

Industrial Hemp Overview

City of Santa Rosa
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Agricultural Commissioner

General Background

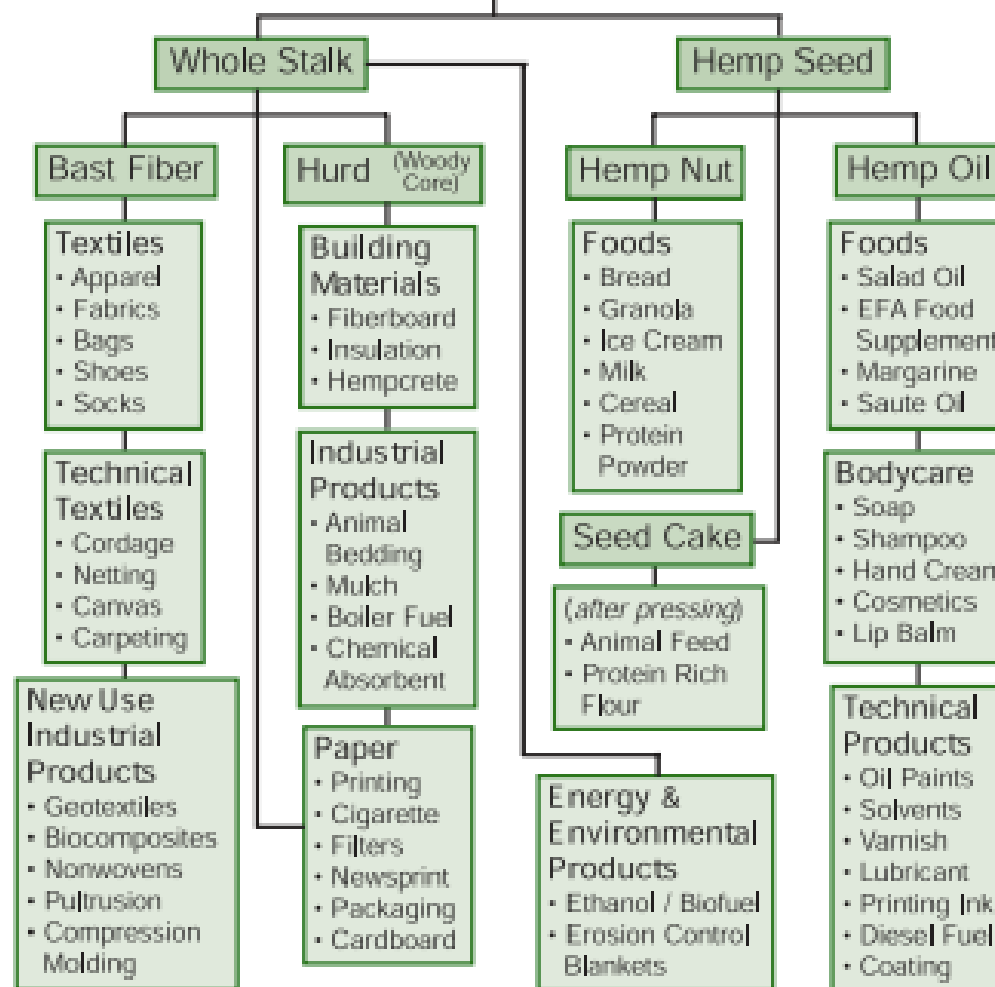
- ▶ Industrial hemp definition (Health and Safety Code section 11018.5).
- ▶ For the 2019 growing season in California, there were 550 registered hemp producers accounting for 35,320 acres of registered hemp in 32 counties.
- ▶ The primary interest in growing hemp in California is for cannabidiol (CBD) production.
- ▶ CBD oil is extracted from hemp using solvents such as ethanol and CO₂.



Industrial Hemp Definition

- ▶ Industrial hemp means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three tenths of 1 percent tetrahydrocannabinol (THC) contained in the flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, salt, derivative, mixture ,or preparation of the plant, its seeds or resin produced therefrom.
- ▶ (Health and Safety Code section 11018.5)

Modern Uses of Industrial Hemp



Industrial Hemp for Cannabidiol (CBD)

- ▶ Cannabidiol (CBD) is a phytocannabinoid discovered in 1940. It is one of some 113 identified cannabinoids in cannabis plants, accounting for up to 40% of the plant's extract. As of 2018, preliminary clinical research on CBD included studies of anxiety, cognition, movement disorders, and pain.
- ▶ Industry experts predict that the CBD market could hit \$22 billion by 2022.

Industrial Hemp Farm Producing CBD in Eastern Colorado



Industrial Hemp Grown for Fiber in Kentucky



General Background – Legislative

- ▶ Federal Law
- ▶ State Law
- ▶ Sonoma County



Federal Law

- ▶ 2014 Farm Bill allowed for “Institutions of Higher Education” and state departments of agriculture to cultivate hemp for research purposes under a pilot program.
- ▶ 2018 Farm Bill continued the research program but also legalized hemp for commercial cultivation. USDA put out an “Interim Federal Rule” in October 2019 which laid out requirements for state plans. If a state wants to assume primary regulatory authority over hemp, they must submit a plan to USDA that meets all of the federal requirements. USDA must approve these plans. Farmers in states without state approved plan may submit applications to cultivate hemp to USDA.

Federal Law

- ▶ CDFA to submit state plan to USDA in May 2020
- ▶ Interim Rule in place for two years, then permanent regulations.
- ▶ Sampling protocol different from state and likely to result in more crop destruction.
- ▶ 15 day window from lab sample to harvest completion could be problematic

State Law

- ▶ Hemp governed by Division 24 of the California Food and Agricultural Code
- ▶ SB 566 passed in 2013 but remained inactive until Prop 64 passed
- ▶ SB 1409 signed into law September 2018 expanded use and cultivation allowances beyond just seed and fiber to allow for tending of individual plants to facilitate CBD production
- ▶ SB 153 recently signed by governor was first effort to align state regulations with federal requirements. Additional legislation to follow

Sonoma County

- ▶ Moratorium approved by BOS in April 2019
- ▶ Moratorium to sunset April 30, 2020
- ▶ BOS Directed Ag Comm to develop local ordinance.
- ▶ First reading of ordinance approved 11/21/19
- ▶ Second reading February 4, 2020

Non-Zoning Regulations

- ▶ Vehicle for enforcement of ordinance is local registration
- ▶ Pollen management/crop compatibility
 - ▶ Planting only from clone or feminized seed
 - ▶ Cultivation of males for seed or fiber only indoors with output filtration
- ▶ Enforcement/fraud mitigation
 - ▶ Unregistered hemp may be enforced as unpermitted cannabis
 - ▶ Plant count and reporting of plant removal
 - ▶ Authority to at anytime; over 5% THC treated as cannabis



Recommended Best Management Practices (BMPs)

- ▶ BMPs are used to establish good farming practices for industrial hemp cultivation in Sonoma County.
- ▶ All cultivation should maintain a setback of 200 feet from vineyard and orchard crops on adjacent parcels.
- ▶ All cultivation should maintain a setback of 200 feet from any occupied residential or business structure on adjacent parcels.
- ▶ BMPs apply to all zoning districts where industrial hemp cultivation is allowed, with the exception of mandatory setbacks in Agricultural & Residential Zoning (AR).



Summary of Recommended Actions

- 1.) Prohibit industrial hemp cultivation in Rural Residential (RR) zoning.
- 2.) Allow industrial hemp cultivation in Agricultural and Residential (AR) zoning with mandatory 600' setbacks from occupied structures and 200' from all property lines. Require local registration and provide recommended BMPs.
- 3.) Allow industrial hemp cultivation in Resources and Rural Development (RRD) zoning with prohibition on tree removal and grading. Require local registration and provide recommended BMPs.
- 4.) Allow cultivation in agricultural zoning (LIA, LEA, DA). Require local registration and provide recommended BMPs.

Summary of Recommended Actions

- 5.) Modify Chapter 26 to expressly include industrial hemp cultivation as a permitted use in zoning districts where industrial hemp cultivation is not prohibited. Cultivation includes allowance for post-harvest handling activities.
- 6.) Modify Chapter 26 to add language to the definition of “agricultural processing” to clarify the allowance for on-farm extraction of oil from industrial hemp.
- 7.) Approve \$900 registration fee to cover registration activities.
- 8.) Approve budget adjustment of \$41,262 for County Counsel time.