

**RULES OF THE
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-32
HEMP GROWERS AND PROCESSORS**

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**SUBJECT 40-32-1
GENERAL PROVISIONS**

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40-32-1-.01 Authority and Purpose of Rules

Pursuant to the authority vested in the Georgia Department of Agriculture under the Georgia Hemp Farming Act, O.C.G.A. § 2-23-1 et. seq., the purpose of these Rules is to establish the standards, practices, procedures, and requirements for growing and processing hemp in Georgia.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-1-.02 Definitions

As used in these Rules, the term:

- (a) “Application” means the necessary and required written request which must be submitted to the Department by an Applicant, as required by the Department, and which shall include, but may not be limited to, all requirements of O.C.G.A. §§ 2-5-1 through 2-5-4.1 as stated therein.
- (b) “Applicant” means a person, or a person serving in an official capacity or as an agent who is authorized to sign for a business entity, who submits an application to participate in the Georgia Hemp Program.
- (c) “Commercial sale” means the sale of a product in the stream of commerce at retail, at wholesale, and online.
- (d) “Commissioner” means the Georgia Commissioner of Agriculture.
- (e) “Cultivate” means to plant, water, grow, and harvest a plant or crop.
- (f) “Department” means the Georgia Department of Agriculture, its agent(s), or its designee(s).
- (g) “Federally defined THC level for hemp” means a delta-9-THC concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp defined in 7 U.S.C. Section 5940, whichever is greater.

- (h) “Georgia Hemp Farming Act” means the Georgia law authorizing the Department to regulate hemp growers and processors, as provided in O.C.G.A. § 2-23-1 et. seq.
- (i) “GPS” means global positioning system, a navigational system involving satellites and computers that can determine the latitude and longitude of a receiver on Earth by computing the time difference for signals from different satellites to reach the receiver.
- (j) “Grow site” means a contiguous lot, parcel, or tract of land identified in an approved Hemp Grower License application on which a Licensee cultivates or intends to cultivate hemp. A Grow Site may include greenhouses as well as land and buildings that are not used to cultivate hemp. Each lot, parcel, or tract of land separated by a barrier or buffer of at least twelve feet (12’) in width will be considered a separate Grow Site.
- (k) “Handle” means to possess or store hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process hemp, or to possess or store hemp plants in a vehicle for any period of time other than during the actual transport of such plants from the premises of a person licensed to cultivate or process hemp to the premises of another licensed person; provided, however, that such term shall not include possessing or storing finished hemp products.
- (l) “Harvest lot” means a quantity of hemp, of the same variety, harvested in a distinct timeframe that is: (1) Cultivated in one contiguous production area within a grow site; or (2) Cultivated in a portion or portions of one contiguous production area within a grow site. Harvest lot does not include a quantity of hemp comprised of hemp grown in noncontiguous production areas.
- (m) “Hemp” means the *Cannabis sativa* L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp or a lower level.
- (n) “Hemp Crop” means one (1) or more unprocessed hemp plant(s) or plant parts.
- (o) “Hemp Grower License” or “Grower License” means a license issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and cultivate hemp in the State of Georgia
- (p) “Hemp Processor Permit” or “Processor Permit” means a permit issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and process hemp in the State of Georgia.
- (q) “Hemp Product” means all products with the federally defined THC level for hemp derived from, or made by, processing hemp plants or plant parts that are prepared in a

form available for commercial sale, but not including food products infused with THC unless approved by the United States Food and Drug Administration.

- (r) “Hemp Transportation Permit” means a permit issued by the Department authorizing a person to transport hemp in the State of Georgia.
- (s) “Institution of Higher Education” has the meaning assigned to it by 20 U.S.C. § 1001.
- (t) “Licensee” means an individual or business entity possessing a Hemp Grower License issued by the Department under the authority of the Georgia Hemp Farming Act to handle and cultivate hemp in the State of Georgia.
- (u) “Permittee” means an individual or business entity possessing a Hemp Processor Permit issued by the Department under the authority of the Georgia Hemp Farming Act to handle and process hemp in the State of Georgia.
- (v) “Person” means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.
- (w) “Process” or “processing” means converting an agricultural commodity into a marketable form.
- (x) “Qualified Agricultural Producer” means a producer of agricultural products who meets one of the following criteria:
 1. The person or entity is the owner or lessee of agricultural land or other real property from which \$5,000.00 or more of agricultural products in aggregate were produced and sold during the year, including payments from government sources;
 2. The person or entity is in the business of performing agricultural operations and has provided \$5,000.00 of such services during the year;
 3. The person or entity is in the business of producing long-term agricultural products from which there might not be annual income, including, but not limited to, timber, pulpwood, orchard crops, pecans, livestock, and horticultural or other multiyear agricultural or farm products. Applicants must demonstrate that sufficient volumes of such long-term agricultural products will be produced which have the capacity to generate in aggregate at least \$5,000.00 in annualized sales in the future; or
 4. The person or entity must establish, to the satisfaction of the Commissioner of Agriculture, that the person or entity is actively engaged in the production of

agricultural products and has or will have created sufficient volumes to generate in aggregate at least \$5,000.00 in annualized sales.

- (y) “Research” or “researching” means experimental field, greenhouse, or laboratory activity for the ultimate purpose of developing new hemp varieties and products, improving existing hemp products, developing new uses for existing hemp products, or developing or improving methods for producing hemp products.
- (z) “Secretary” means the United States Secretary of Agriculture.
- (aa) “THC” means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.
- (bb) “USDA” means the United States Department of Agriculture.
- (cc) “Variety” means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition.
- (dd) "Volunteer cannabis plant" means any cannabis plant that: (a) Grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and (b) Is not intentionally planted.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-1-.03 Compliance with Federal Law

Nothing in these Rules shall be construed as authorizing any person to violate any Federal law or regulation.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-1-.04 Georgia Hemp Plan – Incorporation by Reference

Pursuant to the requirements of O.C.G.A. § 2-23-11, the Georgia Department of Agriculture, in consultation with the Governor and Attorney General, has submitted to the Secretary of Agriculture of the United States a plan under which the Department intends to regulate hemp production in Georgia. Upon approval of the Georgia Hemp Plan, or an amended plan, by the Secretary of Agriculture, such plan will be deemed incorporated into these Rules by reference. The approved plan will be posted on the Department’s website at agr.ga.gov.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-1-.04 Consultation with the Georgia Bureau of Investigation

Pursuant to the requirements of O.C.G.A. § 2-23-12, these Rules, which are necessary to implement the provisions of the Georgia Hemp Farming Act, have been developed in consultation with the Georgia Bureau of Investigation.

Authority: O.C.G.A. Sec. 2-23-12.

**SUBJECT 40-32-2
HEMP GROWERS**

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40-32-2-.01 Application for Hemp Grower License

- (1) Any person desiring to cultivate and handle hemp at any location in Georgia must submit a complete and accurate Hemp Grower License Application online at the Department's website, agr.georgia.gov. No cultivation or handling of hemp may occur unless and until a grower license has been issued by the Department.
- (2) As part of the Hemp Grower License Application, each applicant must submit to the Department the following:
 - (a) An annual Hemp Grower License fee of \$50.00 per acre cultivated up to a maximum application fee of \$5,000.00;
 1. The applicant must provide the maximum total acres of hemp intended to be cultivated in fields during the relevant licensing period.
 2. Applicants cultivating hemp in greenhouses or other buildings must identify the maximum number of greenhouses or other buildings intended to be used for cultivation during the relevant licensing period.
 3. The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.
 4. Each greenhouse or other building in which hemp is cultivated will be considered a separate acre for fee calculation purposes. Acreage calculations for each greenhouse or other building will be determined on a 43,560 square-foot basis.

5. Any Licensee who cultivates more acres than that which is listed on the Hemp Grower License Application will be deemed to have violated their Hemp Grower License and will be subject to enforcement under the Georgia Hemp Farming Act and these Rules.
- (b) Information sufficient to prove that the applicant is a qualified agricultural producer including, but not limited to, an acknowledgment and production, upon request, of at least one of the following:
1. Current Georgia Agriculture Tax Exemption Certification;
 2. IRS schedule F form (Profit or Loss from Farming);
 3. IRS form 4835 form (Farm Rental Income and Expenses);
 4. IRS schedule E form (Supplemental Income and Loss);
 5. IRS form 4797 form (Sales of Business Property);
 6. IRS form 1065 form (U.S. Return of Partnership Income);
 7. IRS form 1120 form (U.S. Corporation Income Tax Return); or
 8. IRS form 1120S (U.S. Income Tax Return for an S Corporation).
- (c) Information relevant to the applicant business including, but not limited to:
1. Legal business name or trade name;
 2. Business structure type;
 3. Business address;
 4. Primary contact information;
 5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;
 6. Any required local business license(s);
 7. Federal Employer Identification Number (FEIN); and
 8. Name and current primary contact information for each owner or person holding a financial interest in the Hemp Grower License for which an application is being made.

- (d) Information sufficient for locating fields and greenhouses to be used to cultivate and harvest hemp, specifically:
 - 1. If hemp is cultivated or is intended to be cultivated in a field:
 - i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;
 - ii. GPS coordinates provided in decimal of degrees and taken at the approximate center of each Grow Site; and
 - iii. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.
 - 2. If hemp is cultivated or is intended to be cultivated in a greenhouse or other building:
 - i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;
 - ii. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the greenhouse or other building composing the Grow Site;
 - iii. The approximate dimension or square feet of the greenhouse or other building composing the Grow Site; and
 - iv. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.
- (e) Information sufficient for locating hemp storage facilities including, but not limited to:
 - 1. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be stored;
 - 2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;
 - 3. The approximate dimension or square feet of each storage facility; and
 - 4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.
- (f) The name and contact information including, but not limited to, physical address, mailing address, telephone number, and e-mail address, of the Permittee(s) with whom the applicant has entered into or intends to enter into an agreement pursuant to O.C.G.A. § 2-23-7 and the affidavit(s) required by O.C.G.A. § 2-23-6;

- (g) Written consent allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being cultivated, harvested, or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;
 - (h) For the applicant as well as each owner or person holding a financial interest, a criminal background check conducted by local law enforcement within three months prior to submission of the application;
 - (i) An acknowledgement of the Grower License Terms and Conditions;
 - (j) A copy of the deed or lease for the Grow Site(s) property, whether it is a field or a greenhouse, along with copies of relevant easements or licenses as proof of legal authority to cultivate hemp on the Grow Site(s); and
 - (k) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.
- (3) Except for the 2019 and 2020 growing seasons, Hemp Grower License Applications will be accepted between September 1 and October 31 of each year.
- (a) For the 2019 and 2020 growing seasons, Hemp Grower License Applications will be accepted immediately upon the USDA's formal approval of the Department's plan under which it intends to regulate hemp production and for ninety (90) calendar days thereafter.
- (4) Except for the 2019 and 2020 growing seasons, grower licenses will be issued on January 1 of each year and will expire on December 31 of each year unless suspended, cancelled, or revoked at an earlier date.
- (a) For the 2019 and 2020 growing seasons, licenses will be issued within 120 calendar days of the final day for application submissions, as described above, and will expire on December 31.
- (5) A current and valid Hemp Grower License may be renewed by submitting a renewal application, annual license fee, criminal background check report(s), and all other required information online at the Department's website, agr.georgia.gov, by December 1 of each year.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.02 Grower License Terms and Conditions

Each applicant and Licensee must acknowledge and agree to the terms and conditions governing the Hemp Grower License which include, but are not limited to, the following:

- (a) Thirty (30) days prior to harvest, the Licensee must notify the Department of its intent to harvest hemp via e-mail to hemp@agr.georgia.gov. Said notice must include the date of harvest, location of each variety to be harvested, and the number of acres of each variety to be harvested. The Licensee must immediately notify the Department, via e-mail to hemp@agr.georgia.gov, of any changes to the harvest date which exceeds five (5) days.
- (b) Except for primary contact information or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Grower License Application or to any Grow Site once approved. Any changes to primary contact information must be submitted to the Department via e-mail to hemp@agr.georgia.gov within ten (10) calendar days of any such change.
- (c) The Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp materials, whether growing or not, within forty-eight (48) hours of the discovery of such theft or loss.
- (d) The applicant and/or Licensee must report any felony convictions or misdemeanor convictions relating to controlled substances under Georgia law or under Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.
- (e) The applicant and/or Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within ten (10) calendar days of the following:
 1. A disciplinary proceeding or enforcement action by another government entity that may affect the Licensee's business; and
 2. Temporary closures of more than thirty (30) calendar days or permanent closure of any Grow Site or storage facility.
- (f) In the event that voluntary sampling and testing reveals a delta-9 THC concentration in excess of 0.3% on a dry weight basis or reveals the presence of pesticide residues, the Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within three (3) calendar days of Licensee's receipt of the Certificate of Analysis or other testing results.
 1. Upon receipt of a Certificate of Analysis or other testing result(s) revealing a delta-9 THC concentration in excess of 0.3% on a dry weight basis or revealing the presence of pesticide residues, the Licensee must not remove hemp from any

Grow Site, or from any other area where hemp is being handled or stored, unless authorized in writing by the Department.

- (g) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.
- (h) Any applicant, owner, or person holding a financial interest in a hemp growing business or entity that is licensed or for which a license application is pending who has been convicted of either a controlled substance misdemeanor offense or any felony offense, or both, or who materially falsifies any information in a Hemp Grower License Application, will be denied a Hemp Grower License, if an application is pending, or if a Hemp Grower License has been approved, the license will be revoked in accordance with Georgia law.
- (i) The Department may approve an applicant to cultivate an acreage that is equal to, greater than, or less than the acreage stated in the application.
- (j) No person will be issued more than one Hemp Grower License, nor will any person be permitted to have a beneficial interest in more than one hemp grower license, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-5.
- (k) Hemp Grower Licenses cannot be assigned or transferred to another person, business, individual, or entity.
- (l) The applicant and/or Licensee must have the legal right to cultivate hemp on the Grow Site(s) listed on the Hemp Grower License Application and must have the legal authority to grant the Department physical access to all land and buildings for inspection and sampling purposes. Legal authority includes, but is not limited to, clear title, necessary easements, necessary licenses, and/or current leases.
- (m) The applicant and/or Licensee must allow and fully cooperate with any inspection and sampling that the Department deems necessary.
- (n) The applicant and/or Licensee must provide for a right of way or other access point allowing the Department and law enforcement agencies to access the licensed Grow Site(s).
- (o) The applicant and/or Licensee must maintain all records, documents, or information and make all reports within the applicable time frames as required in these Rules.
- (p) A Licensee must not sell or otherwise transfer hemp including, but not limited to, living plants, viable plants, viable seeds, leaf material, or floral material, to any person who has not been issued a Hemp Processor Permit by the Department.

- (q) Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the Hemp Grower License Application.
- (r) The applicant and/or Licensee must scout and monitor unlicensed fields for volunteer cannabis plants and destroy those volunteer cannabis plants for three (3) years past the last date of planting reported to the Department.
- (s) The Department will require forfeiture and destruction, without compensation, of plants located in an area that is not licensed by the Department as well as plants not accounted for in records required to be maintained by the Licensee.
- (t) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.33% on a dry weight basis, the Licensee's entire crop with the same global position coordinates will be destroyed in compliance with these Rules.
- (u) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.3% but not more than 0.33% on a dry weight basis, the crop will be retested. If upon retesting the delta-9-THC concentration exceeds 0.3%, then the Licensee's entire crop with the same global position coordinates will be destroyed in compliance with these Rules.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.03 Licensee Restrictions

- (1) A Licensee must not:
 - (a) Cultivate or handle hemp on any Grow Site not listed on the Hemp Grower License Application and must take immediate steps to prevent the inadvertent growth of hemp outside of the authorized Grow Site(s);
 - (b) Cultivate or handle any cannabis that is not hemp;
 - (c) Cultivate or handle hemp in any structure that is used for residential purposes;
 - (d) Fail to keep hemp physically segregated from other crops unless prior approval is obtained in writing from the Department;
 - (e) Allow unsupervised public access to hemp or hemp Grow Sites;
 - (f) Cultivate or handle hemp in any Grow Site that is located within 1,000 feet of a school or a public recreational area; or
 - (g) Cultivate or handle hemp on property owned by, leased from, or previously submitted in a Hemp Grower License Application by any person who is ineligible for, was terminated from, or was denied admission to the program for

failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or these Rules.

- (2) The Licensee must post signage at the entrance to each Grow Site that is one (1) acre or less in size as well as at locations where Grow Sites are visible to public roadways in a manner that would reasonably be expected to be seen by a person in the area. The signage must be at least three feet (3') in length and two feet (2') in height or the maximum allowable size for signage pursuant to applicable local ordinances, which is smaller, and must include the following information:
 - (a) The statement, "Georgia Department of Agriculture Licensed Hemp Grower";
 - (b) The name of the Licensee;
 - (c) The Georgia Department of Agriculture Hemp Grower License number;
 - (d) The Department's telephone number, (404) 656-3600; and
 - (e) The statement, "Production authorized by the Georgia Hemp Farming Act".
- (3) The Licensee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.04 Recordkeeping Requirements

(1) Planting Records

- (a) The Licensee must maintain Planting Records which include:
 1. The GPS coordinates for each Grow Site planted;
 2. A list of all hemp varieties planted at each Grow Site;
 3. The number of acres of each variety planted at each Grow Site;
 4. The date each hemp variety was planted at each Grow Site; and
 5. The seed bag label or tag, bulk seed certificate, and/or complete variety name of propagule(s).

(2) Harvest and Production Records

- (a) The Licensee must maintain Harvest and Production Records which include:

1. The GPS coordinates for each Grow Site harvested;
2. The date of harvest for each variety at each Grow Site;
3. The number of acres of each variety harvested at each Grow Site;
4. The total amount of each variety harvested;
5. The location of all hemp storage areas;
6. The name and Georgia Hemp Processor Permit number of each processor to whom hemp was sold or otherwise transferred;
7. A copy of each agreement entered into between the Licensee and Georgia Hemp Processors and/or a statement of the intended use of all hemp cultivated in the growing area; and
8. The date and amount of hemp transferred to each processor and/or a statement on the final disposition of the all hemp grown by the Licensee which must include, at a minimum, the method of disposal, the date of disposal, the number of acres of each variety disposed.

(3) Sample Analysis Records

- (a) The Licensee must keep and maintain all Certificates of Analysis or other testing results for all hemp voluntarily sampled and tested by the Licensee or by an independent testing laboratory at the Licensee's request and expense.

(4) Licensee Recordkeeping

- (a) The Licensee must keep and maintain copies of all written agreements with Permittees governing their business relationship.
- (b) The Licensee must keep and maintain copies of transport permits for all hemp transported to Permittees or to storage facilities owned by the Licensee and listed on the Licensee's approved Hemp Grower License Application.
- (c) Licensees must keep and maintain copies of all records, documents, and information required by this Rule for at least three (3) calendar years and in a manner such that they can be readily provided to the Department upon request.

(5) Department Recordkeeping

- (a) The Department will maintain all relevant records and information regarding Licensees and land on which hemp is produced in Georgia, including a legal description of the land, for a period of not less than three (3) calendar years.

- (b) Within thirty (30) days of the date on which the information is received, the Department will submit to the U.S. Secretary of Agriculture, via a method acceptable to the Secretary, the following information for each Licensee in Georgia:
1. Contact information of each hemp grower;
 2. A legal description of the land on which hemp is grown; and
 3. The licensing status of each hemp grower.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.05 Inspections and Sampling

- (1) All Licensees are subject to inspection and sampling to verify that all parts of hemp plants do not exceed a delta-9-THC concentration of more than 0.3% on a dry weight basis as well as to verify the Licensee's compliance with all requirements of the Georgia Hemp Farming Act and these Rules.
- (2) Inspections may be unannounced and conducted at any time during regular business hours. The Department will have complete and unrestricted access to all hemp plants, material, and seeds, whether growing or harvested, as well as to all land, buildings, and other structures used for the cultivation, handling, or storage of hemp. The Department will also have full access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.
- (3) The hemp plants or hemp material to be collected for sampling will be determined by the Department.
- (4) All samples collected by the Department will become the property of the Department and no compensation will be owed by the Department for such samples.
- (5) Only samples taken by the Department will be considered official samples.
- (6) The Department will conduct laboratory testing on official samples to determine the THC concentration on a dry weight basis utilizing modern scientific methods of liquid or gas chromatography for analysis.
 - (a) The Department will provide the Licensee with written confirmation of test results from official sample(s).
- (7) All Department sampling and THC testing will be performed in accordance with the Department's "Procedures for Hemp Sampling and Testing" protocol, which is

hereby incorporated into these Rules by reference and is available at the Department's website, agr.georgia.gov.

- (8) Any official sample that reveals a laboratory test result greater than 0.3% THC but less than 0.33% THC will be retested.
- (9) Official samples may also be tested for pesticide residues. Any official sample found to have unauthorized residues of pesticides may trigger disposal and implementation of a corrective action plan. Authorized pesticides for use on hemp include any pesticide labeled for use on the plant *Cannabis Sativa L.* and/or any pesticide registered with the Department for use on hemp.
- (10) The Department will keep official test results for all hemp and hemp products tested for a minimum of three (3) calendar years.
- (11) If for any reason the Department is unable to perform testing described herein, the Department may identify and contract with a third-party lab to perform testing services on its behalf.
- (12) Nothing in these Rules shall prevent a Licensee from voluntarily collecting samples and testing hemp, at the Licensee's expense, for THC concentration, pesticide residues, quality assurance purposes, or research and development purposes.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.06 Destruction of Non-Compliant Hemp

- (1) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.33% on a dry weight basis, the Licensee's entire crop with the same global position coordinates will be promptly destroyed in accordance with these Rules.
- (2) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.3% but not more than 0.33% on a dry weight basis, the Licensee's crop will be retested. If upon retesting, the delta-9-THC concentration exceeds 0.3%, the Licensee's entire crop with the same global position coordinates will be promptly destroyed in accordance with these Rules.
- (3) The Licensee will be responsible for the destruction of hemp crops and all plant material testing greater than 0.3% THC by dry weight.
- (4) Upon confirmation that a hemp crop exceeds a delta-9-THC concentration of 0.3%, the Department will issue an Order of Destruction requiring the Licensee to destroy the entire crop and all plant material in the presence of a Department agent using an approved method listed on the Order of Destruction within ten (10) calendar days of the Licensee's receipt of the Order of Destruction.

- (a) Approved methods of destruction may include, but may not be limited to, burning, shredding, burying, plowing, and combination thereof, or any other mechanical or agricultural means by which the crop will be permanently destroyed and no longer viable as a commodity or able to be processed for further use.
- (5) Hemp subject to destruction must not be removed from the Grow Site, or from any other area where such hemp is being handled or stored, unless authorized in writing by the Department.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.07 Storage of Hemp

- (1) Only Licensees and Permittees are authorized to store hemp.
- (2) A Licensee may store hemp cultivated by said Licensee provided:
 - (a) The Licensee identifies each storage facility on the Hemp Grower License Application;
 - (b) The Licensee maintains complete and accurate records detailing the harvest lot(s), including amount being stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;
 - 1. In the event that a tested official sample of hemp held at a storage facility reveals a delta-9-THC concentration of more than 0.3% on a dry weight basis, all comingled hemp held at the storage facility will be promptly destroyed in accordance with these Rules.
 - (c) The storage facility is owned or leased by the Licensee;
 - (d) The storage facility is outside of the public view;
 - (e) The storage facility is not located within 1,000 feet of a school or a public recreational area; and
 - (f) The storage facility is secured with physical containment and reasonable security measures.
- (3) No Licensee may warehouse or otherwise store hemp that is not owned by the Licensee.
- (4) All storage area(s) will be subject to inspection by Department officials.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.08 Transportation Requirements

- (1) No person may transport hemp in Georgia without a Hemp Transportation Permit issued by the Department.
 - (a) Only Licensees and Permittees may request a Hemp Transportation Permit from the Department.
 - (b) A Hemp Transportation Permit is required for each day and for each vehicle used to transport hemp. Said permit must physically accompany hemp in transit at all times.
 - (c) Requests for a Hemp Transportation Permit must be made online at the Department's website, agr.georgia.gov, or via an application made available by the Department.
 - (d) Licensees requesting a Hemp Transportation Permit must provide the following to the Department:
 1. A copy of the Hemp Grower License or the Hemp Grower License number that corresponds to the Grow Site(s) from which the hemp originated;
 2. The name, address, telephone number, and e-mail address of the person or entity who will be physically transporting the hemp;
 3. If Hemp is being transported to a Permittee:
 - i. The name, location, and Hemp Processor Permit number of the licensed processing facility to which the hemp is being transported;
 4. If Hemp is being transported to a storage facility owned or leased by the Licensee and listed on the Licensee's approved Hemp Grower License Application:
 - i. A legal description, obtained from the relevant county courthouse property records, and GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the storage facility;
 5. The amount of each variety of hemp to be transported;
 6. A copy of the written agreement between the Licensee and Permittee governing their business relationship, a copy of the affidavit regarding the written agreement, or an attestation regarding such written agreement or affidavit, as required by O.C.G.A. § 2-23-7; and

7. Any other documentation that may be required by the Department or the USDA.
 - (e) Requests for a Hemp Transportation Permit must be submitted to the Department at least five (5) business days prior to transportation.
 - (f) Any Licensee or Permittee requesting a Hemp Transportation Permit must swear, affirm, or otherwise attest that all hemp being transported has a delta-9-THC concentration of less than 0.3% on a dry weight basis.
 - (g) A Hemp Transportation Permit issued by the Department authorizes the transportation of hemp only within the borders of Georgia.
- (2) The Department may deny any request for a Hemp Transportation Permit that has not been completed in accordance with this Rule.
- (3) Hemp from one licensed grower must not be comingled with hemp from another licensed grower during transport. If the Department or a law enforcement entity determines that hemp in transit has a delta-9-THC concentration of more than 0.3% on a dry weight basis, then all comingled hemp being transported will be subject to destruction.
- (4) A Licensee may only transport hemp to Permittees or to storage facilities owned by the Licensee and listed on the Licensee's approved Hemp Grower License Application.
- (5) A Licensee must not transport hemp to unapproved locations including, but not limited to, trade shows, county fairs, educational or other events, or to any other address.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.09 Pesticide Use

- (1) Any Licensee who uses a pesticide on hemp must comply with all Georgia laws and regulations pertaining to applications of pesticides including, but not limited to, licensing requirements.
- (2) Licensees must not apply pesticides to hemp in violation of the product label.
- (3) A Licensee who uses a pesticide on a site where hemp will be planted must comply with the longest of any planting restriction interval on the product label prior to planting the hemp.

- (4) The Department may perform random pesticide testing or may perform for-cause testing if the Department has reason to believe that a pesticide may have been applied to hemp in violation of the product label.
- (5) Hemp seeds, plants, and materials bearing pesticide residue in violation of the pesticide label may be subject to forfeiture or destruction without compensation.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-2-.10 Violations and Enforcement

- (1) Violations include, but are not limited to, the following:
 - (a) Cultivating or handling hemp without a Hemp Grower License from the Department;
 - (b) Cultivating or handling any cannabis that is not hemp;
 - (c) Cultivating hemp that tests greater than 0.3% THC on a dry weight basis;
 - (d) Selling, transferring, shipping, transporting, or otherwise providing hemp that tests greater than 0.3% THC on a dry weight basis;
 - (e) Cultivating or handling hemp on a site not approved by the Department as part of the Hemp Grower License;
 - (f) Allowing unsupervised public access to hemp growing or handling areas, including storage areas;
 - (g) Denying any Department or law enforcement official access for compliance, sampling, or inspection purposes;
 - (h) Cultivating or handling hemp within 1,000 feet of a school or public recreational area;
 - (i) Failure to keep and maintain any records, documents, or information required by these Rules;
 - (j) Failure to make any timely report required by these Rules;
 - (k) Failure to comply with any transportation requirement established by these Rules;
 - (l) Failure to comply with any License Restriction;
 - (m) Failure to comply with any Grower License Term or Condition; and

- (n) Failure to comply with, or any violation of, any other provision of the Georgia Hemp Farming Act or these Rules.
- (2) A violation of the Georgia Hemp Farming Act or these Rules will be subject to enforcement in accordance with O.C.G.A. § 2-23-10.
- (a) In the event the Department determines that a Licensee has negligently violated the Georgia Hemp Farming Act or these Rules, then the Department will issue a Corrective Action Plan to said Licensee.
 - 1. The Corrective Action Plan will include, but may not be limited to:
 - i. A reasonable date by which the Licensee must correct the negligent violation, which may include destruction of hemp crops in accordance with these Rules;
 - ii. A requirement that the Licensee must periodically report to the Commissioner on the compliance status of the Licensee with the Corrective Action plan for a period of not less than two (2) years after the violation; and
 - iii. Any and all reasonable steps the Department deems necessary and proper to address the negligent violation(s).
 - (b) If the Commissioner determines that a Licensee has violated the Georgia Hemp Farming Act or these Rules with a culpable mental state greater than negligence, the Commissioner will immediately report the Licensee to the United States Attorney General and the Georgia Attorney General, and such violations will be subject to enforcement in accordance with applicable law.
 - (c) Persons who violate the Georgia Hemp Farming Act or these Rules are subject to enforcement in accordance with the Georgia Hemp Farming Act, these Rules, and other applicable state law.
 - (d) Violations of the Georgia Hemp Farming Act or these Rules may constitute a public nuisance under Georgia law, and civil enforcement may result.

**SUBJECT 40-32-3
HEMP PROCESSORS**

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40-32-3-.01 Application for Hemp Processor Permit

- (1) Any person desiring to process and handle hemp at any location in Georgia must submit a complete and accurate Hemp Processor Permit Application online at the Department's website, agr.georgia.gov. No processing or handling of hemp may occur unless and until a processor permit has been issued by the Department.
- (2) As part of the Hemp Processor Permit Application, each applicant must submit to the Department the following:
 - (a) An initial annual Hemp Processor Permit fee of \$25,000.00;
 - (b) A surety bond in the amount of \$100,000.00 issued by a surety company authorized by law to do business in Georgia pursuant to a current certificate of authority to transact surety business by the Commissioner of Insurance;
 - (c) Information regarding the applicant's business including, but not limited to:
 1. Legal business name or trade name;
 2. Business structure type;
 3. Business address;
 4. Primary contact information;
 5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;
 6. Any required local business license(s);

7. Federal Employer Identification Number (FEIN); and
 8. Name and current primary contact information for each owner or person holding a financial interest in the Hemp Processor Permit for which an application is being made;
- (d) A legal description, obtained from the relevant county courthouse property records, for property on which each processing or handling facility is located;
 - (e) GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each facility;
 - (f) The approximate dimension or square feet of each facility;
 - (g) An aerial map or photograph of the processing facilities showing clear boundaries of each facility;
 - (h) Information sufficient for locating hemp storage facilities including, but not limited to:
 1. A legal description, obtained from the relevant county courthouse property records, for property on which each storage facility is located;
 2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;
 3. The approximate dimension or square feet of each storage facility; and
 4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.
 - (i) A description of all hemp products to be produced as well as an estimate of the volume of each such product projected to be produced;
 - (j) A statement of the intended end use and/or disposal plan for all parts of hemp plants and hemp material received for processing;
 - (k) Affidavits of the applicant and every Licensee with whom such applicant has entered into a written agreement pursuant to O.C.G.A. § 2-23-7 in which both parties swear that they have entered into or intend to enter into such an agreement;
 - (l) Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being processed or handled for the

purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;

- (m) For the applicant as well as each owner or person holding a financial interest, criminal background checks conducted by local law enforcement within three months prior to submission of the application;
 - (n) An acknowledgment of the Processor Permit Terms and Conditions; and
 - (o) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.
- (3) The Department may require a pre-permit facility inspection prior to issuance of a Hemp Processor Permit.
- (4) Except for the 2019 and 2020 growing seasons, Hemp Processor Permit Applications will be accepted between August 1 and October 31 of each year.
- (a) For the 2019 and 2020 growing seasons, Hemp Processor Permit Applications will be accepted immediately upon the USDA's formal approval of the Department's plan under which it intends to regulate hemp production and for ninety (90) calendar days thereafter. Notice of the USDA's formal approval of the Department's plan will be posted on the Department's website at agr.georgia.gov.
- (5) Except for the 2019 and 2020 growing seasons, Hemp Processor Permits will be issued on January 1 of each year.
- (a) For the 2019 and 2020 growing seasons, permits will be issued within 120 calendar days of the final day for application submissions, as described above, and will expire on December 31.
- (6) After the first full calendar year of holding a Hemp Processor Permit, a Permittee will be entitled to an automatic permit renewal annually upon timely submission of a permit fee of \$10,000.00 per year, so long as no administrative action has been taken by the Department against the Permittee and provided the information in the Permit application is unchanged. If the information in the Permit application is no longer accurate, the Permittee must submit a new permit application to the Department.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.02 Processor Permit Terms and Conditions

Each applicant and Permittee must acknowledge and agree to the terms and conditions governing the Hemp Processor Permit which include, but are not limited to, the following:

- (a) In the event that voluntary sampling and testing reveals a delta-9 THC concentration in excess of 0.3% the Permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, within three (3) calendar days of Permittee's receipt of the Certificate of Analysis or other testing results.
 1. Upon receipt of a Certificate of Analysis or other testing result(s) revealing a delta-9 THC concentration in excess of 0.3% or revealing the presence of pesticide residues, the Permittee must not remove hemp from any processing facility, or from any other area where hemp is being handled or stored, unless authorized in writing by the Department.
- (b) Except for primary contact information or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Processor Permit Application once approved. Any changes to primary contact information must be reported to the Department within ten (10) calendar days of the change.
- (c) The Permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp products within forty-eight (48) hours of discovery of such theft or loss.
- (d) The applicant and/or Permittee must report any felony convictions or misdemeanor convictions relating to controlled substances under Georgia law or under Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.
- (e) The applicant or Permittee must notify the Department in writing within ten (10) calendar days of the following:
 2. A disciplinary proceeding or enforcement action by another government entity that may affect the Permittee's business; and
 3. Temporary closures of more than thirty (30) days or permanent closure of any processing or storage facility.
- (f) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.
- (g) Any applicant, owner, or person holding a financial interest in a hemp processing business or entity that is permitted or for which a permit application is pending who has been convicted of either a controlled substance misdemeanor offense or any

- felony offense, or both, or who materially falsifies any information in a Hemp Processor Permit Application, will be denied a Hemp Processor Permit and any current Hemp Processor Permit will be revoked in accordance with Georgia law.
- (h) Issuance of a Hemp Processor Permit will be conditioned upon the applicant's compliance with O.C.G.A. § 2-23-7 prior to initiating hemp processing activities.
 - (i) A Permittee may also apply for and be issued no more than one Hemp Grower License. Any person holding both a Hemp Processor Permit and a Hemp Grower License must comply with Georgia Rules governing both Licensees and Permittees.
 - (j) No person will be issued more than one Hemp Processor Permit, nor will any person be permitted to have a beneficial interest in more than one Hemp Processor Permit, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-5.
 - (k) Hemp Processor Permits cannot be assigned or transferred to another person, business, individual, or entity.
 - (l) The applicant and/or Permittee must only process hemp at facilities outlined in the Hemp Processor Permit Application and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.
 - (m) The applicant or Permittee must allow and fully cooperate with any inspection and sampling that the Department deems necessary.
 - (n) The applicant and/or Permittee must maintain all records and information and make all reports within the applicable time frames as required in these Rules.
 - (o) The applicant and/or Permittee must not accept hemp for processing from any person other than a Licensee or from outside of the State of Georgia, unless such out-of-state hemp was grown in a state with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA.
 - (p) The Department will require forfeiture and destruction, without compensation, of hemp discovered at a processing facility for which records are not available to prove that said hemp was received from a Licensee or from a state with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA. Any hemp comingled with such hemp for which records are not available will also be subject to destruction.
 - (q) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.3%, the Department will require all related hemp products be destroyed, without compensation, by the Permittee under the supervision of local law enforcement.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.03 Permittee Restrictions

- (1) A Permittee must not:
 - (a) Process or handle hemp on any site not listed on the Hemp Processor Permit application;
 - (b) Process or handle any cannabis that is not hemp;
 - (c) Process or handle hemp or hemp products in any structure that is used for residential purposes;
 - (d) Process hemp with other products. Hemp must be processed separately from other products;
 - (e) Store hemp products with other products. Hemp products must be physically stored separately from other products at a processing or storage facility;
 - (f) Allow unsupervised public access to hemp or hemp processing and storage facilities;
 - (g) Process or handle hemp in a site that is located within 1,000 feet of a school or a public recreational area; or
 - (h) Process or handle hemp on property owned by, leased from, or previously submitted in a permit application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or these Rules.
- (2) The Permittee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times including, but not limited to, the federal Food Drug and Cosmetic Act, 21 U.S.C. Chapter 9, and all laws, rules, regulations, and ordinances relating to product development, product manufacturing, consumer safety, and public health.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.04 Recordkeeping Requirements

- (1) A Permittee must keep and maintain the following documentation:
 - (a) Copies of all written agreements with licensed growers, including growers holding a Georgia Hemp Grower License as well as growers licensed by other states or the USDA, governing their business relationship;
 - (b) Certificates of Analysis or other testing results for all hemp products voluntarily sampled and tested by the Permittee or by an independent testing laboratory at the Permittee's request; and
 - (c) Copies of transport permits for all hemp received by the Permittee.
- (2) A Permittee must keep and maintain quarterly records which include:
 - (a) Hemp intake records which include:
 1. Name, location, and license number (Georgia Hemp Grower License number or other state specific hemp grower identification number) for each grower from whom the Permittee accepts hemp for processing;
 2. Copies of all transport permits for hemp received;
 3. The date(s) on which hemp is received from each licensed grower;
 4. The amount of each variety received from each licensed grower; and
 5. The hemp products for which each variety of hemp received from each licensed grower will be used.
 - (b) Inventory records for hemp products being processed and stored which include:
 1. Date of inventory;
 2. Location of stored inventory;
 3. Total amount of each hemp product on hand;
 4. Total amount of hemp and hemp seed of each variety on hand;
 5. Total amount of unusable hemp and hemp seed of each variety on hand; and
 6. Name, signature, and title of the employee performing inventory.
 - (c) Disposal records for all unusable hemp which include:

1. Date of disposal;
2. Amount of each hemp variety disposed;
3. Method of disposal or destruction;
4. Location of disposal or destruction; and
5. Name, signature, and title of employee responsible for disposal or destruction.

(d) Processing records which include:

1. List of products produced from hemp; and
2. List of buyers or recipients of hemp products including:
 - i. Name, address, and phone number of each buyer or recipient;
 - ii. Description of each product purchased or otherwise distributed;
 - iii. Quantity of each product purchased or otherwise distributed; and
 - iv. Date of distribution.

(3) Sample Analysis Reports

- (a) Certificates of Analysis or other testing results must be kept and maintained for all hemp varieties and hemp products voluntarily sampled and tested by the Permittee or by an independent testing laboratory at the Permittee's request and expense.

(4) Permittee Recordkeeping

- (a) Permittees must keep and maintain copies of all records, documents, and information required by this Rule for at least three (3) years and in a manner such that they can be readily provided to the Department upon request.

(5) Department Recordkeeping

- (a) The Department will maintain all relevant records and information regarding Permittees and facilities at which hemp is processed or handled in Georgia, including a legal description for property on which each processing or handling facility is located, for a period of not less than three (3) calendar years.
- (b) Within thirty (30) days after the date on which the information is received, the Department will submit to the U.S. Secretary of Agriculture, via a method acceptable to the Secretary, the following information for each Permittee in Georgia:

1. Contact information of each hemp processor;
2. A legal description of the land on which hemp is processed; and
3. The licensing status of each hemp processor.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.05 Inspections and Sampling

- (1) All Permittees are subject to inspection and sampling to verify that hemp and hemp products do not exceed a delta-9-THC concentration of more than 0.3% as well as to verify the Permittee's compliance with all requirements of the Georgia Hemp Farming Act and these Rules.
- (2) Inspection visits may be unannounced and conducted at any time during regular business hours. The Department shall have complete and unrestricted access to all hemp, hemp products, land, buildings and other structures used for the processing and handling of hemp. The Department shall also have full access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.
- (3) The hemp or hemp products to be collected for sampling will be determined by the Department.
- (4) All samples collected by the Department will become the property of the Department and no compensation shall be owed by the Department for such samples.
- (5) Only samples taken by the Department will be considered official samples.
- (6) The Department will conduct laboratory testing on official samples to determine the THC concentration utilizing modern scientific methods of liquid or gas chromatography for analysis.
 - (a) The Department will provide the Permittee with written confirmation of test results from official sample(s).
- (7) All Department sampling and THC testing will be performed in accordance with the Department's "Procedures for Hemp Sampling and Testing" protocol, which is hereby incorporated into these Rules by reference and is available on the Department's website at agr.georgia.gov.
- (8) Official samples may also be tested for pesticide residues. Any sample found to have unauthorized residues of pesticides may trigger disposal and implementation of a corrective action plan. Authorized pesticides for use on hemp include any pesticide

labeled for use on the plant Cannabis Sativa L. and/or any pesticide registered with the Department for use on hemp.

- (9) The Department will keep test results for all hemp and hemp products tested for a minimum of three (3) calendar years.
- (10) If for any reason the Department is unable to perform testing described herein, the Department may identify and contract with a third-party lab to perform testing services on its behalf.
- (11) Nothing in these Rules shall prevent a Permittee from voluntarily collecting samples and testing hemp or hemp products, at the Permittee's expense, for THC concentration, pesticide residues, quality assurance purposes, or research and development purposes.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.06 Destruction of Non-Compliant Hemp and Hemp Products

- (1) In the event that a tested official sample reveals a delta-9-THC concentration of more than 0.3%, all related hemp and hemp products must be destroyed by the Permittee under the supervision of local law enforcement.
- (2) The Permittee will be responsible for the destruction of all non-compliant hemp and hemp products.
- (3) Upon confirmation that hemp or hemp products exceed a delta-9-THC concentration of 0.3%, the Department will issue an Order of Destruction to the Permittee requiring said Permittee to destroy all related hemp and hemp products, under the supervision of local law enforcement and in the presence of a Department agent, within ten (10) calendar days of the Permittee's receipt of the Order of Destruction. The Department will also provide a copy of the Order of Destruction to local law enforcement.
- (4) Hemp and hemp products subject to destruction must not be removed from the permitted facility, or from any other area where such hemp is being processed, handled, or stored, unless authorized in writing by the Department.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.07 Storage of Hemp

- (1) Only Licensees and Permittees are authorized to store hemp.
- (2) A Permittee may store hemp obtained from licensed growers and/or processed by said Permittee provided:

- (a) The Permittee identifies each storage facility on the Hemp Processor Permit Application;
 - (b) The Permittee maintains complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, varieties stored at each storage facility, and amount of each hemp variety stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;
 - i. In the event that a tested official sample of hemp or hemp products held at a storage facility reveals a delta-9-THC concentration of more than 0.3%, all comingled hemp and/or hemp products held at the storage facility will be promptly destroyed in accordance with these Rules.
 - (c) The storage facility is owned or leased by the Permittee;
 - (d) The storage facility is outside of the public view;
 - (e) The storage facility is not located within 1,000 feet of a school or a public recreational area; and
 - (f) The storage facility is secured with physical containment and reasonable security measures.
- (3) No Permittee may warehouse or otherwise store hemp that is not owned by the Permittee.
- (4) All storage area(s) will be subject to inspection by Department officials.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.08 Transportation Requirements

- (1) No person may transport hemp in Georgia without a Hemp Transportation Permit issued by the Department.
 - (a) Only Licensees and Permittees may request a Hemp Transportation Permit from the Department.
 - (b) A Hemp Transportation Permit is required for each day and for each vehicle used to transport hemp. Said permit must physically accompany hemp in transit at all times.

- (c) Requests for a Hemp Transportation Permit must be made online at the Department's website, agr.georgia.gov, or via an application made available by the Department.
- (d) Permittees requesting a Hemp Transportation Permit must provide the following to the Department:
 - 1. A copy of the Hemp Grower License, the Hemp Grower License number, or the out-of-state grower license or permit that corresponds to the Grow Site(s) from which the hemp originated;
 - 2. The name, address, telephone number, and e-mail address of the person or entity who will be physically transporting the hemp;
 - 3. If Hemp is being transported to the Permittee:
 - i. The name, location, and Hemp Processor Permit number of the Permittee facility to which the hemp is being transported;
 - 4. If hemp is being transported to a Licensee:
 - i. The name, location, and Hemp Grower License number of the Licensee to which the hemp is being transported;
 - 5. If Hemp is being transported to a storage facility owned or leased by the Permittee and listed on the Permittee's approved Hemp Processor Permit Application:
 - i. A legal description, obtained from the relevant county courthouse property records, and GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the storage facility;
 - 6. The amount of each variety of hemp to be transported;
 - 7. A copy of the written agreement between the Licensee and Permittee governing their business relationship, a copy of the affidavit regarding the written agreement, or an attestation regarding such written agreement or affidavit, as required by O.C.G.A. § 2-23-7; and
 - 8. Any other documentation that may be required by the Department or the USDA.
- (e) Requests for a Hemp Transportation Permit must be submitted to the Department at least five (5) business days prior to transportation.
- (f) Any Licensee or Permittee requesting a Hemp Transportation Permit must swear, affirm, or otherwise attest that all hemp being transported has a delta-9-THC concentration of less than 0.3% on a dry weight basis.

- (g) A Hemp Transportation Permit issued by the Department authorizes the transportation of hemp only within the borders of Georgia.
 - (h) The Permittee will be responsible for ensuring that any hemp being transported to said Permittee from an out-of-state licensed grower is accompanied by a valid Hemp Transportation Permit and is otherwise transported in compliance with this Rule.
- (2) The Department may deny any request for a Hemp Transportation Permit that has not been completed in accordance with this Rule.
 - (3) Hemp from one licensed grower must not be comingled with hemp from another licensed grower during transport. If the Department or a law enforcement entity determines that hemp in transit has a delta-9-THC concentration of more than 0.3% on a dry weight basis, then all comingled hemp being transported will be subject to destruction.
 - (4) A Permittee must not transport hemp to unapproved locations including, but not limited to, trade shows, county fairs, educational or other events, or to any other address.

Authority: O.C.G.A. Sec. 2-23-12.

40-32-3-.09 Violations and Enforcement

- (1) Violations include, but are not limited to, the following:
 - (e) Processing or handling hemp or hemp products without a Hemp Processor Permit from the Department;
 - (f) Processing or handling any cannabis that is not hemp;
 - (g) Processing or handling hemp or hemp products that test greater than 0.3% THC;
 - (h) Selling, transferring, shipping, transporting, or otherwise providing hemp or hemp products that test greater than 0.3% THC;
 - (i) Processing or handling hemp or hemp products at a facility not approved by the Department as part of the Hemp Processor Permit;
 - (j) Allowing unsupervised public access to hemp processing or handling areas, including storage areas;
 - (k) Denying any Department or law enforcement official access for compliance, sampling, or inspection purposes;

- (l) Processing or handling hemp or hemp products within 1,000 feet of a school or public recreational area;
 - (m) Failure to keep and maintain any records, documents, or information required by these Rules;
 - (n) Failure to make any timely report required by these Rules;
 - (o) Failure to comply with any transportation requirement established by these Rules;
 - (p) Failure to comply with any Permittee Restriction;
 - (q) Failure to comply with any Processor Permit Term or Condition; and
 - (r) Failure to comply with, or any violation of, any other provision of the Georgia Hemp Farming Act or these Rules.
- (2) A violation of the Georgia Hemp Farming Act or these Rules will be subject to enforcement in accordance with the Georgia Hemp Farming Act, these Rules, and other applicable state law.
- (3) If the Commissioner determines that a Permittee has violated the Georgia Hemp Farming Act or these Rules with a culpable mental state greater than negligence, the Commissioner will immediately report the Permittee to the United States Attorney General and the Georgia Attorney General.

Authority: O.C.G.A. Sec. 2-23-12.