannabis, researchers establish an Investigational New Animal Drug (INAD) file with FDA, and comply with the requirements described in 21 CFR part 511.

D. Cosmetics

Under the FD&C Act, cosmetic products and ingredients are not subject to premarket approval by FDA, except for most color additives. Certain cosmetic ingredients are prohibited or restricted by regulation,[13] but currently that is not the case for any cannabis or cannabis-derived ingredients. Ingredients not specifically addressed by regulation must nonetheless comply with all applicable requirements, and no ingredient—including a cannabis or cannabis-derived ingredient—can be used in a cosmetic if it causes the product to be adulterated or misbranded in any way. A cosmetic generally is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling, or under such conditions of use as are customary or usual (section 601(a) of the FD&C Act (21 U.S.C. 361(a)).

E. Tobacco Products

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) was enacted on June 22, 2009, amending the FD&C Act and providing FDA with the authority to regulate tobacco products. Specifically, the Tobacco Control Act amends the FD&C Act by adding a new chapter that provides FDA with authority over tobacco products. Section 901(b) of the FD&C Act (21 U.S.C. 387a(b)), as amended by the Tobacco Control Act, states that the new chapter in the FD&C Act (chapter IX—Tobacco Products) (21 U.S.C. 387 through 387u) applies to all cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and any other tobacco products that the Secretary by regulation deems to be subject to chapter IX. In the **Federal Register** of May 10, 2016 (81 FR 28973), FDA issued a final rule deeming all products that meet the statutory definition of ''tobacco product'' in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)), except accessories of deemed tobacco products, to be subject to FDA's tobacco product authority (the deeming rule). The products now subject to FDA's tobacco product authority include electronic nicotine delivery systems (sometimes referred to as vapes, vaporizers, or electronic cigarettes, among other terms), cigars, waterpipes (hookah), pipe tobacco, nicotine gels, dissolvables that were not already subject to the FD&C Act, and other tobacco products that meet the statutory definition of ''tobacco product'' (other than accessories) that may be developed in the future. The term ''tobacco product'' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product) (section 201(rr)(1) of the FD&C Act. For example, an e-liquid mixture that contains both a cannabis-derived ingredient and nicotine made or derived from tobacco, and that is intended for human consumption, would likely be subject to FDA's chapter IX authorities.

Numerous legal requirements apply to tobacco products, including legal requirements that relate to new tobacco products that are to be introduced, or delivered for introduction into interstate commerce. Other requirements relate to registration and listing, and sales and distribution, among other things. For more information on these topics, including the statutory standards that must be met for FDA to permit new tobacco products to be marketed, we encourage interested parties to go to the Center for Tobacco Products' web page at *https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm246129.htm.*

F. Medical Devices

An article is a device if it is an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar related article which is intended for use in the diagnosis of disease or other conditions, or in the cure mitigation, treatment, or prevention of disease, or is intended to affect the structure or any function of the body of man (section 201(h) of the FD&C Act). A device is also defined as not achieving its primary intended purposes through chemical action in or on the body of man and which is not dependent upon being metabolized for the achievement of its primary intended purpose (Id.). For example, an article that is used to aid intake of a product that contains cannabis or a cannabis-derived compound could be properly classified as a device if it meets all aspects of the above definition.

The FD&C Act establishes a comprehensive system for the regulation of medical devices intended for human use. The FD&C Act categorizes medical devices into one of three classes based on their risks and the extent of the regulatory controls needed to provide reasonable assurance of their safety and effectiveness (see section 513 of the FD&C Act (21 U.S.C. 360c)). The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval). Class I devices generally pose the lowest risk to the patient and/or user and class III devices pose the highest risk.

The class to which a device is assigned determines, among other things, the type of premarket submission required for FDA authorization to market. In general, if a device is classified as class I or II, and if it is not exempt, manufacturers must obtain FDA clearance of a premarket notification (also referred to as a 510(k) submission) (see sections 510(k) and 513(i) of the FD&C Act (21 U.S.C. 360(k) and 360c(i))). For class III devices, manufacturers generally must obtain FDA approval of a premarket approval application (PMA) (see section 515 of the FD&C Act (21 U.S.C. 360e)). It is a prohibited act to market a device without its requisite premarket approval (see section 501(f)(1) of the FD&C Act (21 U.S.C. 351)).

V. Notice of Hearing Under 21 CFR Part 15

The Commissioner of Food and Drugs is announcing that this public hearing will be held in accordance with part 15 (21 CFR part 15). The hearing will be conducted by a presiding officer, who will be accompanied by FDA senior management from relevant program areas. Under § 15.30(f), the hearing is informal and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members can pose questions; they can question any person during or at the

[13] *https://www.fda.gov/Cosmetics/GuidanceRegulation/LawsRegulations/ucm127406.htm.*

conclusion of each presentation. Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C).

Under § 10.205, representatives of the media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. Persons attending FDA's public hearings are advised that FDA is not responsible for providing access to electrical outlets.

The hearing will be transcribed as stipulated in § 15.30(b) (see **SUPPLEMENTARY INFORMATION**). To the extent that the conditions for the hearing, as described in this notice, conflict with any provisions set out in part 15, this notice acts as a waiver of those provisions as specified in § 15.30(h).

Dated: March 28, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–06436 Filed 4–2–19; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 165

[Docket No. FDA–2018–N–1815]

RIN 0910–AI03

Beverages: Bottled Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA or we) is proposing to revise the quality standard for bottled water to specify that bottled water to which fluoride is added by the manufacturer may not contain fluoride in excess of 0.7 milligrams per liter (mg/L). This action, if finalized, will revise the current allowable levels for fluoride in domestically packaged and imported bottled water to which fluoride is added. We are taking this action to make the quality standard regulation for fluoride added to bottled water consistent with the recommendation by the U.S. Public Health Service (PHS) for community water systems that add fluoride for the prevention of dental caries. This action, if finalized, will not affect the allowable levels for fluoride in bottled water to which fluoride is not added by the manufacturer (such bottled water may contain fluoride from its source water).

DATES: Submit either electronic or written comments on the proposed rule by June 3, 2019.

ADDRESSES: You may submit comments as follows: Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 3, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of June 3, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–1815 for ''Beverages: Bottled Water.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Yinqing Ma, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2479.

SUPPLEMENTARY INFORMATION:

Table of Contents

Requirements for State and Tribal Hemp Plans and License Numbering Scheme

The following is a basic summary of the plan requirements for State and Tribal hemp production programs. Please see Sections 990.3, 990.6, and 990.7 in the Final Rule for the exact requirements.

Throughout this document we refer to the term "lot." A lot is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. There are no minimum or maximum limits on the size of an individual lot. Hemp producers determine the farm location, field acreage or indoor square feet, and strain of hemp planted throughout the lot and report this information to USDA at a Farm Service Agency (FSA) service center. Designation of the lot is critical come harvest as the samples taken from the land area designated as the lot determine compliance of **all** hemp harvested from the **entire** lot. (See guidelines on sampling HERE)

When producers report their lot designations to FSA, FSA will determine the appropriate numbering designation using FSA terminology such as "State," "County," "Farm," "Tract," "Field," and "Subfield." FSA will provide the producer with this information, which we refer to as "lot numbers," and which the producer must provide to the State or Tribe. It is critical for States and Tribes to collect this information from licensed producers since lot numbers are required on several USDA forms.

1. Plan to maintain relevant producer and land information

- Collect, maintain and provide to USDA contact information for each hemp producer licensed or authorized in the state or territory of the tribal government (whichever applicable). [990.3 (a) (1)]

- Provide contact information for each hemp producer covered under the plan including name, address, telephone number, and email address (if available). If the producer is a business entity, the information must include the full name of the business, address of the principal business location, full name and title of the key participants, an email address (if available), and EIN number of the business entity. This information can be provided via the AMS-23 form via mail, fax, or email. [990.3 (a) (1) (i)]

- Provide a legal description of the land where hemp is produced in the state or tribal territory. [990.3 (a) (1) (ii)]

- Maintain and report to USDA status of licensed producers (and any changes) and license or authorization numbers of producers. [990.3 (a) (1) (iii)]

2. Plan for accurate and effective sampling and testing using post-decarboxylation or similarly reliable methods [990.3 (a) (2)]:

- Standard sampling and performance-based sampling procedures must be sufficient at a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level and ensure that a representative sample is collected that represents a homogeneous composition of the lot.

- All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches from the "main stem" (that includes the leaves and flowers), "terminal bud" (that occurs at the end of a stem), "or "central cola" (cut stem that could develop into a bud) of the flowering top of the plant.

A. Procedures to either sample all lots or do performance based sampling:

1. Sampling all lots [990.3 (a) (2) i-iii]:

- The standard sampling method must be used by all producers, except for producers operating under a State or Tribal plan that includes a performance-based sampling requirement.

- Every lot and every single growing location must be sampled and tested.

2. Performance-based sampling [990.3 (a) (2); 990 C. Sampling for Total THC Performance Based Sampling]:

- Performance-based sampling protocols may consider seed certification processes, other process that identify varieties that have consistently resulted in compliant hemp plants, whether the producer is conducting research on hemp at an institution of higher learning or that is funded by a Federal, State, or Tribal government, whether a producer has consistently produced compliant hemp plants over an extended period of time, and other similar factors.

- Producers that produce hemp for research, along with the research institution itself, must obtain a license from a State or Tribal Government.

- Hemp produced for research is not subject to the same sampling requirements provided that the producer adopts and carries out an alternative sampling method that has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species Cannabis sativa L. that will be subject to this alternative method will not test above the acceptable hemp THC level.

- Research institutions and producers growing hemp for research purposes shall ensure the disposal of all noncompliant plants.

- Research institutions and producers growing hemp for research purposes shall also comply with the reporting requirements including reporting disposal of noncompliant plants.

- Research institutions that handle ''hot'' hemp must follow CSA requirements for handling marijuana.

B. Procedures on sampling agents:

- Procedures to conduct sampling and testing within 30 days prior to the anticipated harvest date; samples must be collected by a sampling agent producers may not collect samples from their own growing facilities. [990.3 (a) (2) (i)]

- Procedures for collecting samples from the flowering tops of plants which shall be approximately five to eight inches in length from the "main stem" (that includes the leaves and flowers), "terminal bud" (that occurs at the end of a stem), or "central cola" (cut stem that could develop into a bud). [990.3 (a) (2) (ii)]

- Procedures to ensure the sampling method used represents a homogenous composition of the lot. [990.3 (a) (2) (iii)]

- Procedure/statement/allowance to require the producer or an authorized representative of the producer to be present at the growing site during sample collection. [990.3 (a) (2) (iv)]

- Procedures to allow for representatives of the sampling agency to have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, buildings, etc. used for cultivation, handling, and storage. [990.3 (a) (2) (v)]

- Procedures to ensure that a producer does not harvest any cannabis prior to samples being taken. [990.3 (a) (2) (vi)]

- Procedures to ensure sampling agents are trained using USDA, state, or tribal training and the information is maintained by the state or tribal government. [990.3 (a) (2) (vii)]

C. Procedures on testing:

- Provides a definition for "acceptable hemp THC level." [990.1]

- Procedures to require testing for delta-9 THC concentration. The procedures must require accurate identification of the acceptable hemp THC level. Testing methods must include but are not limited to: 1) Post decarboxylation or other similarly reliable method; 2) Consideration of potential conversion of delta-9 THCA into THC and test result measure total available THC (THC + THCA); 3) Use of gas or liquid chromatography with detection; 4) Procedures to determine total THC concentration on a dry weight basis. [990.3 (a) (3)]

- Procedures to ensure the hemp plant material from one lot not be commingled with hemp plant material from other lots. [990.3 (a) (3) (ii)]

- Procedures to require hemp testing laboratories to adhere to standards of performance for detecting THC concentration, including Measurement of Uncertainty (MU). [990.3 (a) (3) (iii) (A through G)]

- Requirement to only use DEA registered labs after December 31, 2022. [990.3 (a) (3) (iii) (H)]

- Procedures requiring testing laboratories to report test results to USDA for determining compliance with this part. [990.3 (a) (3) (iii) (H) (4)]

3. Plan for disposal procedures

- Procedures for the disposal or remediation of cannabis plants if the sample representing that plant tests above the acceptable hemp THC level. [990.3 (a) (6)]

- Procedures to notify USDA of non-compliant plants and disposal of those plants from the lot where representative samples were taken. Test results must be included. [990.3 (a) (6)]

4. Plan for remediation procedures

- Procedures to ensure effective disposal or remediation of plants produced in violation of part 990; only those successfully remediated crops will be allowed to enter the stream of commerce, and all other remaining non-compliant crops must then be disposed. [990 (a) (6) (i - iii); 990 E. Disposal and Remediation of Non-Compliant Plants]

5. Plan for inspection procedures

- Procedure for conducting annual inspections of random sample of licensed producers to verify that hemp is not produced in violation of this part. [990.3 (a) (7)]

6. Plan for collection of information

- Procedure for submitting the information described in 990.70 to the Secretary not more than 30 days after the date on which the information is received. [990.3 (a) (8)]

- Procedure for producers licensed under state and tribal government plans to share information with USDA, Agricultural Marketing Service (AMS), and Farm Service Agency (FSA) including: 1) hemp crop acreage; 2) reporting total acreage of hemp planted, harvested, and disposed; 3) license or authorization number; 4) street address; 5) geospatial location(s) of each lot or greenhouse where hemp will be produced; 6) acreage of greenhouse or indoor square footage dedicated to the production of hemp. [990.3 (a) (10) and 990.7]

7. Plan to comply with enforcement procedures

- Procedures to contain provisions relating to negligent producer violations as defined under this part; producers shall not receive more than one negligent violation per growing season. [990.6 (b)]

- Provides for corrective action plan for negligent violations: 1) failure to provide legal description of land; 2) failure to obtain a license; 3) produces cannabis with THC exceeding 1.0 percent. [990.6 (b)]

- Procedures to provide for the correction of negligent violations: 1) a reasonable date to correct the violation; 2) reporting requirements for 2 years from date of the negligent violation; 3) violations are not subject to federal, state, tribal, or local government criminal enforcement action; 4) provides that a negligent violation 3 times within a 5-year period is ineligible to produce hemp for a period of 5 years from the date of the 3rd violation; 5) state or tribal government shall conduct inspections to determine if corrective action plan has been implemented. [990.6 (c)]

- Procedures for producer violations made with a culpable mental state greater than negligence: Producer shall be reported to the U.S. Attorney General and the chief law enforcement officer of the state or tribal government. [990.6 (d)]

- Procedures for addressing felonies: 1) provides for a 10-year ineligibility restriction for persons with a State or Felony conviction relating to a controlled substance; 2) provides for controlled substance felony conviction exception for participants in state hemp pilot program authorized under the 2014 Agricultural Act before December 20, 2018; 3) procedures for business entities to determine which participants are considered to be "key" or have executive managerial control. [990.6 (e)] [Legal opinion on authorities for hemp production]

- Procedures stating that any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program. [990.6 (f)]

8. Certification that the state or tribal government (whichever applicable) has resources and personnel to carry out required Farm Bill practices and procedures. [990.3 (a) (9)]

9. Plan may include other practices or procedures as long as consistent with this part and the Act. Plan may include requirements more stringent than this part or the Act. [990.3 (a) (10) (b) (1) and (2)]

License Numbering Schemes for State and Tribal Hemp Production Plans

States must use the following format when assigning license or authorization numbers:

[ANSI/FIPS State Code_State License #]

ANSI/FIPS Codes may be found here:

https://www.census.gov/library/reference/code-lists/ansi/ansi-codes-for-states.html

For example, for hemp producers in Alabama, the license or authorization numbers would be:

01_0001, 01_0002, 01_0003, etc.

Tribes must use the following format when assigning license or authorization numbers:

[BIA Tribal Code_Tribal License #]

For example, for hemp producers licensed under the Flandreau Santee Sioux Tribe, the license or authorization numbers would be:

A03341_0001, A03341_0002, A03341_0003, etc.

BIA tribal authorization codes may be viewed here:

https://flh.fhwa.dot.gov/programs/ttp/documents/bia-6codes.pdf

USDA will use the following format when assigning license numbers:

[USDA_ANSI/FIPS Code OR BIA Tribal Code_USDA License Number]

For example, for a producer under the USDA plan and growing site in Florida would be:

USDA_12_0001, USDA_12_0002, USDA_12_0003, etc.