



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

(860) 713-2502
agr.hemp@ct.gov

Hemp Research Pilot Program (HRPP) Compliance Policy
(rev. 5.14.19)

Hemp Research Pilot Program

Section 1. Definitions.

- (1) The definitions and interpretations of terms contained in section 1 of the act shall be applicable also to such terms when used in the compliance Policy.
- (2) "Act" means Public Act 19-3.
- (3) "Applicant" means person who submits an application for a grower or processor license.
- (4) "Brokering" means engaging or participating in the marketing of hemp by acting as an intermediary or negotiator between prospective buyers and sellers.
- (5) "Cannabis" means the same as "cannabis-type substances" defined in section 21a-240(7) of the Connecticut general statutes.
- (6) "Compliance Policy" means this document as authorized by section (1)(b) of the act.
- (7) "Corrective Action Plan" means a corrective action plan as required by section 297B(e) of the federal act.
- (8) "DEA" means the United States Drug Enforcement Administration.
- (9) "Decarboxylated" means the completion of the chemical reaction that converts THC-acid into THC. The decarboxylated value is also calculated using a conversion formula that sums THC and eighty-seven and seven tenths (87.7) percent of THC-acid.
- (10) "GPS" means Global Positioning System.
- (11) "Location ID" means the unique identifier assigned by the department for each unique set of GPS coordinates for each plot where hemp will be grown, handled, stored, or location processed.
- (12) "Nonviable seed" means a seed that has been crushed, dehulled, or otherwise rendered to have a zero percent germination rate.
- (13) "Prohibited variety" means a variety or strain of cannabis excluded from the department's program.
- (14) "Program" or "HRPP" means the department's hemp research pilot program authorized by the act.
- (15) "Propagule" means a plant or plant part that can be utilized to grow a new plant, derived from certified seed.
- (16) "University" means an accredited institution of higher learning located in the State.
- (17) "Variety" means a subdivision of a species that is:
 - (A) Uniform, in the sense that the variations in essential and distinctive characteristics are describable;
 - (B) Stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and



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- (C) Distinct, in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, other characteristics from all other publicly known varieties, or other characteristics from all other publicly known varieties.
- (18) "Variety of concern" means any variety of hemp that tests above 0.3 percent THC on a dry weight basis in one (1) or more pre-harvest samples or identified as a variety of concern by the United States Department of Agriculture or other state department of agriculture.
- (19) "Volunteer cannabis plant" means any cannabis plant that grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop and is not intentionally planted.

Section 2. Grower License Application.

- (a) Any person who wishes to cultivate hemp in this State shall submit to the commissioner, biennially, a completed Grower License Application.
- (b) A person who is not a grower shall not:
- (1) grow, cultivate, or harvest hemp; or
 - (2) broker, store, or market hemp, or hemp products, unless exempt from licensing under the act, or is a processor, or manufacturer.
- (c) A person under the age of eighteen (18) years of age shall not apply for or hold a grower license.
- (d) Any grower license issued by the commissioner shall expire on the second following December thirty-first and may be renewed during the preceding month of October. Such licenses shall not be transferable.
- (e) Each applicant shall pay a grower license application fee in the amount established in the act and the Compliance Policy.
- (f) Applicants, growers, signing authorities and on-site managers shall be responsible any fees for the state and federal criminal history records check.
- (g) The department shall deny any Grower License Application that is received without the application fee.
- (h) With the Grower License Application form the applicant shall submit, at a minimum:
- (1) If the applicant is an individual, their full name, social security number or federal employer identification number, date of birth, residential address, mailing address, telephone number, and email address;
 - (2) If the applicant is a business entity, the full name of the business, federal employer identification number, the Connecticut business location address, mailing address, telephone number, and email address, and the full name, title, date of birth, residential address, mailing address, telephone number, and email address of the signing authority;
 - (3) If the applicant has an on-site manager, the full name, date of birth, residential address, mailing address, telephone number, and email address of the on-site manager;



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- (4) Research plan, including the proposed acreage or greenhouse or indoor square footage to be planted;
 - (5) Planned source of seeds or propagules including the variety;
 - (6) Street address; legal description and GPS coordinates for each growing plot provided in decimal degrees format to the ten-thousandth place, and taken at the approximate center of the growing plot, or if grown indoors, the legal description and GPS coordinates provided in decimal degrees format to the ten-thousandth place, and taken at the approximate entrance of the greenhouse or other building where hemp will be grown;
 - (7) Maps depicting each site where hemp will be grown, handled, or stored, with appropriate designations for entrances, plot boundaries, and specific locations with corresponding to the GPS coordinates;
 - (8) Marketing plan summary; and
 - (9) the proposed processor, if known.
- (i) Any Grower License Application that is missing required information may be subject to denial.
 - (j) The applicant shall be required to attest that the application is true and correct under penalties of perjury.

Section 3. Application for Grower License, Criteria and Procedure for Evaluation.

- (a) The applicant shall submit a complete application with all components and attachments as required in section 2 of the Compliance Policy.
- (b) For an applicant who has been a program participant previously, the applicant shall have complied with the responsibility to submit:
 - (1) Field Planting Report and Greenhouse/Indoor Planting Report;
 - (2) Harvest/Destruction Report;
 - (3) Production reports; and
 - (4) Any other reports deemed necessary by the department to which the grower has agreed.
- (c) A grower shall be registered and in good standing with the Connecticut Secretary of State, if applicable, and registered with the Connecticut Department of Revenue Services.
- (d) The criminal history records check report indicates that, within ten (10) years from the date when the criminal history records check was issued, the applicant shall not have a felony conviction related to a controlled substance under state or federal law.
- (e) The research plan shall be compliant with state and federal law.
- (f) The applicant shall have a marketing plan that is compliant with state and federal law.
- (g) The applicant, if approved as a grower, shall use a record keeping and product coding system for hemp. Such system shall be capable of tracing hemp placed into the wholesale or retail distribution chain back to the producing plot. Such records shall be maintained for a period of time that exceeds the expected shelf life of the hemp or five (5) years, whichever is longer. Records of hemp product production, coding and distribution shall be made available immediately upon request of the department.



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- (h) The applicant shall not be delinquent in making any required reports or payments to the department in connection with the applicant's participation in this program or any other program within the department.
- (i) The applicant shall not have any unpaid fines or civil penalties owed to the department or any other state agency.
- (j) The applicant shall not have and shall not make any false statements or representations to a representative of the department or a law enforcement agency.
- (k) The department shall conditionally approve an application for a grower license if the application satisfies the criteria established in the act and this Compliance Policy.
- (l) The department may approve an applicant to grow an acreage or square footage that is equal to, or less than the acreage or square footage stated in the application.
- (m) The department shall notify applicants by letter or email whether the application has been denied or conditionally approved. A person shall not be a participant in the department's program until the applicant shall have been granted a grower's license, following receipt of the applicant's payment of the required license fee, and delivery of a signed grower license agreement. Because the federal and state criminal history records check will not be completed by the time the grower license application is completed online, 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 has been completed, the Commissioner shall revoke or terminate any conditional grower license, if the applicant's or conditional licensee's, (including signing authority and on-site manager) results do not meet the requirements of the federal act, the Act and the Compliance Policy.
- (n) Once a grower has received a license, the department shall notify the United States Secretary of Agriculture of the issuance of such license, and include all required information about the grower and their hemp plots as required by federal law.

Section 4. Processor License Application.

- (a) Any person who wishes to engage in the processing of hemp at any location in the State shall submit to the department biennially a complete processor license application.
- (b) A person who is not a processor shall not:
 - (1) process hemp; or
 - (2) broker, store, or market hemp, or hemp products, unless exempt from licensing under the act, or is a grower, or manufacturer.
- (c) A person under the age of eighteen (18) years of age shall not apply for or hold a processor license.
- (d) Completed processor license application forms may be submitted at any time.
- (e) Any processor license issued by the commissioner shall expire on the second following December thirty-first. Such licenses shall not be transferable.
- (f) Each applicant shall pay a fee in the amount established in the act and the Compliance Policy.



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- (g) The department shall deny any processor license application that is received without the application fee.
- (h) With the processor license application form, the applicant shall submit, at a minimum:
 - (1) If the applicant is an individual, the full name, social security number or federal employer identification number, date of birth, residential address, mailing address, telephone number, and email address;
 - (2) If the applicant is a business entity, the full name of the business, federal employer identification number, the Connecticut business location address, mailing address, telephone number, and email address, and the full name, title, date of birth, residential address, mailing address, telephone number, and email address of the signing authority;
 - (3) If the applicant has an on-site manager, the full name, date of birth, residential address, mailing address, telephone number, and email address of the on-site manager;
 - (4) Research plan;
 - (5) Planned source of hemp;
 - (6) Maps, street address, legal description and GPS coordinates provided in decimal degrees format to the ten-thousandth place, and taken at the approximate entrance of the building or location where hemp will be processed, handled or stored if done at a fixed location, or, if the processor is a mobile processing unit, the make, model, vin number, license plate number and state of all vehicles used to transport the hemp processing equipment and any fixed location where hemp is processed, handled or stored by the applicant; and
 - (7) Marketing plan summary.
- (i) Any processor license application that is missing required information may be subject to denial.
- (j) The applicant shall be required to attest that the application is true and correct under penalties of perjury.

Section 5. Application for Processor License; Criteria and Procedure for Evaluation.

- (a) The applicant shall submit a complete application with all components and attachments as required in section 4 of the Compliance Policy.
- (b) An applicant who has been a program participant previously, the applicant shall have complied with the responsibility to submit any reports required by the Compliance Policy.
- (c) A processor shall be registered and in good standing with the Connecticut Secretary of State, if applicable, and registered with the Connecticut Department of Revenue Services.
- (d) The applicant's processing sites, handling sites and storage sites shall be located in the State of Connecticut.
- (e) The research plan shall be compliant with state and federal law.
- (f) The applicant's planned activities shall remain compliant with state and federal law.



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- (g) The applicant shall have a marketing plan that is compliant with state and federal law.
- (h) The applicant, if approved as a processor, shall use a record keeping and product coding system for hemp. Such system shall be capable of tracing hemp placed into the wholesale or retail distribution chain back to the grower. Such records shall be maintained for a period of time that exceeds the expected shelf life of the hemp or five (5) years, whichever is longer. Records of hemp product coding and distribution shall be made available immediately upon request of the department.
- (i) The applicant shall have adequate facilities, or plans to acquire adequate facilities sufficiently soon enough, to complete the research plan.
- (j) The applicant shall not be delinquent in making any required reports or payments to the department in connection with the applicant's participation in the program or other programs within the department.
- (k) The applicant shall not have any unpaid fines or civil penalties owed to the department or any other state agency.
- (l) The applicant shall not have made and shall not make any false statements or representations to a representative of the department or a law enforcement agency.
- (m) The department shall conditionally approve an application for a processor license if the application satisfies the criteria established in the act and the Compliance Policy.
- (n) The department shall notify applicants by letter or email whether the application has been denied or conditionally approved. A person shall not be a participant in the department's program until the applicant shall have been granted a processor license, following receipt of the applicant's payment of the required license fee, and delivery of a signed processor license agreement.
- (o) Once a processor has received a license, the department shall notify the United States Secretary of Agriculture of the issuance of the license, and include all required information about the processor and their hemp processing facilities as required by federal law.

Section 6. Criminal History Records Check.

- (a) Each grower, or an applicant for a grower license shall cause each individual applicant, signing authority and on-site manager of the grower licensee to undergo and pay for a biennial state and federal criminal history records check as part of the license application or license renewal process, as applicable.
- (b) A grower, or applicant shall, following completion of the criminal history records check, permit delivery of the report to the department, or its authorized designee.
- (c) A change of a signing authority or on-site manager shall require approval from the department and the submission of a current criminal history records check for the signing authority, or the on-site manager, as applicable.

Section 7. Land Use Restrictions for Growers and Processors.

- (a) A grower shall not plant or grow any cannabis that is not hemp unless licensed pursuant to chapter 420b or 420f of the Connecticut general statutes.



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- (b) A grower shall not plant or grow hemp on any site not listed in the grower license application.
- (c) A grower shall not grow hemp less than two hundred (200) feet from any residence not owned, occupied or controlled by the applicant and five hundred (500) from a school or outdoor recreational facility, unless prior approval is received in writing from the department.
- (d) A grower shall not handle or store leaf or floral material from hemp less than two hundred (200) feet from any residence not owned, occupied or controlled by the applicant and five hundred (500) from a school or outdoor recreational facility, unless prior approval is received in writing from the department.
- (e) Any plot established in a home used as a residence shall be in a room, separate from living quarters, with a separate outside entrance.
- (f) Each plot of hemp shall be physically segregated from licensee's other plots of hemp and other crops unless prior approval is obtained in writing from the department.
- (g) A grower shall not plant hemp plants in an outdoor growing location of less than one-quarter acre (10890 square feet) in total, unless prior approval is received in writing from the department.
- (h) An applicant or grower shall not include any property on his or her application or Site Modification Request, to grow or cultivate hemp that is not owned or completely controlled by the applicant or grower.
- (i) A grower shall not cultivate hemp on property owned by, leased from, or previously submitted in a license application by any person who is ineligible or was terminated, or denied admission to the program for failure to obtain an acceptable criminal history records check or failure to comply with an order from a representative of the department.
- (j) A processor shall not process or store leaf or floral material from hemp less than two hundred (200) feet from any residence not owned, occupied or controlled by the applicant and five hundred (500) from a school or outdoor recreational facility, unless prior approval is received in writing from the department.
- (k) A processor shall not apply to process, handle, or store hemp on any property that is not owned or completely controlled by the applicant, a grower or the processor.
- (l) A processor shall not process, handle, or store hemp on property owned by, leased from, or previously submitted in an application by any person who is ineligible or was terminated or denied admission to the program for failure to obtain an acceptable criminal history records check.

Section 8. Grower Obligations

- (a) Each grower, as a condition of being granted a grower license, agrees to following requirements for growers:
 - (1) Acknowledge that growers shall comply with instructions from the department and law enforcement agencies;
 - (2) Agree to pay the applicable licensing, site modification and inspection fees;



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- (3) Consent to entry onto, and inspection of, all premises where hemp or other cannabis plants or materials are located, or licensed to be located, by the commissioner, and law enforcement agencies, at any time, with or without cause, and with or without advance notice;
- (4) Comply with the criminal history records check requirements; and
- (5) Consent to forfeit and destroy, without compensation:
 - (A) Material found to have a measured THC content in excess of three-tenths percent (0.3%) on a dry weight basis;
 - (B) Plants located in an area that is not licensed by the department; and
 - (C) Plants not accounted for in required reports for the department.
- (b) The grower shall apply for registration of all growing, handling, and storage locations, including legal description and GPS coordinates in decimal degrees to the ten-thousandth place, and receive department approval for those locations prior to having hemp on those premises.
- (c) The grower shall submit a Site Modification Request Form, the appropriate fees based on the requested changes, and obtain prior written approval from the commissioner before implementing any change to the plot(s) stated in the grower license application, and that growing site changes shall be subject to a site modification fee in the amount established in the act and the Compliance Policy for a new set of GPS coordinates.
- (d) The grower agrees that hemp shall not be grown, handled, or stored in any location(s) other than the location(s) listed in the grower license application.
- (e) The grower shall not interplant hemp with any other crop without express written permission from the department.
- (f) The grower acknowledges that they shall not, nor permit anyone to apply pesticide to hemp except by person(s) who hold a valid permit or certificate, if required, to apply pesticides in accordance with section 22a-54 of the Connecticut general statutes.
- (g) The grower acknowledges that they shall comply with restrictions established by the department limiting the movement of hemp plants and plant parts.
- (h) The grower acknowledges that the risk of financial or other loss shall be borne solely by the grower.
- (i) The grower shall use a plot identification, record keeping and product coding system for hemp. Such system shall be capable of tracing hemp placed into the wholesale or retail distribution chain back to the producing plot. Such records shall be maintained for a period of time that exceeds the expected shelf life of the hemp or five (5) years, whichever is longer. Records of hemp product coding and distribution shall be made available immediately upon request of the department or any law enforcement agency.
- (j) The grower acknowledges that any time hemp is in transit within the state, a copy of the grower license, and certificate of analysis showing the sample to have a THC concentration at or below three-tenths percent (0.3%) on a dry weight basis, shall be available for inspection upon the request of the commissioner or any law enforcement agency. In the event the hemp being transported is a hemp sample being transported to a laboratory, then the sample shall be contained in a sealed tamper evident sample package



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and accompanied by the department approved completed chain of custody form for hemp samples. The hemp sample label shall contain, at a minimum, the date and time the sample was collected, licensee name, licensee number, location where the sample originated, identification of the lot the sample represents and a sample identification number or laboratory accession number.

- (k) The grower agrees that, upon request from the commissioner or a law enforcement agency, a grower shall immediately produce a copy of his or her grower license for inspection.
- (l) The grower agrees to submit Planting Reports, Harvest/Destruction Reports, and Production Reports, and other reports required by the commissioner, on or before the deadlines established in the Compliance Policy. These records shall be maintained for at least three (3) years after harvest or destruction of the hemp. These records shall be made available immediately upon request of the department or any law enforcement agency.
- (m) The grower agrees to scout and monitor plots for volunteer hemp plants and to destroy those volunteer hemp plants for three (3) years past the last date of planting reported to the department.
- (n) The grower agrees not to rent land to cultivate hemp from any person who was terminated or denied admission to the program for failure to obtain an acceptable criminal history records check; or failure to comply with an order of the commissioner.
- (o) The grower agrees that land used for the cultivation or storage of hemp shall not be owned by or leased from any person who was terminated, or denied admission to the program for failure to obtain an acceptable criminal history records check.
- (p) The grower agrees to notify the department of any interaction with any law enforcement agency immediately by phone and follow-up in writing within three (3) calendar days of the occurrence.
- (q) The grower agrees to immediately notify the department and applicable law enforcement agency of any theft of hemp materials, whether growing or not.
- (r) The grower agrees to immediately notify the department and applicable law enforcement agency of any unauthorized cultivation of any plant, within each plot.
- (s) The grower agrees to destroy any hemp or cannabis that it is obligated to destroy, only in accordance with state and federal law, and the department's established procedures.
- (t) The grower's failure to agree or comply with terms and conditions established in the Compliance Policy shall constitute grounds for appropriate action, up to and including termination of the grower license and expulsion from the department's program.
- (u) A person who has been expelled from the program shall not be eligible to reapply to the program for a period of five (5) years from the date of expulsion.

Section 9. Processor Obligations.

- (a) Each processor, as a condition of being granted a processor license, agrees to following requirements for processors:
 - (1) Acknowledge that processors shall comply with instructions from the commissioner and a law enforcement agency;



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- (2) Agree to pay the applicable licensing, site modification and inspection fees;
- (3) Consent to entry onto, and inspection of, all locations where hemp or other cannabis plants or materials are located, or licensed to be located, by the commissioner and a law enforcement agency, at any time, with or without cause, and with or without advance notice;
- (4) Consent to forfeit and destroy, without compensation:
 - (A) Material found to have a measured THC content in excess of three-tenths (0.3) percent on a dry weight basis;
 - (B) Hemp located in an area that is not licensed by the department; and
 - (C) Hemp not accounted for in required reports for the department.
- (b) Each processor shall comply with requirements established by the department regarding the movement of hemp and hemp products.
- (c) Each processor shall only process hemp accompanied by a certificate of analysis showing the hemp to have a THC concentration at or below three-tenths percent (0.3%) on a dry weight basis.
- (d) The processor agrees that hemp shall not be processed, handled, or stored in any location(s) other than the location(s) listed in the processor license application.
- (e) The processor acknowledges that the risk of financial or other loss shall be borne solely by the processor.
- (f) The processor shall use a record keeping and product coding system for hemp. Such system shall be capable of tracing hemp placed into the wholesale or retail distribution chain back to the grower. Such records shall be maintained for a period of time that exceeds the expected shelf life of the hemp or five (5) years, whichever is longer. Records of hemp product coding and distribution shall be made available immediately upon request of the commissioner or any law enforcement agency.
- (g) The processor acknowledges that any time hemp is in transit within the state, a copy of the processor license, and certificate of analysis showing the hemp to have a THC concentration at or below three-tenths (0.3) percent on a dry weight basis, shall be available for inspection upon the request of the commissioner or a law enforcement agency.
- (h) The processor agrees that, upon request from the commissioner or a law enforcement agency, a processor shall immediately produce a copy of his or her processor license for inspection.
- (i) The processor agrees to submit reports required by the department, on or before the deadlines established in the Compliance Policy. These records shall be maintained for at least three (3) years after processing or destruction of the hemp. These records shall be made available immediately upon request of the department or any law enforcement agency.
- (j) The processor agrees to destroy any hemp or cannabis that it is obligated to destroy, only in accordance with state and federal law, and the department's established procedures.



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- (k) The processor agrees to notify the department of any interaction with any law enforcement agency immediately by phone and follow-up in writing within three (3) calendar days of the occurrence.
- (l) The processor agrees to immediately notify the department and applicable law enforcement agency of any theft of hemp materials, whether growing or not.
- (m) The processor's failure to agree or comply with the Compliance Policy shall constitute grounds for appropriate departmental action, up to and including termination of the processor license and expulsion from the department's program.
- (n) A person who has been expelled from the program shall not be eligible to reapply to the program for a period of five (5) years from the date of expulsion.

Section 10. Application Fees, Licensing Fees; Inspection Fees, Site Modification Fees, Exemptions.

- (a) The fees to be paid for each license are as follows:
 - (1) a nonrefundable application fee for each grower or processor license of \$50;
 - (2) a biennial grower license fee of \$50 per acre, plus \$50 for each additional plot up to and including one (1) acre in size;
 - (3) a biennial processor license fee of \$250; and
 - (4) a site modification fee of \$50 per acre for each change to the grower application.
- (b) In the event that resampling is required due to a test result showing a violation of state law, or other sample violation, the grower shall pay a resampling inspection fee of \$50. The resampling inspection fee shall be paid prior to the department collecting the sample.
- (c) Any constituent unit of higher education, state agency or department shall be exempt from all application and license fees, if such cultivation, or processing is for research purposes

Section 11. Administrative Appeal from Denial of License.

Whenever an applicant is denied a license, the applicant shall be notified in writing of such denial, specifying the basis for denial. Any person aggrieved by a denial of a license may appeal therefrom pursuant to chapter 54 of the Connecticut general statutes. Such appeal shall be made in writing to the commissioner and received within fifteen (15) days of the date of the denial. If no appeal is made pursuant to this subsection the denial shall be deemed final.

Section 12. Site Modifications and Site Modification Fees.

- (a) A grower who elects to grow hemp in a new growing location or store or handle at a site other than the sites specified by the GPS coordinates listed in the grower license application shall submit a Site Modification Request Form, and obtain written approval from the commissioner, prior to planting or storing at the proposed location.
- (b) Any request for a new growing location shall comply with the act and the Compliance Policy.
- (c) The department shall charge a site modification fee for each new growing location, whether outdoor plot or greenhouse or indoor structure, where hemp will be planted.



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- (d) The commissioner shall not review or approve a site modification request for a new growing location until the department has received the site modification fee.
- (e) The department shall not assess a site modification surcharge for changes to storage-only locations.

Section 13. Certified Seed Acquisition.

- (a) A grower or processor shall not buy, sell, possess, or transfer seeds that are not certified, or propagules that are not from certified seeds.
- (b) A grower shall obtain written approval from the department to change the variety of certified seed or propagules to be planted from those listed in their application.
- (c) A grower shall provide the name of his or her certified seed or propagule source on the Field Planting Report form or Greenhouse Planting Report form.
- (d) Upon request from the commissioner, a grower shall provide a distribution list showing locations where and to whom certified seeds or propagules were distributed.

Section 14. Planting Reports.

- (a) A grower shall prepare a complete and current Planting Report, within fifteen (15) days after every planting, including replanting, of seeds or propagules, and shall submit these reports to the commissioner, upon request.
- (b) Each Planting Report shall identify the:
 - (1) Correct variety name of the certified seed or propagules planted; and;
 - (2) Location ID as assigned by the department.
- (c) A grower who does not plant hemp in an approved outdoor plot listed in the grower license application shall submit a Planting Report, on or before July 1st of that year, stating that hemp has not and will not be planted at that location. A grower who does not plant hemp in an approved indoor plot listed in the grower license application shall submit a Planting Report, at the end of each calendar quarter, stating that hemp has not and will not be planted at that location, during that quarter.

Section 15. Site Access for Representatives of the Department and Law Enforcement Agencies.

- (a) The department shall provide information about approved growing, handling, and storage site locations to law enforcement agencies whose representatives request registered site information, including GPS coordinates.
- (b) Growers shall have no reasonable expectation of privacy with respect to locations where hemp seeds, plants, or materials are located, and any premises listed in the grower license application.
- (c) A grower, whether present or not, shall permit the commissioner and any law enforcement agency to enter into locations where hemp seeds, plants, or materials are located and any premises listed in the grower license application, at any time, with or without cause and with or without advanced notice.
- (d) A processor shall have no reasonable expectation of privacy with respect to locations where hemp seeds, plants, equipment, or materials are located and any premises listed in the processor license application.



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(860) 713-2502
agr.hemp@ct.gov

- (e) A processor, whether present or not, shall permit the commissioner and any law enforcement agency to enter into location where hemp seeds, plants, equipment, or materials are located and any premises listed in the processor license application, at any time, with or without cause, and with or without advance notice.

Section 16. Pesticide Use.

- (a) No pesticide shall be applied to hemp, or to soil or growing media used to grow hemp except in accordance with state and federal law.
- (b) All pesticides used in the growing, storage, handling and processing of hemp shall be stored, handled and used according to the pesticide manufacturer's instructions, and state and federal law.
- (c) The commissioner may test hemp and hemp products for the presence of pesticide residues.
- (d) No hemp or hemp product may contain pesticide residues above the applicable tolerance level established by the federal Environmental Protection Agency.
- (e) Hemp seeds, plants, and materials bearing pesticide residue in violation of subsection (d) of this section shall be subject to forfeiture or destruction without compensation.

Section 17. Responsibility of a Grower Related to Harvesting of Hemp Plots, Grower Sampling.

- (a) The department may collect samples of any hemp at any time.
- (b) A grower shall submit a complete and current Harvest/Destruction Report form to the department at least fifteen (15) days prior to the intended harvest date or intended destruction of a failed crop, and include the date and time information of the scheduled sampling. During the grower's scheduled sample collection, the commissioner may be present at the growing site.
- (c) The grower shall collect a pre-harvest sample no more than fifteen (15) days before the intended harvest date, in accordance with the department published pre-harvest hemp sampling protocol.
- (d) The grower shall submit the pre-harvest sample to the laboratory within twenty-four (24) hours of sample collection in accordance with the department published protocol for pre-harvest sampling and laboratory submission.
- (e) Hemp samples shall be contained in a sealed tamper evident sample package and accompanied by the department approved completed chain of custody form for hemp samples. The sample label shall contain, at a minimum, the date and time the sample was collected, licensee name, licensee number, location where the sample originated, identification of the lot the sample represents and a sample identification number or laboratory accession number.
- (f) The laboratory chosen by the grower shall comply with section 18 of the Compliance Policy.
- (g) A hemp sample fails THC testing if the test report indicates that the sample contains an average THC concentration greater than 0.3 percent on a dry weight basis.



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(860) 713-2502
agr.hemp@ct.gov

- (h) It is the grower's obligation to keep records which demonstrate each harvest lot was sampled and tested in accordance with the act, and the Compliance Policy. Any sample that does not comply with department's published protocol for the collection and submission of hemp samples shall be deemed invalid.
- (i) The grower shall not harvest hemp until the department receives the pre-harvest sample test results from the laboratory, and authorizes the harvest in writing to the grower.
- (j) Upon receipt of the department's authorization to harvest, the grower shall harvest the crop not more than fifteen (15) days following the date of sample collection by the grower, unless an extension of the fifteen (15) day period is authorized in writing by the department.
- (k) Harvested hemp may be commingled with other hemp harvested from other plots, provided the location ID for each plot is maintained in the grower's records.
- (l) The procedure when the pre-harvest sample results indicate a THC level greater than three-tenths (0.3) percent THC on a dry matter basis shall be as follows:
 - (A) the grower may voluntarily destroy the plot or lot represented by the sample, at the grower's expense;
 - (B) the grower may request permission to harvest and for the department to conduct a post-harvest sample, provided the grower maintains control of the harvested crop represented by the sample and pays the fifty dollar (\$50) resampling inspection fee.
- (2) The procedure when the hemp crop is not harvested within fifteen (15) days of the date of the pre-harvest sample shall be as follows:
 - (A) the grower shall immediately report such failure to harvest to the department. The report shall include the reason for failure to timely harvest such hemp;
 - (B) the grower may voluntarily destroy such plot which was not timely harvested, at the grower's expense;
 - (C) the grower may request permission to harvest and for the department conduct a post-harvest sample, provided the grower maintains control of the harvested hemp and pays a fifty (\$50) dollar resampling inspection fee;
- (3) If a grower fails to request a retest or to pay the resampling fee within fifteen (15) days of notification of pre-harvest results by the department, then the pre-harvest sample test result shall stand, and the department shall order the grower to destroy all hemp or other cannabis from the plot. In the event the grower fails to destroy all hemp or other cannabis from the plot within the specified time, such grower license shall be suspended and the grower shall not offer any hemp or hemp product for sale, in addition to such other sanctions authorized by the Compliance Policy.
- (m) A grower who fails to submit a Harvest/Destruction Report or who does submit a Harvest/Destruction Report and proceeds to harvest a crop prior to obtaining written authorization from the department shall be subject to disciplinary sanctions pursuant to



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agr.hemp@ct.gov

the act, and the Compliance Policy.

Section 18. Laboratory Testing; Sampling by the Department.

- (a) Any laboratory conducting testing to determine levels of THC in hemp or hemp products grown in this state shall use a scientifically validated method for the measurement of THC in *Cannabis sativa*, including but not limited to post-decarboxylation or other similarly reliable methods.
- (b) Any laboratory conducting testing to determine levels of THC in hemp or hemp products grown in this state shall notify the department of final test results within twenty-four (24) hours of completion of the analysis using an email address provided by the department, or through an internet-based reporting system provided by the department, or by any other means acceptable to the commissioner. Such report shall include:
 - (1) the level of THC measured, in percent on a dry weight basis and in parts per million;
 - (2) date the sample was taken;
 - (3) the date of the report;
 - (4) the date of the analysis was completed;
 - (5) the sample identification number;
 - (6) the name and address of the person who submitted the sample;
 - (7) the name, address and license number of the hemp grower or processor from which the sample was obtained;
 - (8) the lot or plot identification that the sample represented; and
 - (9) at the request of the department, the laboratory's uncertainty estimate for the THC values reported.
- (c) The department shall have the right to collect, retain and submit pre-harvest or post-harvest samples from any plot or lot, or processor location, for laboratory analysis in accordance with the department's published protocol.
- (d) All samples shall become the property of the department and shall not be returnable. Licensees shall not be owed compensation for any samples taken by the department.
- (e) If a sample collected by the department indicates a THC level greater than 0.3 percent THC on a dry matter basis, the department shall order the embargo or destruction of all hemp or hemp product that is represented in the sample at the grower's or processor's expense.
- (f) A certificate of analysis from a laboratory shall be considered prima facie evidence of the ingredients and constituents of any sample or specimen submitted for analysis by the commissioner.

Section 19. Restrictions on Sale or Transfer; Exemptions



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- (a) No grower shall sell or transfer, or permit the sale or transfer, of living plants, viable seeds, leaf material, or floral material to any person in the State who does not hold a grower license.
- (b) No grower shall sell or transfer, or permit the sale or transfer, of living plants, viable seeds, leaf material, or floral material to any person outside the state who is not licensed under the laws of that state to be in possession of such hemp products or parts. The grower shall ensure that the sale or transfer is lawful in other states.
- (c) A grower selling or transferring, or permitting the sale or transfer, of floral or plant extracts (including CBD), shall retain testing data or results for at least three (3) years demonstrating that the extract's THC level is not more than three-tenths (0.3) percent on a dry weight basis.
- (d) Growers and processors shall comply with the federal Food Drug and Cosmetic Act, 21 U.S.C. 301 et seq., and all other applicable local, state, and federal laws and regulations relating to product development, product manufacturing, consumer safety, and public health.
- (e) Any person who holds a license pursuant to chapter 420b and 420f of the Connecticut general statutes shall be exempt from the Compliance Policy as they relate to the cultivation, growing, harvesting, handling, storing, processing and marketing of cannabis under those chapters.

Section 20. Other Prohibited Activities and Products.

- (a) No grower shall plant or grow hemp on any site not listed in the grower license application.
- (b) No grower or processor shall transport live hemp plants, viable seeds, leaf materials, or floral materials to unapproved locations including trade shows, county fairs, educational or other events, or any other address not listed on the licensee's current license application.
- (c) No grower or processor shall permit unsupervised access to hemp plots.
- (d) No person shall ship or transport, or allow to be shipped or transported, live hemp plants, cuttings for planting, or viable seeds from a variety that is currently designated by the department as a prohibited variety or variety of concern.
- (e) No person shall ship or transport, or allow to be shipped or transported, any hemp or hemp product with a THC concentration in excess of three-tenths (0.3) percent on a dry weight basis, unless authorized in writing by the department.
- (f) No processor shall process or store hemp on any site not listed in the processor license application.
- (g) No person shall possess live hemp plants without a grower license.
- (h) No person shall destroy any hemp or cannabis, except in accordance with state and federal law.

Section 21. Negligent Violations of the State Plan, the Act, or the Federal Act.



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- (a) Whenever an inspection or investigation reveals any negligent violation of the state plan, the act, or the federal act by any person, including by negligently (i) failing to provide a legal description of land on which the producer produces hemp; (ii) failing to obtain a license or other required authorization from the commissioner; or (iii) producing *Cannabis sativa L.* with a THC concentration of more than 0.3 percent on a dry weight basis. The commissioner shall notify the person, in writing, of such violation(s) specifying the corrective action plan to be followed to cure the violation(s), the time period within which such corrective action plan shall be completed, and a requirement that the person shall periodically report to the department on the compliance of the person with the state plan for a period of not less than the next 2 calendar years.
- (b) A person that negligently violates the state plan, the act, or the federal act shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any State government, Tribal government, or local government.
- (c) A person that negligently violates the state plan, the act, or the federal act 3 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.
- (d) Any person aggrieved by an order issued pursuant to this section may appeal therefrom pursuant to chapter 54 of the Connecticut general statutes. Such appeal shall be made in writing to the commissioner and received within fifteen (15) days of the date of the order. If no appeal is made pursuant to this subsection the order shall be deemed agreed to and shall be enforced.

Section 22. License Revocation Hearings and Consequences of Revocation; Enforcement and Appeals

- (a) Whenever an inspection or investigation reveals any violation of the act, state plan, or the Compliance Policy, the licensee, applicant or respondent shall be notified in writing of such violation(s) specifying the corrective action(s) to be taken, and specifying the time period within which such corrective action(s) shall be taken. After final notification, when such registrant, applicant or respondent fails to correct a violation within the specified time period, the commissioner or the commissioner's designated agent may suspend, revoke, deny or refuse to renew any license required under the act and the Compliance Policy.
- (b) Any person aggrieved by an order issued pursuant to this section may appeal therefrom pursuant to chapter 54 of the Connecticut. Such appeal shall be made in writing to the Commissioner and received within fifteen (15) days of the date of the order. If no appeal is made pursuant to this subsection the order shall be deemed agreed to and shall be enforced.
- (c) In the event a grower or a processor fails to destroy all hemp from the plot or lot ordered to be destroyed pursuant to the act, or the Compliance Policy, within the time specified in the order, all such hemp or hemp products shall be embargoed by the commissioner and such grower or processor license may be suspended by the Commissioner.



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agr.hemp@ct.gov

- (d) A person whose property is destroyed or seized by the commissioner or any law enforcement agency shall be owed no compensation or indemnity for the value of the cannabis, hemp, or hemp products that were destroyed or seized. In addition, the person shall be liable for all costs of seizure and destruction.
- (e) A person whose grower or processor license has been revoked shall be barred from obtaining a license under the act and the Compliance Policy, in any capacity for a minimum period of five (5) years from the date of revocation.
- (f) 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 pursuant to the act, 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, destruction, and release of hemp or hemp products. A cease and desist order and/or an emergency order shall become effective upon service by the commissioner. Following service of any such order, subsequent proceedings shall proceed in accordance with section 22-4d of the Connecticut general statutes, and rules of practice for the department.
- (g) The following shall apply an order for the embargo, destruction, quarantine of hemp or hemp products and an appeal therefrom:
 - (1) No person shall remove, dispose of, sell or offer for sale such hemp or hemp product(s) subject to an embargo, destruction or quarantine order without the permission of the commissioner or the commissioner's designated agent. Any person aggrieved by an order of the commissioner to embargo, destroy or quarantine hemp or hemp product(s) may request a hearing before the commissioner not more than five business days after the issuance of such order. The hearing shall be conducted not later than five business days after the receipt of the appeal. If no appeal is made pursuant to this subsection the order shall be deemed agreed to and shall be enforced; and
 - (2) Following any hearing, the commissioner or the commissioner's duly appointed hearing officer shall make a determination as to whether such hemp or hemp product(s) complies with the act and the Compliance Policy. If the commissioner or the commissioner's duly appointed hearing officer determines the hemp or hemp product(s) have not been produced, processed or handled in compliance with the act and the Compliance Policy, the commissioner or the commissioner's duly appointed hearing officer may order the licensee, respondent, owner or custodian of such hemp or hemp product(s) to destroy or dispose of such hemp or hemp product(s). The commissioner or the commissioner's duly authorized agent shall supervise the destruction or other disposition of such hemp or hemp product(s). If the commissioner or the commissioner's duly appointed hearing officer finds the hemp or hemp product(s) have been produced, processed or handled in compliance with the act and the Compliance Policy, or finds such hemp or hemp product(s) can be properly packaged, marked or otherwise brought into compliance with produced, processed or handled in compliance with the act



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agr.hemp@ct.gov

and the Compliance Policy, the commissioner appointed hearing officer may order such hemp or hemp product(s) to be so packaged, marked or otherwise brought into compliance and may thereafter authorize the release of the hemp product(s). The owner of such hemp product(s) shall pay all of the costs of storage, handling, destruction and other related expenses.

- (h) In any hearing held pursuant to this section, the department shall bear the burden of proof by a preponderance of the evidence in the record. Any hearing held pursuant to the section shall be limited to whether the violation(s) are occurring or were occurring at the time the inspection or investigation was conducted, or the order was issued. Any person aggrieved by a final decision of the commissioner may appeal therefrom in accordance with the provisions of section 4-183 of the Connecticut general statutes. Nothing in this section shall be construed to prevent the commissioner or the commissioner's designated agent from entering into a stipulated agreement or any other remedy with an aggrieved party which resolves the dispute.

Section 23. Administrative Civil Penalties.

- (a) Following a hearing conducted in accordance with chapter 54 of the general statutes, 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 grower or processor licensee who violates the provisions of this section or any regulation adopted pursuant to this section.
- (b) Any individual who cultivates or processes hemp in this state without obtaining a license pursuant to this section, or who cultivates or processes hemp in this state after having a license suspended or revoked may be fined two hundred fifty dollars in accordance with the provisions of section 51-164n of the general statutes.
- (c) Any business entity that cultivates or processes hemp in this state without obtaining a license pursuant to this section, or cultivates or processes hemp in this state after having a license suspended or revoked shall be fined not more than two thousand five hundred dollars per violation, after a hearing conducted in accordance with chapter 54 of the general statutes.

Section 24. Expiration of the Hemp Research Pilot Program; Research Plan requirements.

At such time as the state's hemp research pilot program terminates, then all requirements for research and marketing related activities for growers and processors under the act and the Compliance Policy shall no longer be in force, nor obligations of any grower or processor.