



GEORGIA DEPARTMENT OF AGRICULTURE

Tyler Harper, Commissioner

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DATE: August 7, 2024

ACTION: Notice of Intent to Amend, Repeal, and Adopt Hemp and Hemp Product Rules

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 50-13-4 and O.C.G.A. § 2-23-12, notice is hereby given that the Georgia Department of Agriculture will accept written comments regarding proposed amendments to and repeals of certain of its existing Hemp Rules, GA. Comp. R. & Regs. r. 40-32-1 through 40-32-3, and the adoption of Subjects 40-32-4 and 40-32-5 (collectively, the “Rules”). **The Department will accept written comments from Thursday, August 8, 2024, until the close of business (4:30 p.m. ET) on Friday, September 6, 2024.**

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Synopsis:

The Department seeks to amend, repeal, and adopt the Rules to reflect the cumulative changes to the Georgia Hemp Farming Act, O.C.G.A. § 2-23-1 et seq., made by Ga. L. 2024, SB 494.

At the highest level, proposed changes (a) amend and repeal existing general provisions in Subject 40-32-1 [General Provisions], including defined terms, to reflect and implement SB 494; (b) amend and repeal portions of the existing Subjects 40-32-2 [Hemp Growers] and 40-32-3 [Hemp Processors] to reflect and implement SB 494; and (c) adopt Subjects 40-32-4 [Hemp Product Manufacturers, Consumable Hemp Product Wholesalers, Retail Consumable Hemp Establishments, and Registered Laboratories] and 40-32-5 [Consumable Hemp Products] to reflect and implement license and registration classes and accompanying standards, and consumable hemp product standards, respectively created by SB 494.

The Department expects the Rules to be effective after adoption and appropriate filing with the Georgia Secretary of State.

Proposed Amendments and Repeals to Subject 40-32-1 [General Provisions]:

Proposed amendments and repeals to Subject 40-32-1 reflect amendments to the Georgia Hemp Farming Act in SB 494.

Proposed changes:

- Amend the purpose of the Rules to reflect SB 494. GA. Comp. R. & Regs. r. 40-32-1-.01.
- Amend defined terms to reflect SB 494 defined terms. GA. Comp. R. & Regs. r. 40-32-1-.02.
- Repeal statement of consultation in publication of rules to reflect SB 494. GA. Comp. R. & Regs. r. 40-32-1-.05.

Proposed Amendments and Repeals to Subject 40-32-2 [Hemp Growers]:

Proposed amendments and repeals to Subject 40-32-2 reflect amendments to the Georgia Hemp Farming Act in SB 494. Changes are minimal to retain compliance with USDA Final Rule requirements, 7 CFR Part 990.

Proposed changes:

- Implement amendments to update defined term usage, make minor clarifying edits, and allow for more requests to change information associated with a hemp grower license. GA. Comp. R. & Regs. r. 40-32-2-.01.
- Implement amendments to update defined term usage, make minor clarifying edits, and revise disqualifying convictions in accordance with SB 494. GA. Comp. R. & Regs. r. 40-32-2-.02.
- Implement amendments to update defined term usage, make minor clarifying edits, and rework the treatment of plants used to produce propagative cuttings. GA. Comp. R. & Regs. r. 40-32-2-.03.
- Repealed rule detailing grower laboratory testing requirements that are now deferred to the new Subject 40-32-4. GA. Comp. R. & Regs. r. 40-32-2-.04.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.05.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.06.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.07.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.08.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.09.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.10.
- Repealed rule detailing hemp grower compliance inspections now addressed in the new Subject 40-32-4 and that were partially redundant with regard to the Georgia Hemp Farming Act. GA. Comp. R. & Regs. r. 40-32-2-.11.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-2-.12.

Proposed Amendments and Repeals to Subject 40-32-3 [Hemp Processors]:

Proposed amendments and repeals to Subject 40-32-3 reflect amendments to the Georgia Hemp Farming Act in SB 494.

Proposed changes:

- Implement amendments to update defined term usage, make minor clarifying edits, update and set the revised permit fee, remove some permit application requirements, and allow for more requests to change information associated with a hemp grower license. GA. Comp. R. & Regs. r. 40-32-3-.01.

- Implement amendments to update defined term usage, make minor clarifying edits, revise disqualifying convictions, incorporate select prohibitions repealed rule, and add restrictions on consumable hemp products. GA. Comp. R. & Regs. r. 40-32-3-.02.
- Implement amendments to update defined term usage, make minor clarifying edits, and revise sampling to better reflect registered laboratory concept and consumable hemp products. GA. Comp. R. & Regs. r. 40-32-3-.03.
- Repealed rule detailing processor laboratory testing requirements that are now deferred to the new Subject 40-32-4. GA. Comp. R. & Regs. r. 40-32-3-.04.
- Repealed rule detailing additional permittee restrictions and incorporated non-redundant provisions in other rules. GA. Comp. R. & Regs. r. 40-32-3-.05.
- Implement amendments to update defined term usage, make minor clarifying edits, rename the rule, and reflect alternative avenues of disposal based on noncompliance. GA. Comp. R. & Regs. r. 40-32-3-.06.
- Implement amendments to update defined term usage, make minor clarifying edits, and revise the bond minimum per SB 494. GA. Comp. R. & Regs. r. 40-32-3-.07.
- Implement amendments to update defined term usage and make minor clarifying edits. GA. Comp. R. & Regs. r. 40-32-3-.08.
- Implement amendments to update defined term usage, make minor clarifying edits, and remove some burdensome reporting requirements. GA. Comp. R. & Regs. r. 40-32-3-.09.
- Repealed rule detailing hemp processor compliance inspections now addressed in the new Subject 40-32-4 and that were partially redundant with regard to the Georgia Hemp Farming Act. GA. Comp. R. & Regs. r. 40-32-3-.10.
- Implement amendments to update defined term usage, streamline, and conform to SB 494. GA. Comp. R. & Regs. r. 40-32-3-.11.

Proposed Adoption of Subject 40-32-4 [Hemp Product Manufacturers, Consumable Hemp Product Wholesalers, Retail Consumable Hemp Establishments, and Registered Laboratories]:

Proposed adoption of Subject 40-32-4 reflects amendments to the Georgia Hemp Farming Act in SB 494.

Proposed changes:

- Adopt a process for licensing hemp manufacturers, identify license terms and conditions, set forth sampling and testing procedures, provide for the disposal of non-compliant hemp products, provide for recordkeeping requirements, and identify violations and enforcement. GA. Comp. R. & Regs. r. 40-32-4-.01.
- Adopt a process for licensing consumable hemp product wholesalers, identify general licensee requirements, and identify violations and enforcement. GA. Comp. R. & Regs. r. 40-32-4-.02.
- Adopt a process for licensing retail consumable hemp establishments, identify general licensee requirements, and identify violations and enforcement. GA. Comp. R. & Regs. r. 40-32-4-.03.
- Adopt a process for registering laboratories to test hemp and hemp products, identify general laboratory requirements, set minimum hemp and hemp product testing standards, and provide for limited recordkeeping. GA. Comp. R. & Regs. r. 40-32-4-.04.

Proposed Adoption of Subject 40-32-5 [Consumable Hemp Products]:

Proposed adoption of Subject 40-32-5 reflects amendments to the Georgia Hemp Farming Act in SB 494.

Proposed changes:

- Adopt general standards for consumable hemp products in accordance with the Georgia Hemp Farming Act. GA. Comp. R. & Regs. r. 40-32-5-.01.
- Set maximum analyte limits for consumable hemp products. GA. Comp. R. & Regs. r. 40-32-5-.02.
- Adopt required labelling standards for consumable hemp products, including for contents, full panel certificates of analysis, and a warning sticker. GA. Comp. R. & Regs. r. 40-32-5-.03.
- Adopt required packaging standards for consumable hemp products. GA. Comp. R. & Regs. r. 40-32-5-.04.
- Adopt limitations on advertising related to consumable hemp products and retailers. GA. Comp. R. & Regs. r. 40-32-5-.05.

General Amendments:

The Department proposes to amend the Chapter title to better reflect the expanded scope of the Georgia Hemp Farming Act under SB 494.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from Thursday, August 8, 2024, until the close of business (4:30 p.m. ET) on Friday, September 6, 2024. Public comments and the adoption of the amended Rules will be considered at 1 p.m. on Monday, September 9, 2024, in Room 201 at the Georgia Department of Agriculture, 19 M.L.K. Jr. Drive SW, Atlanta, Georgia 30334. Please submit written comments to:

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Interested persons may call or submit a written request to obtain a copy of the proposed rule changes. A copy of the synopsis and the proposed rule changes may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.