

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF CONSUMER AND INDUSTRY SERVICES**

**CHAPTER 0080-06-28
HEMP**

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0080-06-28-.01 SCOPE.

- (1) This chapter applies to any person who grows hemp.
- (2) Persons licensed under this chapter shall be responsible for operations conducted under their license until either the applicable license expires or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund fees for early termination of any license issued under this chapter.
- (3) Licenses issued under this chapter are not transferable from person to person or location to location.

Authority: T.C.A. §§ 4-3-203; 43-26-103; 43-26-103(e); and § 12, Public Chapter 87 of 2019.
Administrative History: Original rule filed January 15, 2015; effective April 15, 2015. Amendments filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.02 DEFINITIONS.

- (1) Terms in this chapter share those meanings of terms set forth in Section 12, Public Chapter 87 of 2019.
- (2) When used in this chapter, unless the context requires otherwise:
 - (a) Act means Section 12, Public Chapter 87 of 2019;
 - (b) Cannabis plant means any plant or any part of a plant of the genera Cannabis and includes hemp;
 - (c) Grow means to cultivate plants with attached roots;
 - (d) Growing area means any contiguous land area licensed for the growth of hemp. Bifurcation of a growing area by roads, fencing, or the like shall not render the area non-contiguous under this definition;
 - (e) Move, distribute, transport, or similar words mean to relocate in any manner an item from one real property to another;
 - (f) Person means an individual, partnership, corporation, or any other form of legal entity;
 - (g) Sample means to take material or the material taken from a location licensed by the department;

(Rule 0080-06-28-.02, continued)

- (h) Stop movement order means a written directive issued by the department to prohibit or limit the movement of plants or plant parts; and,
- (i) THC means delta-9 tetrahydrocannabinol.

Authority: T.C.A. §§ 4-3-203; 43-26-103; 43-26-103(e); and § 12, Public Chapter 87 of 2019.
Administrative History: Original rule filed January 15, 2015; effective April 15, 2015. Emergency rule filed May 18, 2018; effective through June 2, 2018. Emergency rule expired effective June 3, 2018, and the rule reverted to its previous status. Amendments filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.03 LICENSE APPLICATION AND FEES.

- (1) A hemp license is required to possess rooted hemp and is issued to each person for each physical address where the person grows hemp.
- (2) Application for a license shall be made on forms provided by the department, which shall be completed in full and may include:
 - (a) Name of applicant;
 - (b) Date of birth of any applicant who is an individual or a partner in a general partnership;
 - (c) Proof of one of the following for any applicant that is not an individual or a partner in a general partnership:
 - 1. Applicant's registration in its state of incorporation; or,
 - 2. Applicant's business license issued by a local governmental authority;
 - (d) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
 - (e) Address of the location to be licensed for growth of hemp and description of all growing areas at the location, including total number of growing acres and Global Positioning System (GPS) coordinates from the areas' central most points; and
 - (f) Other information as required by the department.
- (3) Licensees shall notify the department of any changes to contact information of an application within 30 days after the change takes place.
- (4) The annual fee for a hemp license is assessed under T.C.A. § 43-1-703(f) and is determined according to the total size of growing area(s) at the licensed address:
 - (a) Less than 5 acres: Tier 6 fee;
 - (b) 5 acres to 20 acres: Tier 7 fee;
 - (c) More than 20 acres: Tier 8 fee.
- (5) License applicants shall submit an application and license fee to the department on or before July 1 of each year. The annual license fee shall be waived for any institute of higher education that offers programs of study in agricultural sciences seeking licensure for a growing area on university property. Licenses expire on June 30 following their issuance. If

(Rule 0080-06-28-.03, continued)

an applicant for renewal fails to submit payment of the license fee on or before the following July 16, the applicant shall also be required to pay a late charge assessed under T.C.A. § 43-1-703 prior to renewal of the license.

- (6) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-26-103; 43-26-103(e); and § 12, Public Chapter 87 of 2019.
Administrative History: Original rule filed January 15, 2015; effective April 15, 2015. Amendments filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.04 REPEALED.

Authority: T.C.A. §§ 4-3-203; 43-26-103; 43-26-103(e); and § 12, Public Chapter 87 of 2019.
Administrative History: Original rule filed January 15, 2015; effective April 15, 2015. Amendments filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.05 CROP DISTRIBUTION AND DESTRUCTION.

- (1) Distribution. Licensees shall not distribute rooted hemp to an unlicensed person. Any person may possess, distribute, or store non-rooted hemp.
- (2) Destruction. Cannabis plants found to be in violation of the Act or this chapter shall be held from movement or destroyed in accordance with a departmental directive or destruction order.
- (3) Costs. Licensees shall pay all costs incurred for destruction of any cannabis plant or plant product.

Authority: T.C.A. §§ 4-3-203; 43-26-103; 43-26-103(e); and § 12, Public Chapter 87 of 2019.
Administrative History: Original rule filed January 15, 2015; effective April 15, 2015. Amendments filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.06 MOVEMENT PERMITS.

- (1) Licensees shall not move rooted hemp plants without a valid movement permit issued by the department. Licensees shall also not move any hemp to anyone who treats or transforms harvested hemp for distribution in commerce without a valid movement permit issued by the department.
- (2) Hemp movement permits are required per vehicle per day. To receive a movement permit, the licensee shall submit a movement permit request on forms provided by the department, which may require:
 - (a) The hemp license number for which movement is requested;
 - (b) Origin and destination of movement;
 - (c) Date of intended movement;
 - (d) Weight, volume, or number of units of material to be moved.

(Rule 0080-06-28-.06, continued)

- (3) The department may deny any application for a movement permit that is not completed in accordance with this rule.
- (4) Each cannabis plant or plant product moved not in conformity with this rule shall constitute a separate violation of this chapter.

Authority: T.C.A. §§ 4-3-203; 43-26-103; and § 12, Public Chapter 87 of 2019. **Administrative History:** Original rules filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.07 SAMPLING AND INSPECTIONS.

- (1) **Scope.** The department may enter during normal business hours any location, licensed by the department, for purposes of inspecting any cannabis plant, record, or other material as necessary for the efficient enforcement of the Act and this chapter.
- (2) **Sampling.** The department may conduct sampling of any cannabis plant or other material at a location licensed by the department. A sample collected according to uniform protocols approved by the commissioner shall be deemed representative of the location, growing area, or lesser lot from which the sample was obtained. After the department obtains a sample, licensees shall not move any cannabis plant from the area represented by the sample until the department determines the sample tests no higher than 0.3% THC on a dry mass basis.
- (3) **Testing protocols.** The procedure employed by the Tennessee Department of Agriculture defines the preparation of hemp samples for the determination of THC and is conducted in a manner similarly reliable to post-decarboxylation. The preparation steps include extraction and quantitation of cannabinoids. Cannabinoid quantitation is accomplished using liquid chromatography tandem mass spectrometry (LC-MS/MS). Cannabinoids that can be analyzed by this procedure include delta-9-tetrahydrocannabinol (Δ^9 THC), tetrahydrocannabinolic acid A (THCA), cannabidiol (CBD), and cannabinol (CBN).

The THC content of hemp samples is determined on a dry weight basis. Cannabinoids are extracted from test portions of prepared hemp samples by adding a suitable solvent and shaking the samples on a horizontal orbital shaker. Extracts are subsequently centrifuged, and an aliquot of the supernatant is taken for dilution. A portion of this diluted extract is transferred into an autosampler vial for analysis by LC-MS/MS. Quality Control samples are analyzed alongside unknown samples to demonstrate statistical control of the procedure.

- (4) **Test results exceeding 0.3% THC.** Any sample test result higher than 0.3% THC concentration on a dry mass basis shall be conclusive evidence that one or more cannabis plants or plant products from the area sampled contain a THC concentration in excess of that allowed under the Act and shall be grounds for stop movement and destruction orders for any plant within the sampled area.
- (5) **Destruction.** Destruction of any plants or plant products under this rule shall be performed in accordance with a directive from the department, which may include destruction by any means necessary for reasonable assurance that all cannabis plants exceeding allowable limits of THC are destroyed, e.g. by removal and incineration, field burning, deep burial, composting, or other means approved by the department. Any licensee aggrieved by an order issued under this chapter may petition the department in writing for review of the order under the Uniform Administrative Procedures Act. If no petition is filed with the department within ten days of the department's order, the order shall become final and will not be subject to review.
- (6) **Laboratory analysis costs.** Licensees shall pay a Tier 4 laboratory analysis fee under T.C.A. § 43-1-703(f) for each sample collected by the department.

(Rule 0080-06-28-.07, continued)

Authority: T.C.A. §§ 4-3-203; 43-26-103; and § 12, Public Chapter 87 of 2019. **Administrative History:** Original rules filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.08 REPEALED.

Authority: T.C.A. §§ 4-3-203; 43-26-103; and § 12, Public Chapter 87 of 2019. **Administrative History:** Original rules filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.

0080-06-28-.09 VIOLATIONS.

- (1) In addition to other requirements of this chapter, licensees shall:
 - (a) Possess or grow rooted hemp only within a licensed growing area or under immediate transport to a licensed growing area; and,
 - (b) Upon departmental request, provide full and accurate information regarding the person's acquisition, cultivation, and distribution of hemp.
- (2) In addition to other requirements of this chapter, licensees shall not:
 - (a) Be convicted of any drug-related felony offense in any state or federal jurisdiction within the previous ten years. Violation of this provision is grounds for immediate denial or revocation of any license issued under this chapter;
 - (b) Cultivate, move, or distribute cannabis plants other than hemp;
 - (c) Interfere with an authorized representative of the department in the performance of his duties;
 - (d) Market or represent hemp or hemp products to be marijuana or any illicit substance in any form; or,
 - (e) Violate any state or federal quarantine or order issued by the department.
- (3) A person is responsible for violations of the Act or this chapter when committed by either the person or his agent.
- (4) Each violation of the Act or this chapter is grounds for issuance of stop movement or destruction orders against any cannabis plant held by the violator or his agent; denial or revocation of any license issued under this chapter; actions for injunction; imposition of civil penalties; or referral for criminal investigation pursuant to the Act.

Authority: T.C.A. §§ 4-3-203; 43-26-103; and § 12, Public Chapter 87 of 2019. **Administrative History:** Original rules filed July 31, 2018; effective October 29, 2018. Emergency rules filed June 3, 2019; effective through November 30, 2019.