



## Legislation Text

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**File #:** 19-305, **Version:** 1

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### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Steven Hajik, Agricultural Commissioner

**DATE:** April 2, 2019

**SUBJECT:** Discussion and Consideration of Industrial Hemp Cultivation Status in the County of Lake

#### EXECUTIVE SUMMARY:

The industrial Hemp Program is a joint USDA (Federal), CDFA (State) and County (Agricultural Commissioner) program. Although industrial hemp is considered to be an agricultural commodity by the Federal and State government, there are additional regulations associated with it. The proposed USDA regulations will be out this fall and finalized in 2020. The State regulations are being developed and have to be approved by the USDA. The Federal Government will allow the state regulations since the USDA cannot approve them until their own regulations are finalized. This arrangement will be in effect only until the end of 2019.

On April 3, 2019 the State Office of Administrative Law will probably approve the regulations allowing hemp growers to register with the County Agricultural Commissioners. It is possible that on April 4, 2019 the CDFA will give the counties the go-ahead to start registering industrial hemp growers. Since the USDA and CDFA regulations are still being formulated, some counties have adopted temporary moratoriums until they are finalized. This will allow the regulations to catch-up with the registration process. Possibly Community Development may want to provide some input on where industrial hemp can be grown in the county. Currently, there are 15 counties that have done a moratorium and 4 that have not. The State registration fee is \$900.

In regards to the State regulations, only the approved seed cultivars and grower registration (anticipated) sections have been developed. They still need to develop the following sections: sampling procedure, enforcement procedure, the pilot program, laboratory tests, research institution and annual inspections. If the THC level is over .3 of 1%, the crop cannot be sold and must be destroyed. People registering before the program regulations are fully developed could be taking a risk. Furthermore, since the State regulations are not approved by the USDA and are only temporary, can the county legally require a crop to be destroyed?

The County will be receiving a state contract for hemp enforcement work in the future which will define what activities will be reimbursed by the CDFA. The county can charge fees for the activities not covered by the CDFA.

I want to know what direction the Board of Supervisors want to take.

I am enclosing the following documents:

- An Urgency Ordinance of the Mendocino County, Temporary Moratorium on the Cultivation of Industrial Hemp
- The Yolo County Industrial Hemp Moratorium
- Industrial Hemp White Paper issued by the California Agricultural Commissioner and Sealer Association

**FISCAL IMPACT:** ☒ None ☐ Budgeted ☐ Non-Budgeted

Estimated Cost:

Amount Budgeted:

Additional Requested:

Annual Cost (if planned for future years):

**FISCAL IMPACT (Narrative):** None

**STAFFING IMPACT (if applicable):** None

**RECOMMENDED ACTION:** Direction to staff.