

**RULES OF
GEORGIA DEPARTMENT OF
AGRICULTURE**

**CHAPTER 40-32
HEMP AND HEMP PRODUCTS**

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Rule 40-32-1-.01 Authority and Purpose of Rules

The purpose of this Chapter is to establish the standards, practices, procedures, and requirements for cultivating, processing, manufacturing, selling, and testing hemp and hemp products in Georgia.

Authority: O.C.G.A. § 2-23-1 et seq.

Rule 40-32-1-.02 Definitions

Words used in these rules in the singular form will be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of this Chapter, the following terms will be construed, respectively, to mean:

- (1) “Advertise” – means, but is not limited to, the act of publicizing, disseminating, soliciting, or circulating visual, oral, or written communication to induce or persuade any person to purchase or consume a consumable hemp product or visit a hemp retail establishment.
- (2) “Agricultural Marketing Service” or “AMS” – means the Agricultural Marketing Service of the United States Department of Agriculture.
- (3) “Analyte” – means a chemical, compound, element, bacteria, yeast, fungus, microbial, or toxin for which a product sample is tested by an independent laboratory.
- (4) “Applicant” – means a person or entity that submits an application for a license or permit issued by the Department pursuant to the Georgia Hemp Farming Act. An application for an entity may be submitted by a person serving in an official capacity for the entity or by an agent who is authorized to sign for the entity.
- (5) “Application” – means the necessary and required written request which must be submitted to the Department by an applicant, as required by the Department, and which includes, but may not be limited to, all requirements of the Georgia Hemp Farming Act and this Chapter.
- (6) “Attractive to children” – means the use of any characters or symbols designed to appeal, or likely to appeal, primarily to individuals under 21 years of age, including but not limited to anthropomorphized animals, creatures, promotional characters, licensed characters, or inanimate objects; depictions of children; or depictions of candy.
- (7) “Cannabis” – means a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof.
- (8) “Child resistant packaging” – means the special packaging of a product in final packaged form in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. Section 1471 et seq., as amended.
- (9) “Commercial sale” – means the sale of a product in the stream of commerce at retail, at wholesale, or online.
- (10) “Commissioner” – means the Georgia Commissioner of Agriculture.

- (11) “Consumable hemp product” – means a hemp product intended to be ingested, absorbed, or inhaled by humans or animals.
- (12) “Consumable hemp product in the form of a tincture” – means a consumable hemp product in the form of liquid, that is not a beverage or intended for drinking, that is intended for human consumption, and contains hemp suspended in a base of glycerin or consumable base oil.
- (13) “Consumable hemp product in the form of a gummy” – means a gelatinous substance in the form of a cube, sphere, prismatic, ovoid, or other shape that is designed for human ingestion.
- (14) “Consumable hemp product intended for topical application” – means a consumable hemp product in the form of a lotion, oil, transdermal patch, or other topical medium product intended to deliver the hemp product onto the surface of the skin.
- (15) “Contaminant” – means a foreign substance or compound that may, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such term shall include, without limitation, heavy metals, pesticide residues, residual solvents or processing chemicals, and any other substance or compound that the Department determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal.
- (16) “Controlled Substances Act” or “CSA” – means the Federal Controlled Substances Act, as codified in 21 U.S.C. 801 et seq.
- (17) “Conviction” – means a final judgment of conviction entered upon a verdict or finding of guilty of a crime or upon a plea of guilty.
- (18) “Corrective action plan” – means a plan established by the Department for a hemp grower licensee to correct negligent violations of the Georgia Hemp Farming Act or this Chapter.
- (19) “Covered growing facility” – means a greenhouse, building or other structure identified by a hemp grower licensee as a grow site and which is not used for residential purposes.
- (20) “Culpable mental state greater than negligence” – means to act intentionally, knowingly, willfully, or recklessly.
- (21) “Cultivate” – means to plant, water, grow, and harvest a plant or crop.
- (22) “Delta-9 THC” – means delta-9-tetrahydrocannabinol.

- (23) “Delta-9-THCA” – means delta-9-tetrahydrocannabinolic acid.
- (24) “Department” – means the Georgia Department of Agriculture, its agent(s), or its designee(s).
- (25) “Dispose” or “Disposal” – means an activity that transitions non-compliant hemp or hemp products into a non-retrievable and non-ingestible form. Such activities with regard to non-compliant hemp include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering with soil. Such activities with regard to non-compliant hemp products include, for edible consumable hemp products, finely chopping or grinding the consumable hemp product and mixing it with coffee grounds, soil, or garbage, making it inedible; for beverage consumable hemp products, pouring them down a plumbed drain and either recycling or disposing of the containers; and for any other consumable hemp product, placing the consumable hemp product into a container or box and sealing it prior to placement into the trash.
- (26) “Drug Enforcement Administration” or “DEA” – means the United States Drug Enforcement Administration.
- (27) “Dry weight basis” – means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.
- (28) “Entity” – means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.
- (29) “Farm Service Agency” or “FSA” – means the Farm Service Agency of the United States Department of Agriculture.
- (30) "Final packaged form" – means the form of packaging in which a consumable hemp product is intended for individual retail sale. This form does not include packaging, containers, or outer wrapping used solely for the transport of products in bulk quantity.
- (31) “Federal Criminal History Report” – means the Federal Bureau of Investigation's Identity History Summary.

- (32) “Food product” – means any product intended to be consumed by humans for physical subsistence; provided, however, that such term shall not include products that constitute drinks or beverages for purposes of this Chapter.
- (33) “Full panel certificate of analysis” – means a report, produced by a registered laboratory which is unaffiliated with the processor or manufacturer and which has been accredited pursuant to the standards of the International Organization for Standardization for the competence, impartiality, and consistent operation of laboratories, attesting to the composition of a product.
- (34) “Gas chromatography” – means a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. Gas chromatography relies on heat for separating and analyzing compounds that can be vaporized without decomposition.
- (35) “Georgia Hemp Farming Act” – means O.C.G.A. § 2-23-1 et. seq.
- (36) “Georgia Hemp Program” – means programs administered and actions taken in furtherance by the Department of the plan referenced in O.C.G.A. § 2-23-11, the remainder of the Georgia Hemp Farming Act, and O.C.G.A. §§ 16-12-240 through 16-12-243.
- (37) “Geospatial location” or “GPS coordinates” – means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.
- (38) “Grow site” – means a contiguous lot, parcel, or tract of land identified in an approved hemp grower license application, as amended, at which a hemp grower licensee cultivates or intends to cultivate hemp. A grow site may include fields or covered growing facilities, as well as land and buildings that are not used to cultivate hemp. Each lot, parcel, or tract of land separated by a barrier or buffer of at least twelve feet (12’) in width will be considered a separate grow site.
- (39) “Handle” – means to possess or store hemp for any period of time other than during the actual transport of such hemp from the premises of a person licensed to cultivate or permitted to process hemp; or a college or university authorized to conduct research pursuant to O.C.G.A. § 2-23-4; to the premises of another licensed or permitted person or to a college or university authorized to conduct research pursuant to O.C.G.A. § 2-23-4; provided, however, that this term does not include possessing or storing hemp products.
- (40) “Harvest” – means the collection of any portion of a live hemp plant at the termination of the cultivation process for the purpose of processing, distribution, storage, or sale.

- (41) “Hemp” – means the Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9-THC concentration that does not exceed the legal limit.
- (42) “Hemp crop” – means one or more unprocessed hemp plant(s) or plant parts.
- (43) “Hemp grower license” or “Grower license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and cultivate hemp in the State of Georgia.
- (44) “Hemp processor permit” or “Processor permit” – means a permit issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and process hemp in the State of Georgia.
- (45) “Hemp product” – means all products with a total delta-9-THC concentration that does not exceed the legal limit and that are derived from, or made by, processing hemp plants or plant parts and that are prepared in a form available for commercial sale.
- (46) “Industrial hemp product” – means any hemp product that is not a consumable hemp product.
- (47) “Information sharing system” – means the database that allows USDA to share information collected under State, Tribal, and USDA plans with Federal, State, Tribal, and local law enforcement.
- (48) “Key participant” – means a sole proprietor, a partner in partnership, or a person with executive managerial control in any entity when such entity is an applicant for a hemp grower license or processor permit. A person with executive managerial control includes, but is not limited to, persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.
- (49) “Labelling” – means any display of written, printed, or graphic matter printed on or affixed to any product.
- (50) “Law enforcement” or “Law enforcement agency” – any Federal, State, or local law enforcement agency.
- (51) “Legal limit” – means a total delta-9-THC concentration that is the lesser of:
- (a) 0.3 percent, or
 - (b) the percentage limit set forth in 7 U.S.C. Section 1639o.

- (52) “Licensee” – means an individual or business entity possessing a license issued by the Department under the authority of the Georgia Hemp Farming Act.
- (53) “Live hemp plant” – means for purposes of this Chapter, any whole or propagative part of the hemp plant capable or intended for propagation or growth, including living flowers and plants, immature plants, and vegetative stage plants, but excluding seeds.
- (54) “Liquid chromatography” – means a type of chromatography technique in analytical chemistry used to separate, identify, and quantify each component in a mixture. Liquid chromatography relies on pumps to pass a pressurized liquid solvent containing the sample mixture through a column filled with a solid absorbent material to separate and analyze compounds.
- (55) “Lot” – means a contiguous area in a field or covered growing facility containing the same variety or strain of cannabis throughout the area.
- (56) “Low-THC oil” – shall have the same meaning as set forth in O.C.G.A. § 16-12-190.
- (57) “Manufacture” – means to create, produce, manipulate, combine, or package.
- (58) “Manufacturer license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act to an individual or business entity that manufactures consumable hemp products or industrial hemp products in Georgia.
- (59) “Measurement of uncertainty” or “MU” – means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.
- (60) “Negligence” – means failure to exercise the level of care that a reasonably prudent person would exercise in complying with the Georgia Hemp Farming Act and this Chapter.
- (61) “Permittee” – means an individual or business entity possessing a hemp processor permit issued by the Department under the authority of the Georgia Hemp Farming Act to handle and process hemp in the State of Georgia.
- (62) “Person” – means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.
- (63) “Post-decarboxylation” – means in the context of testing methodologies for THC concentration levels in hemp and hemp products, a value determined after the process of decarboxylation that determines the total potential delta-9

tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The post-decarboxylation value of THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

- (64) “Process” or “processing” – means converting an agricultural commodity, including hemp, into a legally marketable form. This definition does not include:
- (a) Merely placing raw or dried material into another container or packaging raw or dried material for resale; or
 - (b) Traditional farming practices such as those commonly known as drying, shucking and bucking, storing, trimming, and curing.
- (65) “Produce” – means to grow hemp plants for market, or for cultivation for market, in the United States.
- (66) “Product lot” – means a specific quantity of a specific finished hemp product that is processed or manufactured at the same time and using the same methods, equipment, and ingredients, and that is uniform and intended to meet specifications for identity, strength, purity, and composition.
- (67) “QR code” – means a quick response code that is a type of machine-readable, two-dimensional barcode that stores information about a product.
- (68) “Registered laboratory” – means an individual or business entity that tests or analyzes any plant within the genus Cannabis, including but not limited to hemp, and products made from or derived from such plant, including but not limited to hemp products and consumable hemp products, and that has registered with the Department under this Chapter.
- (69) “Remediate” or “Remediation” – means the process of rendering non-compliant hemp, compliant. Remediation can occur by removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.
- (70) “Residential purposes” – means use or intended use of a building or portion thereof, including but not limited to apartments, townhomes, and other multi-family structures, for occupancy by one or more persons for living, sleeping, cooking, or eating.

- (71) “Retail consumable hemp establishment license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act to an individual or business entity that prepares or sells prepackaged consumable hemp products to consumers.
- (72) “Reverse distributor” – means a person who is registered with the DEA in accordance with 21 CFR 1317.15 to dispose of marijuana under the Controlled Substances Act.
- (73) “Secretary” – means the United States Secretary of Agriculture.
- (74) “Serving size” – means the size or portion customarily consumed per dose.
- (75) “Tamper evident” – means either that the packaging is sealed so that the contents cannot be accessed without obvious destruction of the seal upon initial opening or having one or more indicators of modification which, if breached, missing, or altered, can reasonably be expected to provide visible evidence that tampering has occurred.
- (76) “Transport” – means to move or transfer product from one location to another.
- (77) “Total delta-9-THC” – means a concentration of delta-9-THC as determined in accordance with O.C.G.A. § 2-23-3.1.
- (78) “Universal symbol” – means the universal cannabis product symbol adopted by the Department for use on consumable hemp product packaging.
- (79) “USDA” – means the United States Department of Agriculture.
- (80) “Variety” – means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition. For purposes of this Chapter, “variety” is synonymous and interchangeable with “strain”.
- (81) "Volunteer cannabis plant" – means any cannabis plant that: (a) grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and (b) is not intentionally planted.
- (82) “Warning sticker of the universal symbol” – means a sticker, or equivalent reproduction, of the universal symbol adopted by Georgia warning potential consumers that the product contains THC.
- (83) “Wholesale consumable hemp license” – means a license issued by the Department under the authority of this Chapter to an individual or entity that sells, in bulk, prepackaged consumable hemp products to retail consumable hemp establishment licensees or to other retail establishments located outside of the State of Georgia

that are authorized to sell consumable hemp products to consumers in the jurisdiction where such establishments are located.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-1-.05 Repealed

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Subject 40-32-2 Hemp Growers

Rule 40-32-2-.01 Application for Hemp Grower License

- (1) Any person desiring to cultivate and handle hemp in Georgia must submit a complete and accurate hemp grower license application to the website used by the Department to administer hemp grower licenses.
- (2) Any person producing or intending to produce hemp must have a valid hemp grower license prior to receiving, producing, cultivating, handling, or storing hemp. A valid license means that the license has been issued and is unexpired, unsuspended, and unrevoked.
- (3) As part of a hemp grower license application, each applicant must submit to the Department the following:
 - (a) An annual hemp grower license fee of \$50.00 per acre cultivated up to a maximum application fee of \$5,000.00;
 1. The applicant must provide the maximum total acres of hemp intended to be cultivated in fields during the relevant licensing period.
 2. Applicants cultivating hemp in covered growing facilities must identify the maximum number and size, in square footage, of covered growing facilities intended to be used for cultivation during the relevant licensing period.
 3. The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.
 4. Each covered growing facility in which hemp is cultivated will be considered a separate acre for fee calculation purposes. Acreage calculations for each covered growing facility will be determined on a 43,560 square-foot basis.
 5. No hemp grower licensee may cultivate more acreage than is listed on the hemp grower license application.
 - (b) Contact information including, but not limited to:
 1. Name;
 2. Street Address;
 3. Mailing Address;
 4. Telephone Number; and

5. Email Address.
- (c) If the applicant is an entity, information including, but not limited to:
1. Legal name;
 2. Business entity type;
 3. Address of the principal business location;
 4. Primary contact information;
 5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;
 - (i) If an applicant is an entity formed in a foreign jurisdiction, including a different state, the applicant must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.
 6. Employer Identification Number (EIN); and
 7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the hemp grower licensee for which an application is being made.
- (d) Information sufficient for locating fields and covered growing facilities to be used to cultivate and harvest hemp, specifically;
1. If hemp is cultivated or is intended to be cultivated in a field:
 - (i) A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;
 - (ii) GPS coordinates provided in decimal degrees and taken at the approximate center of each grow site; and
 - (iii) An aerial map or photograph that clearly shows the boundaries and dimensions of each grow site in acres or square feet.
 2. If hemp is cultivated or is intended to be cultivated in a covered growing facility:
 - (i) A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;

- (ii) GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the covered growing facility composing the grow site;
 - (iii) The approximate dimension or square feet of the covered growing facility composing the grow site; and
 - (iv) An aerial map or photograph that clearly shows the boundaries and dimensions of each grow site in acres or square feet.
- (e) Information sufficient for locating hemp storage facilities including, but not limited to:
 - 1. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be stored;
 - (i) A hemp grower licensee need not identify a field as a storage facility to the extent that a hemp grower licensee leaves harvested hemp to rot in a field. However, a hemp grower licensee must identify a field as a storage facility if the licensee intends to bail or otherwise prepare the hemp for long term storage in the field.
 - 2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;
 - 3. The approximate dimension or square feet of each storage facility; and
 - 4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.
- (f) An attestation that property to be used for the cultivation, handling, or storage of hemp is not used for residential purposes;
- (g) Written consent allowing representatives of the Department, the Georgia Bureau of Investigation, and other Federal, State, and local law enforcement agencies to enter all premises where hemp is being cultivated, harvested, stored, or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter;
- (h) An acknowledgement of the hemp grower license terms and conditions;
- (i) An attestation that the applicant owns or has legal permission to cultivate, handle, or store hemp on the property listed on the application; and

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to cultivate, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.
- (j) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.
- (4) Upon receipt of an otherwise complete application for a hemp grower license, the Department will conduct a criminal background check and obtain a Federal Criminal History Report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:
 - (a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.
 - (b) The Department will transmit the fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints and generate an appropriate report.
 - (c) After receiving reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.
- (5) Hemp grower licenses will be issued on January 1 of each year, or otherwise when approved by the Department.
- (6) Hemp grower licenses will expire on December 31 of each year unless suspended, cancelled, or revoked at an earlier date.
- (7) A current and valid hemp grower license may be renewed by submitting a renewal application, annual license fee, annual criminal background checks dated within 60 days prior to the renewal application submission date, and all other required information online at the Department's website, agr.georgia.gov, by December 1 of each year.
 - (a) A licensee may not renew their hemp grower license until they have submitted all required Disposal or Remediation Reports and their Annual Report.

- (b) A licensee that begins, but does not finalize, a renewal application of its hemp grower license within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.
- (8) A hemp grower licensee may request select changes to the information associated with a hemp grower license. To request a change, the licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer hemp grower licenses. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a licensee from compliance with all requirements of a hemp grower license, including acceptable background checks for all key participants.

Hemp grower licensees may request changes to the following:

- (a) The information originally submitted in the licensee's hemp grower license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-2-.01(3)(b), (c), (d), and (e).
 - 1. If a hemp grower licensee provides written notice and updated information regarding additional acreage, different grow sites locations, or different storage locations where the hemp grower licensee intends to cultivate, handle, or store hemp, the hemp grower licensee must submit payment for any additional acreage within ten (10) days of the Department's approval of the requested change.
 - 2. Changes reflecting a reduction in cultivated field or covered growing facility acreage will not entitle a hemp grower licensee to a refund of previously paid fees.
 - 3. Hemp grower licensees will be limited to a maximum of ten (10) changes per calendar year made in accordance with this rule.
- (b) Prior to any change in a hemp grower licensee's key participants, the hemp grower licensee must submit a proposed change reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with this Subject.
- (9) Any person who materially falsifies any information contained in an application for a hemp grower license will be ineligible to receive a hemp grower license or otherwise participate in the Georgia Hemp Program.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.02 Hemp Grower License Terms and Conditions

Each hemp grower licensee must acknowledge and agree to the terms and conditions governing the hemp grower license which include, but are not limited to, the following:

- (1) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to any hemp grower license or to any grow site once approved.
- (2) The hemp grower licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp materials, whether growing or not, within forty-eight (48) hours of the discovery of such theft or loss.
- (3) The hemp grower licensee must report any felony convictions, of itself or any of its key participants, relating to controlled substances under Georgia or Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.
- (4) The hemp grower licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within ten (10) calendar days of the following:
 - (a) A disciplinary proceeding or enforcement action by another government entity that may affect the hemp grower licensee's business; and
 - (b) Temporary closures of more than thirty (30) calendar days or permanent closure of any grow site or storage facility.
- (5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.
- (6) No hemp grower license shall be issued to any applicant who has been convicted of a felony related to a State or Federally controlled substance within ten years of the date of the application, or to an applicant with a key participant that has been convicted of the same, or who materially falsifies any information contained in a license application.
- (7) No person will be issued more than one hemp grower license, nor will any person be permitted to have a beneficial interest in more than one hemp grower license, as provided in O.C.G.A. § 2-23-5.
- (8) Hemp grower licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.
- (9) The hemp grower licensee must have the legal right to cultivate hemp on the grow site(s) listed on the hemp grower license and must have the legal authority to grant the

Department physical access to all land and buildings for inspection and sampling purposes. Legal authority includes, but is not limited to, clear title, necessary easements, necessary licenses, or current leases.

- (10) The hemp grower licensee must allow and fully cooperate with all required sampling, testing, audits, and inspections.
- (11) The hemp grower licensee must provide for a right of way or other access point allowing the Department and law enforcement agencies to access the licensed grow site(s). The hemp grower licensee must not deny or impede any Department or law enforcement official access for compliance, sampling, or inspection purposes.
- (12) The hemp grower licensee must maintain all records, documents, or information and make all reports within the applicable time frames as required in this Subject.
- (13) Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the hemp grower license application or a subsequent change request.
- (14) The hemp grower licensee must scout and monitor unlicensed fields for volunteer cannabis plants and dispose of those volunteer cannabis plants for three (3) years past the last date of planting reported to the Department. In fulfilling this requirement, a hemp grower licensee is not required to enter property onto which it does not have a legal right to enter.
- (15) A hemp grower licensee must dispose, without compensation, of plants located in an area that is not licensed by the Department as well as plants not accounted for in records required to be maintained by the hemp grower licensee.
- (16) In the event that a tested official sample for a hemp lot exceeds the legal limit of total delta-9-THC concentration upon its final retest, the hemp grower licensee must dispose of or remediate the entire lot of hemp with the same GPS coordinates in accordance with this Subject.
- (17) A hemp grower licensee must not handle, dry, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis that exceeds the total delta-9-THC concentration legal limit. Hemp grower licensees must ensure that cannabis exceeding the total delta-9-THC concentration legal limit does not enter the stream of commerce.
- (18) Hemp grower licensees must ensure that hemp and hemp plant material from one lot is not commingled with hemp or hemp plant material from other lots. Hemp grower licensees must label or otherwise reasonably identify lots sufficiently to enable Department inspectors or law enforcement officials to distinguish between lots.
- (19) Hemp grower licensees must not ship, transport, deliver, or allow live hemp plants and materials produced by the hemp grower licensee to be shipped, transported, or

otherwise delivered to unlicensed areas including, but not limited to, trade shows, county fairs, educational events, or other events.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.03 Grower Sampling Requirements

- (1) Within 30 days prior to the anticipated harvest of any lot of cannabis plants, the hemp grower licensee must have a Department-approved sampling agent collect samples from cannabis plants in the lot for total delta-9-THC concentration testing.
- (2) Sampling must be conducted in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov.
- (3) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the sampled lot would exceed the total delta-9-THC concentration. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.
- (4) During a scheduled sample collection, the hemp grower licensee or an authorized representative of the hemp grower licensee must be present at the grow site.
- (5) The cannabis material to be collected for sampling will be solely determined by the Department-approved sampling agent, in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*.
- (6) The hemp grower licensee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the hemp grower licensee for any such sampling or for any samples collected by the Department-approved sampling agent.
- (7) Only samples taken by a Department-approved sampling agent will be considered official samples.
- (8) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants and material, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, or storage of hemp and other cannabis plants, and all locations listed on the hemp grower license application or later officially changed.
- (9) A hemp grower licensee must not harvest any cannabis prior to official samples being taken.
- (10) Only post-harvest samples may be used for remediated biomass.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.04 Repealed.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.05 Grower Responsibilities and Restrictions

- (1) Hemp grower licensees must not harvest a lot of hemp more than thirty (30) days following the date of sample collection. The day the Department-approved sampling agent collects a sample serves as the first of the 30 days allowable to complete harvest of the sampled lot. If an additional sample is collected by the Department-approved sampling agent in connection with a demand for additional pre-harvest testing by a hemp grower licensee, the day such additional sample is collected will then serve as the first of the 30 days allowable to complete harvest of the sampled lot.
- (2) If a hemp grower licensee fails to complete harvest within thirty (30) days of sample collection, a new pre-harvest sample of the lot will be required to be submitted for testing.
- (3) Harvested lots of hemp plants must not be commingled with other harvested lots or other material without prior written permission from the Department.
- (4) Only lots that with a total delta-9-THC concentration equal to or less than the legal limit may enter the stream of commerce.
- (5) A hemp grower licensee may demand one additional pre-harvest test of a lot if it is believed that the original total delta-9-THC concentration test results were in error. Additional pre-harvest testing must be conducted at the same laboratory that originally tested the lot sample.
 - (a) Additional pre-harvest testing may use the original sample, provided sufficient sample material remains, or an additional sample from the lot collected by a Department-approved sampling agent.
- (6) Any lot yielding an official sample test result, or additional pre-harvest official sample test result, as applicable, exceeding the legal limit, must not enter the stream of commerce and the hemp grower licensee must either dispose of or remediate the lot in accordance with this Chapter.
- (7) A hemp grower licensee must not:
 - (a) Cultivate or handle hemp on any site not listed on the hemp grower license application or subsequent change request and must take immediate steps to prevent the inadvertent growth of hemp outside of the authorized grow site(s);
 - (b) Cultivate or handle any cannabis that is not hemp;
 - (c) Cultivate or handle hemp in any structure that is used for residential purposes;
 - (d) Cultivate any other crop within a lot of hemp;

- (e) Allow unsupervised public access to hemp or hemp grow sites; or
 - (f) Cultivate or handle hemp on property owned by, leased from, or previously submitted in a hemp grower license application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal history report or for violations of the Georgia Hemp Farming Act or this Chapter.
- (8) Hemp grower licensees must post weatherproof signage at the entrance to each grow site. The signage must be at least three feet (3') in length and two feet (2') in height or the maximum allowable size for signage pursuant to applicable local ordinances, whichever is smaller, and must include at least the following information:
- (a) The statement, "Georgia Department of Agriculture Licensed Hemp Grower";
 - (b) The name of the hemp grower licensee;
 - (c) The Department hemp grower license number; and
 - (d) The Department's telephone number, (404) 656-3600.
- (9) Hemp grower licensees must comply with all applicable local, State, and Federal laws, rules, regulations, and ordinances at all times.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.06 Disposal or Remediation of Non-Compliant Cannabis

- (1) Cannabis exceeding the total delta-9-THC concentration legal limit constitutes marijuana, a Schedule I controlled substance under Georgia law and Federal law.
- (2) Hemp grower licensees must either arrange for a reverse distributor to dispose of non-compliant cannabis or ensure the disposal of non-compliant cannabis at the grow site using one of the methods identified in this Chapter.
- (3) Prior to disposal, hemp grower licensees may attempt to remediate non-compliant cannabis using one of the methods identified in this Chapter. After attempted remediation, an additional sample of the lot must be taken by a Department-approved sampling agent and tested in accordance with this Subject to confirm the lot contains a total delta-9-THC concentration within the legal limit.
 - (a) A lot that has undergone attempted remediation and yields an official sample test result that exceeds the total delta-9-THC concentration legal limit must not enter the stream of commerce and must be disposed of in accordance with this Subject.
- (4) Upon notice and confirmation that a lot has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal or Remediation requiring the entire lot to be disposed of or remediated within a reasonable time to be determined by the Department. Within five days of receipt of an Order of Disposal or Remediation, a hemp grower licensee must notify the Department by email at hemp@agr.georgia.gov of its intent to either dispose of or attempt remediation of the non-compliant cannabis.
- (5) The hemp grower licensee will be responsible for arranging disposal through a reverse distributor, disposal at the grow site using one of the methods identified in this Chapter, or remediation.
- (6) The hemp grower licensee will be responsible for all costs and fees associated with the disposal or remediation of cannabis exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to a hemp grower licensee for any such disposal or remediation.
- (7) Cannabis subject to disposal or remediation must not be removed from the grow site or from any other area where such cannabis is being handled or stored.
- (8) Within 14 days of the date of completion of disposal or remediation, the hemp grower licensee must submit a "Disposal or Remediation Report" form to the Department, which must contain the following information:
 - (a) Name and address of the hemp grower licensee;
 - (b) Hemp grower license number;

- (c) Geospatial location, including location type, or other valid land descriptor, for the production area subject to disposal or remediation;
- (d) Descriptive information related to the disposal or remediation, including, as applicable:
 - 1. Information on the reverse distributor agent handling the disposal and reverse distributor certification of completion of the disposal;
 - 2. Evidence sufficient, in the Department's sole discretion, to document disposal of the non-compliant cannabis at the grow site by the hemp grower licensee; or
 - (i) Video or time-stamped photographic evidence of disposal will constitute sufficient evidence of disposal in most cases.
 - 3. A written description of the remediation performed and post-remediation official sample test results.
- (e) Total acreage or square footage disposed or remediated;
- (f) Date of completion of disposal or remediation; and
- (g) Signature of the hemp grower licensee.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.07 Sale of Hemp Seed and Live Hemp Plants

- (1) Each person or entity, including any hemp grower licensee, that sells hemp seed must comply with the Georgia Seed Law, O.C.G.A. § 2-11-20 et seq. and Seed Division Regulations, GA. Comp. R. & Regs. Rules 40-12-1 et seq., including obtaining any required license thereunder.
- (2) Each person or entity, including any hemp grower licensee, that sells live hemp plants must comply with the Entomology Act, O.C.G.A. § 2-7-1, et seq. and Live Plant Regulations, GA. Comp. R. & Regs. Rules 40-4-9 et seq., including obtaining any required license thereunder.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.08 Storage of Hemp

- (1) A hemp grower licensee may store hemp provided:
 - (a) The hemp grower licensee identifies each storage facility on the hemp grower license application or a change request;
 - (b) The hemp grower licensee maintains complete and accurate records detailing the harvest lot(s), including the amount being stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;
 1. In the event that a tested official sample of a harvested lot held at a storage facility exceeds the total delta-9-THC concentration legal limit, the harvested lot and all comingled hemp held at the storage facility will be promptly disposed of or remediated in accordance with this Chapter.
 - (c) The storage facility is owned or leased by the hemp grower licensee; and
 - (d) The storage facility is secured with physical containment and reasonable security measures.
- (2) No hemp grower licensee may warehouse or otherwise store hemp that is not owned by the hemp grower licensee.
- (3) All storage areas will be subject to inspection by Department officials.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.09 Pesticide Use

- (1) Any hemp grower licensee who uses a pesticide on hemp must comply with all Georgia laws and regulations pertaining to applications of pesticides including, but not limited to, licensing requirements.
- (2) Hemp grower licensees must not apply pesticides to hemp in violation of the product label.
- (3) A hemp grower licensee who uses a pesticide on a site where hemp will be planted must comply with the longest of any planting restriction interval on the product label prior to planting the hemp.
- (4) The Department may perform random pesticide testing or may perform for-cause testing if the Department has reason to believe that a pesticide may have been applied to hemp in violation of the product label.
- (5) Hemp seeds, plants, and materials bearing pesticide residue in violation of the pesticide label may be subject to forfeiture or destruction without compensation.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.10 Recordkeeping and Reporting Requirements

(1) Licensee Recordkeeping and Reporting

(a) Hemp grower licensees must maintain records of all hemp plants acquired, produced, handled, or disposed of or remediated as will substantiate all reports required for submission to USDA by the Department.

(b) All records must be made available for inspection by the Department during reasonable business hours. Such records must include, but are not limited to, the following:

1. Records regarding acquisition of hemp;
2. Records regarding all written agreements between hemp grower licensees and permittees, or out of state processors, governing their business relationship;
3. Records regarding production and handling of hemp;
4. Records regarding hemp sampling and testing analyses;
5. Records regarding storage of hemp;
6. Records regarding the transfer, remediation, and disposal of hemp; and
7. Records regarding remediation or disposal of all cannabis plants exceeding the total delta-9-THC concentration legal limit.

(c) Planting Report

1. Each hemp grower licensee must submit a planting report to the Department within 30 days of planting a lot of hemp. The planting report must be submitted through the Department's website used for administering licenses, and will include the following information for each lot of hemp planted:

- (i) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;
- (ii) Total acreage or square footage of hemp planted;
- (iii) Varietal or cultivar of hemp planted;
- (iv) Planting date;
- (v) Intended end use of the hemp planted (i.e. – seed, fiber, food, or cannabinoids);

- (vi) Expected harvest date; and
 - (vii) Source of propagative material (i.e. – from where the hemp grower licensee obtained its seeds, cuttings, clones, or seedlings).
2. The Department may, but is not required to, aggregate Planting Report data and prepare a report of plantings on an anonymized basis. No hemp grower licensee may receive a copy of the Department’s report unless that hemp grower licensee submitted a Planting Report for each of its planted lots.

(d) Annual Report

1. Each hemp grower licensee must submit an annual report to the Department. The report form must be submitted by November 30 of each year and contain the following information:
- (i) Hemp grower licensee’s name;
 - (ii) Hemp grower licensee’s address;
 - (iii) Hemp grower license number;
 - (iv) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;
 - (v) Acreage dedicated to the production of hemp, or covered growing facility square footage dedicated to the production of hemp; and
 - (vi) Total acreage of hemp planted, harvested, remediated and disposed.
2. The Department will report all information collected in the Annual Report to AMS as required by USDA.

(e) Reporting to FSA Required

1. All hemp grower licensees must report hemp crop acreage with FSA and must provide, at minimum, the following information to FSA:
- (i) Hemp crop acreage;
 - (ii) Total acreage of hemp planted, harvested, remediated and disposed;
 - (iii) Hemp grower license number;
 - (iv) Street address;

- (v) Geospatial location of each lot, covered growing facility, or site where hemp will be produced. All locations where hemp is produced must be reported to FSA; and
 - (vi) Acreage of covered growing facility square footage dedicated to the production of hemp.
- (f) All records and reports must be kept and maintained by the hemp grower licensee for not less than three calendar years and in a manner such that they can be readily provided to the Department upon request.

(2) Department Recordkeeping and Reporting

- (a) The Department will maintain all relevant records and information regarding hemp grower licensees and land on which hemp is produced in Georgia, including a legal description of the land, for a period of not less than three calendar years.
- (b) The Department will collect, maintain, and report to USDA via fax, certified mail, email, or other method deemed acceptable by USDA the following contact and real-time information for each hemp grower licensee in Georgia:
 - 1. The contact information of each hemp grower licensee collected pursuant to GA. Comp. R. & Reg. r. 40-32-2-.01.
 - 2. A legal description of the land on which hemp is grown including its geospatial location; and
 - 3. The status of licensed hemp growers (and any changes) and hemp grower license number.
- (c) By the first of each month, and not more than thirty (30) days after receipt, the Department will provide the following information to the United States Secretary of Agriculture or the Secretary's designee in a format that is compatible with USDA's Information Sharing System whenever possible. If the first of the month falls on a weekend or holiday, the report will be submitted by the first business day following the due date:
 - 1. Hemp Grower Report, which will contain the following:
 - (i) For each new hemp grower licensee who is an individual and is licensed under the Georgia Hemp Plan, the report will include the full name of the individual; hemp grower license number; business address; telephone number; email address (if available); the legal description of the land on which the hemp grower licensee will

produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

- (ii) For each new hemp grower licensee that is an entity and is licensed under the Georgia Hemp Plan, the report will include the full name of the entity; the principal business location address; EIN number; hemp grower license number; the full name, title, and email address (if available) of each person for whom the entity is required to submit a criminal history record report; the legal description of the land on which the hemp grower licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;
- (iii) For each hemp grower licensee that was included in a previous report and whose reported information has changed, the report will include the previously reported information and the new information;
- (iv) The status of each hemp grower's license;
- (v) The period covered by the report; and
- (vi) Indication that there were no changes during the current reporting cycle, if applicable.

2. Hemp Disposal or Remediation Report, which will contain the following:

- (i) Name and contact information of the hemp grower licensee;
- (ii) Hemp grower license number;
- (iii) Location information, such as lot number, location type, and geospatial location or other location descriptor for the production area subject to disposal;
- (iv) A copy of the respective test results;
- (v) Information on the agent handling the disposal, as applicable;
- (vi) Disposal or remediation completion date; and
- (vii) Total acreage disposed or remediated.

(d) Annual Report

1. The Department will submit an annual report to USDA. The report form will be submitted by December 15 of each year and contain the following information:
 - (i) Total planted acreage;
 - (ii) Total harvested acreage; and
 - (iii) Total acreage disposed and remediated.
- (e) Test Results Report
 1. The Department will promptly notify USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and will attach copies of analytical test results as well as records demonstrating appropriate disposal of all of those plants and materials in the lot from which the representative samples were taken.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.11 Repealed.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-2-.12 Violations and Enforcement

- (1) A hemp grower licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.
- (2) A violation of the Georgia Hemp Farming Act or this Chapter by a hemp grower licensee will be subject to enforcement in accordance with O.C.G.A. § 2-23-10.
 - (a) In the event the Department determines that a hemp grower licensee has negligently violated the Georgia Hemp Farming Act or this Chapter, then the Department will issue a corrective action plan to the hemp grower licensee.
 1. The corrective action plan will include, but may not be limited to:
 - (i) A reasonable date by which the hemp grower licensee must correct the negligent violation, which may include disposal or remediation of hemp in accordance with this Chapter; and
 - (ii) A requirement that the hemp grower licensee must periodically report to the Commissioner on the compliance status of the hemp grower licensee with the corrective action plan for a period of not less than two (2) years after the violation.
 2. Hemp grower licensees do not commit a negligent violation if they make reasonable efforts to grow hemp and the tested cannabis does not have a total delta-9-THC concentration of more than 1.0 percent on a dry weight basis.
 3. The Department will monitor and conduct any and all inspections necessary to determine if the Corrective Action Plan has been implemented as required.
 - (b) If the Commissioner determines that a hemp grower licensee has violated the Georgia Hemp Farming Act or this Chapter with a culpable mental state greater than negligence, the Commissioner will immediately report the hemp grower licensee to the United States Attorney General and the Georgia Attorney General, and such violations will be subject to enforcement in accordance with applicable law.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Subject 40-32-3 Hemp Processors

Rule 40-32-3-.01 Application for Hemp Processor Permit

- (1) Any person desiring to process and handle hemp in Georgia must submit a complete and accurate hemp processor permit application to the website used by the Department to administer processor permits.
- (2) Any person processing or intending to process hemp must have a valid hemp processor permit. A valid permit means the permit has been issued and is unexpired, unsuspended, and unrevoked.
- (3) As part of the hemp processor permit application, each applicant must submit to the Department the following:
 - (a) An annual hemp processor permit fee of \$500.00;
 - (b) A surety bond in compliance with O.C.G.A. § 2-23-6.1;
 - (c) Information regarding the applicant's business including, but not limited to:
 1. Legal individual or entity name;
 2. Principal office address;
 3. Telephone number and email address;
 4. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and
 - (i) If applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.
 5. Name, title, and current primary contact information, including telephone number and email address, for each key participant.
 - (d) An attestation that the applicant owns or has legal permission to process, handle, and store hemp on property listed on the application.
 1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to process, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.

- (e) GPS coordinates provided in decimal degrees and taken at the approximate entrance of each facility;
 - (f) The approximate dimension or square feet of each facility;
 - (g) An aerial map or photograph of the processing facilities showing clear boundaries of each facility;
 - (h) Information sufficient for locating hemp storage facilities including, but not limited to:
 - 1. GPS coordinates provided in decimal degrees and taken at the approximate entrance of each storage facility;
 - 2. The approximate dimension or square feet of each storage facility; and
 - 3. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.
 - (i) A description of all hemp products to be produced as well as an estimate of the volume of each such product projected to be produced in the permit year;
 - (j) A statement of the intended end use or disposal plan for all parts of hemp plants and hemp material received for processing and not becoming part of a hemp product;
 - (k) Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being processed or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and
 - (l) An acknowledgment of the processor permit terms and conditions.
- (4) Hemp processor permits will be issued on January 1 of each year, or otherwise when approved by the Department. Processor permits will expire on December 31 of each calendar year for which the Department issued the permit.
- (a) Notwithstanding the above, permits issued by the Department between July 1, 2024, and December 31, 2024, shall expire on December 31, 2025.
- (5) At the conclusion of any calendar year during which a permittee holds a processor permit, a permittee may renew its processing permit upon timely submission of the \$500.00 permit fee, so long as no administrative action has been taken by the Department against the permittee and provided the information in the permit application is unchanged.

- (a) Renewal fees and annual criminal background checks dated within 60 days prior to the submission date must be submitted by December 1 of each year. Permits will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.
 - (b) A permittee that begins, but does not finalize, the renewal of its hemp processor permit within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.
- (6) Upon receipt of an otherwise complete application for a processor permit, the Department will conduct a criminal background check and obtain a Federal Criminal History Report for the applicant or, if the applicant is an entity, all key participants, as outlined below:
 - (a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is an entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.
 - (b) The Department will transmit the applicant's fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of Bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints.
 - (c) After receiving the reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.
- (7) A permittee may request select changes to the information associated with a hemp processor permit. To request a change, the permittee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer hemp processor permits. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a permittee from compliance with all requirements of a hemp processor permit, including acceptable background checks for all key participants.

Permittees may request changes to the following:

- (a) The information originally submitted in the permittee's hemp processor permit application in satisfaction of GA. Comp. R. & Regs. r. 40-32-3-.01(3)(c) & (e)-(j).

1. Permittees will be limited to a maximum of ten (10) changes per permit year made in accordance with this rule.
 - (b) Prior to any change in a permittee's key participants, the permittee must submit a proposed change to the hemp processor permit reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with GA. Comp. R. & Regs. r. 40-32-3-.01(6).
- (8) Any person who materially falsifies any information contained in an application for a hemp processor permit will be ineligible to receive a hemp processor permit or otherwise participate in the Georgia Hemp Program.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.02 Processor Permit Terms and Conditions

Each permittee must acknowledge and comply with the terms and conditions governing the hemp processor permit, including the following:

- (1) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to the information associated with any hemp processor permit once approved.
- (2) Permittees may only handle hemp and process hemp products at sites listed on the processor permit application or in a subsequent, approved change request.
- (3) Permittees must prevent unsupervised public access to storage and processing sites.
- (4) Permittees must not store hemp or process hemp products on property owned by, leased from, or previously submitted in a license application by any person who is ineligible for, was terminated from, or was denied participation in the Georgia Hemp Program due to failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or this Chapter.
- (5) The permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp products within forty-eight (48) hours of discovery of such theft or loss.
- (6) The permittee must report any convictions of a felony related to a State or Federally controlled substance, of itself or any of its key participants, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.
- (7) The applicant or permittee must notify the Department in writing within ten (10) calendar days of the following:
 - (a) A disciplinary proceeding or enforcement action by another government entity that may affect the permittee's business; and
 - (b) Temporary closures of more than thirty (30) days or permanent closure of any processing or storage facility.
- (8) A permittee may also apply for and be issued no more than one hemp grower license. Any person holding both a hemp processor permit and a hemp grower license must comply with applicable rules governing licensees and permittees.
- (9) No person will be issued more than one hemp processor permit, nor will any person be permitted to have a beneficial interest in more than one hemp processor permit, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-6.

- (a) Hemp processor permits cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.
- (10) Permittees must only process hemp at facilities identified in the hemp processor permit application or a change request and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.
- (11) Permittees must allow and fully cooperate with all required inspections and sampling.
- (12) Permittees must maintain all records and information and make all reports within the applicable time frames as required in this Chapter.
- (13) Permittees must only accept for processing hemp that was lawfully produced under a State or Tribal hemp plan approved by the USDA, under a hemp license issued by USDA, or under 7 U.S.C. 5940 through the State or territory of the Indian Tribe, as applicable.
- (14) Permittees must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any non-compliant hemp or non-compliant hemp product that exceeds the total delta-9-THC concentration legal limit. The permittee must ensure that non-compliant hemp or non-compliant hemp products exceeding the total delta-9-THC concentration legal limit do not enter the stream of commerce.
 - (a) In the event that a tested official sample exceeds the total delta-9-THC concentration legal limit, the Department will require all hemp products in the product lot to be disposed by a reverse distributor without compensation to the permittee.
- (15) Permittees must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any consumable hemp product that fails to comply with the requirements in Subject 40-32-5 of this Chapter.
 - (a) In the event that a consumable hemp product fails to comply with any requirement of Subject 40-32-5, the Department will require all hemp products in the product lot to be disposed of in accordance with this Chapter.
- (16) The Department will require disposal, without compensation, of hemp discovered at a processing facility for which records are not available to prove that said hemp was received from a hemp grower licensee or from a state or tribe with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA. Any hemp comingled with hemp for which such records are not available will also be subject to disposal.
- (17) Processors of consumable hemp products providing full panel certificates of analysis via a QR code on consumable hemp product labelling must host and notify the

Department of a landing webpage for consumer retrieval of relevant full panel certificates of analysis.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.03 Processor Sampling and Testing

(1) Required Sampling and Testing for Hemp Products. Permittees shall cause each product lot of industrial or consumable hemp products to be sampled and tested by a registered laboratory prior to the transport or distribution of the hemp product lot from the processing facility. Testing by a registered laboratory must confirm no hemp products exceed the total delta-9-THC concentration legal limit, and that no consumable hemp products exceed the analyte levels set forth in Subject 40-32-5.

(a) Permittees shall assign each product lot a unique number or identifier.

(b) Permittees will solely bear responsibility for the cost of sampling and testing hemp products; the Department will not fund any required sampling or testing costs.

(2) Sampling Procedure. Hemp products submitted for testing to a registered laboratory must be representative of the product lot.

(a) Permittees must submit consumable hemp product samples being tested to produce a full panel certificate of analysis in final packaged form.

1. Consumable hemp product samples must consist of at least the following minimum number of sample consumable hemp products based on product production:

(i) Eight (8) sample products for a product with up to 500 product units produced in a twelve-month period;

(ii) Twelve (12) sample products for a product with between 501-1,000 product units produced in a twelve-month period;

(iii) Sixteen (16) sample products for a product with between 1,001-5,000 product units produced in a twelve-month period; and

(iv) Twenty (20) sample products for a product with more than 5,000 products produced in a twelve-month period.

(b) Processors of industrial hemp products must document the procedures utilized to ensure selection of representative samples of the industrial hemp product lot.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.04 Repealed.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.05 Repealed.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.06 Disposal of Non-Compliant Hemp Products

(1) Disposal of Non-Compliant Hemp Products.

- (a) Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit constitute marijuana, a controlled substance under Georgia and Federal law.
- (b) Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit must be disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor.
- (c) The permittee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that non-compliant hemp products exceed the total delta-9-THC concentration legal limit.
- (d) Upon notice and confirmation that a non-compliant hemp product has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal requiring all non-compliant hemp products in the same product lot to be disposed within a reasonable time to be determined by the Department.
- (e) The permittee will be responsible for arranging disposal.
- (f) The permittee will be responsible for all costs and fees associated with the disposal of cannabis exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to the permittee for any such disposal.
- (g) Non-compliant hemp products subject to disposal must not be removed from the permitted facility or from any other area where such hemp is being processed, handled, or stored, other than transport to a reverse distributor or in the course of another acceptable disposal method.
- (h) Within 14 days of the date of completion of disposal, the processor must submit a “Disposal Report” form to the Department, which must contain the following information:
 - 1. Name and address of the permittee;
 - 2. Georgia processor permit number;
 - 3. Information on the reverse distributor agent handling the disposal, or other method of disposal;
 - 4. Date of completion of disposal;
 - 5. Signature of the permittee; and

6. Reverse distributor or other disposal agent certification of completion of the disposal.

(2) Disposal of Non-Compliant Hemp Products Not Exceeding the Total Delta-9-THC Concentration Legal Limit. Consumable hemp products that fail to comply with the requirements in Subject 40-32-5, other than the total delta-9-THC concentration legal limit, shall be disposed of in any manner provided in this Chapter.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.07 Permittee Surety Bonds

- (1) Each applicant for a hemp processor permit, and any permittee whose surety bond expires, must make and deliver to the Commissioner a surety bond in the form and in the manner provided in O.C.G.A. § 2-23-6.1.
 - (a) A permittee's surety bond may be executed by any surety corporation authorized to transact business in Georgia.
 - (b) If the company issuing a permittee's surety bond becomes disqualified from conducting business in Georgia, the permittee must obtain a replacement bond for at least an equivalent amount within 30 days, subject to the Commissioner's approval. The effective term of a replacement bond must begin on the day the previous bond became ineffective.
- (2) The Commissioner shall determine the amount of a permittee's surety bond in accordance with the Georgia Hemp Farming Act.
 - (a) The minimum required bond shall be \$20,000 and the maximum required bond shall be \$1,000,000. In no case shall the required bond amount exceed 2% of the dollar value paid to hemp grower licensees for hemp purchased by the permittee in the most recent calendar year.
 - (b) The Department may require a permittee to submit documentation of hemp purchased from hemp grower licensees to determine the permittee's required bond amount.
 1. A permittee with no history of hemp purchases will obtain the minimum bond amount.
 - (c) If at any time the Commissioner determines that a permittee's previously approved surety bond is insufficient to satisfy the purpose set forth in the Georgia Hemp Farming Act and this Subject, the Commissioner may require the permittee to obtain an additional bond or bonds. The permittee shall submit such additional bond or bonds to the Commissioner in an amount and within the time fixed in a written demand by the Department.
- (3) Permittee's processor permit shall be immediately revoked by operation of law and without notice or hearing, and permittee shall be ineligible to reapply for a processor permit for a period of four years after such revocation, if:
 - (a) Permittee's surety bond is cancelled;
 - (b) Permittee fails to provide a replacement bond within 30 days after its surety is disqualified from conducting business in Georgia; or

- (c) Permittee fails to provide an additional bond or bonds in the amount and timeframe specified by the Commissioner in accordance with the Georgia Hemp Farming Act and this Subject.

- (4) Any person claiming to be damaged by a permittee's breach of its surety bond conditions may file a complaint with the Commissioner in the form set forth in O.C.G.A. § 2-23-6.1. The Commissioner will administer and adjudicate complaints in accordance with O.C.G.A. § 2-23-6.1.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.08 Storage of Hemp

- (1) A permittee may store hemp obtained from licensed growers for processing by the permittee provided:
 - (a) The permittee identifies each storage facility on the hemp processor permit application or in a subsequent change request;
 - (b) The permittee maintains complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, varieties stored at each storage facility, and amount of each hemp variety stored at each storage facility. Harvested lots in storage must be separated in such a manner that maintains the unique identity of each harvested lot stored at the storage facility;
 1. In the event analytical testing determines that an official sample of hemp held at a storage facility exceeds the total delta-9-THC concentration legal limit, all comingled hemp held at the storage facility must be promptly disposed of in accordance with this Chapter.
 - (c) The storage facility is owned or leased by the permittee; and
 - (d) The storage facility is secured with physical containment and reasonable security measures.
- (2) No permittee may warehouse or otherwise store hemp that is not owned by the permittee.
- (3) All storage area(s) will be subject to inspection by the Department.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.09 Recordkeeping Requirements

- (1) Permittees must have in place and keep a copy of written agreements with hemp grower licensees governing their business relationship. Permittees must provide a copy of each such agreement or amendment thereto to the Department within 10 days of its execution.
- (2) Permittees must keep and maintain the following records:
 - (a) Hemp intake records, which include:
 1. Name, location, and license number, if applicable, for each grower from whom the permittee accepts hemp for processing;
 2. The date(s) on which hemp is received from each grower;
 3. Copies of analytical testing results confirming that each lot of hemp received for processing does not exceed the total delta-9-THC concentration legal limit; and
 4. The amount of each variety received from each grower.
 - (b) Disposal records for all unusable hemp, which include:
 1. Date of disposal;
 2. Amount of each hemp variety disposed;
 3. Method of disposal;
 4. Location of disposal; and
 5. Name, signature, and title of employee responsible for disposal.
 - (c) Processing records, which include:
 1. List of products produced from hemp; and
 2. List of buyers or recipients of hemp products including:
 - (i) Name, address, and phone number of each buyer or recipient;
 - (ii) Description of each product purchased or otherwise distributed;
 - (iii) Quantity of each product purchased or otherwise distributed; and
 - (iv) Date of distribution.

- (3) Permittees must keep and maintain copies of all records, documents, and information required by this Rule for at least two years and in a manner that can be provided to the Department upon request.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.10 Repealed.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

Rule 40-32-3-.11 Violations and Enforcement.

- (1) A hemp processor violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.
- (2) A violation of the Georgia Hemp Farming Act or this Chapter by a permittee will be subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, permit revocation, or the disposal of non-compliant consumable hemp products.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

Subject 40-32-4 Hemp Product Manufacturers, Consumable Hemp Product Wholesalers, Retail Consumable Hemp Establishments, and Registered Laboratories

40-32-4-.01 Hemp Product Manufacturers

(1) Manufacturer License. Any person desiring to manufacture hemp products in Georgia must first obtain a manufacturer license issued by the Department.

(a) Any person manufacturing hemp products must have a valid manufacturer license prior to manufacturing hemp products. A valid license means the license has been issued and is unexpired, unsuspended, and unrevoked.

(b) A manufacturer license will not entitle the holder to process hemp. Only permittees may process hemp into hemp products.

(2) Manufacturer License Application. As part of the manufacturer license application, each applicant must submit to the Department the following:

(a) An annual manufacturer license fee of \$5,000.00; provided, however, that any applicant that holds a hemp processor permit issued by the Department under this Chapter shall not be required to pay the annual licensing fee for a manufacturer license.

(b) Information regarding the applicant's business, including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. The location (street address) where the applicant will manufacture hemp products in Georgia and whether the location is owned or leased by the applicant;

5. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office;

(i) If the applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

- 6.If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity;
- 7.An attestation that the applicant owns or has legal permission to manufacture hemp products on property listed on the application;
 - (i) For purposes of satisfying this requirement, sufficient ownership of property or legal permission to manufacture hemp products on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.
- 8.GPS coordinates provided in decimal degrees and taken at the approximate entrance of each facility;
- 9.The approximate dimension or square feet of each facility;
10. An aerial map or photograph of the manufacturing facilities showing clear boundaries of each facility;
11. A description of all hemp products to be manufactured as well as an estimate of the volume of each such product projected to be manufactured in the license year;
12. A statement of the intended end use or disposal plan for all parts of hemp products received for manufacturing and not becoming part of a hemp product;
13. Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp products are being manufactured for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and
14. An acknowledgment of the manufacturer license terms and conditions.

(c) Manufacturer licenses will be issued on January 1 of each year, or otherwise when approved by the Department.

- 1.Notwithstanding the above, manufacturer licenses issued by the Department between July 1, 2024, and December 31, 2024, shall expire on December 31, 2025.

(d) At the conclusion of any calendar year during which a licensee holds a manufacturer license, a licensee may renew its manufacturer license upon timely submission of the \$5,000.00 licensee fee, so long as no administrative action has been taken by the Department against the licensee and provided the information in the license application is unchanged.

(e) Renewal fees shall be submitted by December 1 of each year. Manufacturer licenses will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.

1. A licensee that begins, but does not finalize, the renewal of its manufacturer license within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(f) A licensee may request select changes to the information associated with a manufacturer license. To request a change, the licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer manufacturer licenses. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a licensee from compliance with all requirements of a manufacturer license.

Licensees may request changes to the following:

1. The information originally submitted in a licensee's hemp manufacturer license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.01(2)(b)(1)-(6) and (8)-(12).

(i) Licensees will be limited to a maximum of ten (10) changes per permit year made in accordance with this rule.

(g) Any person who materially falsifies any information contained in an application for a manufacturer license will be ineligible to receive a manufacturer license or otherwise participate in the Georgia Hemp Program.

(3) Manufacturer License Terms and Conditions. Each manufacturer licensee must acknowledge and comply with the terms and conditions governing the manufacturer license, including the following:

(a) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to the information associated with any manufacturer license once approved.

(b) Licensees must prevent unsupervised public access to manufacturing sites.

- (c) Licensees must not manufacture hemp products on property owned by, leased from, or previously submitted in a license application by any person who is ineligible for, was terminated from, or was denied participation in the Georgia Hemp program due to failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or this Chapter.
- (d) The licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp products within forty-eight (48) hours of discovery of such theft or loss.
- (e) The licensee must notify the Department in writing within ten (10) calendar days of the following:
 - 1. A disciplinary proceeding or enforcement action by another government entity that may affect the licensee's business; and
 - 2. Temporary closures of more than thirty (30) days or permanent closure of any manufacturing facility.
- (f) Manufacturer licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.
- (g) Licensees must only manufacture hemp products at facilities identified in the manufacturer license application or a change request and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.
- (h) Licensees must allow and fully cooperate with all required inspections and sampling.
- (i) Licensees must maintain all records and information and make all reports within the applicable time frames as required in this Chapter.
- (j) Licensees must not handle, manufacture, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any hemp product that exceeds the total delta-9-THC concentration legal limit. The licensee must ensure that hemp products exceeding the total delta-9-THC concentration legal limit do not enter the stream of commerce.
 - 1. In the event that a tested official sample exceeds the total delta-9-THC concentration legal limit, the Department will require all hemp products in the product lot to be disposed by a reverse distributor without compensation to the manufacturer.

- (k) Licensees must not manufacture, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any consumable hemp product that fails to comply with the requirements in Subject 40-32-5 of this Chapter.

- 1. In the event that a consumable hemp product fails to comply with any requirement of Subject 40-32-5, the Department will require all hemp products in the product lot to be disposed of in accordance with this Chapter.

- (l) Manufacturers of consumable hemp products providing full panel certificates of analysis via a QR code on consumable hemp product labelling must host and notify the Department of a landing webpage for consumer retrieval of relevant full panel certificates of analysis.

(4) Sampling and Testing.

- (a) Required Sampling and Testing for Hemp Products. Licensees shall cause each product lot of industrial or consumable hemp products to be sampled and tested by a registered laboratory prior to the transport or distribution of the hemp product lot from the manufacturing facility. Testing by a registered laboratory must confirm no hemp products exceed the total delta-9-THC concentration legal limit, and that no consumable hemp products exceed the analyte levels set forth in Subject 40-32-5.

- 1. Licensees shall assign each product lot a unique number.

- 2. Licensees will solely bear responsibility for the cost of sampling and testing hemp products; the Department will not fund any required sampling or testing costs.

- (b) Sampling Procedure. Hemp products submitted for testing by a registered laboratory must be representative of the product lot.

- 1. Licensees must submit consumable hemp product samples being tested to produce a full panel certificate of analysis in final packaged form.

- (i) Consumable hemp product samples must consist of at least the following minimum number of sample consumable hemp products based on product production:

- (I) Eight (8) sample products for a product with up to 500 product units produced in a twelve-month period;

- (II) Twelve (12) sample products for a product with between 501-1,000 product units produced in a twelve-month period;

- (III). Sixteen (16) sample products for a product with between 1,001-5,000 product units produced in a twelve-month period; and
- (IV). Twenty (20) sample products for a product with more than 5,000 products produced in a twelve-month period.

2.Manufacturers of industrial hemp products must document the procedures utilized to ensure selection of representative samples of the industrial hemp product lot.

(5) Disposal of Non-Compliant Hemp Products.

(a) Disposal of Non-Compliant Hemp Products Exceeding the Total Delta-9-THC Concentration Legal Limit.

- 1.Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit constitute marijuana, a controlled substance under Georgia and Federal law.
- 2.Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit must be disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor.
- 3.The licensee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that non-compliant hemp products exceed the total delta-9-THC concentration legal limit.
- 4.Upon notice and confirmation that a non-compliant hemp product has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal requiring all non-compliant hemp products in the same product lot to be disposed within a reasonable time to be determined by the Department.
- 5.The licensee will be responsible for arranging disposal.
- 6.The licensee will be responsible for all costs and fees associated with the disposal of non-compliant hemp products exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to the licensee for any such disposal.
- 7.Non-compliant hemp products subject to disposal must not be removed from the licensed facility or from any other area where hemp products are being manufactured, handled, or stored, other than for transport to a reverse distributor or during another acceptable disposal method.

8. Within 14 days of the date of completion of disposal, the licensee must submit a “Disposal Report” form to the Department, which must contain the following information:

- (i) Name and address of the licensee;
- (ii) License number;
- (iii) Information on the reverse distributor agent handling the disposal, or other method of disposal;
- (iv) Date of completion of disposal;
- (v) Signature of the licensee; and
- (vi) Reverse distributor or other disposal agent certification of completion of the disposal.

(b) Disposal of Non-Compliant Hemp Products Not Exceeding the Total Delta-9-THC Concentration Legal Limit. Consumable hemp products that fail to comply with the requirements in Subject 40-32-5, other than the total delta-9-THC concentration legal limit, shall be disposed of in any manner provided in this Chapter.

(6) Recordkeeping. Licensees must keep and maintain the following records:

(a) Hemp product intake records, which include:

- 1. Name, location, and license or permit number, if applicable, for each person from whom the permittee accepts hemp products for manufacturing;
- 2. The date(s) on which hemp products are received;
- 3. Copies of analytical testing results confirming that each lot of hemp products received for manufacturing does not exceed the total delta-9-THC concentration legal limit; and
- 4. The amount of each hemp product received.

(b) Disposal records for all unusable or non-compliant hemp products, which include:

- 1. Date of disposal;
- 2. Amount of each hemp product disposed;
- 3. Method of disposal;

4. Location of disposal; and

5. Name, signature, and title of employee responsible for disposal.

(c) Manufacturing records, which include:

1. List and number of hemp products produced in a final packaged form; and

2. List of buyers or recipients of hemp products including:

(i) Name, address, and phone number of each buyer or recipient;

(ii) Description of each product purchased or otherwise distributed;

(iii) Quantity of each product purchased or otherwise distributed; and

(iv) Date of distribution.

(d) Licensees must keep and maintain copies of all records, documents, and information required by this Rule for at least two years in a manner that can be provided to the Department upon request.

(7) Violations and Enforcement.

(a) A manufacturer violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(b) A violation of the Georgia Hemp Farming Act or this Chapter by a manufacturer will be subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

40-32-4-.02 Consumable Hemp Product Wholesalers

(1) License Required. Any person desiring to sell, offer for sale, or otherwise distribute prepackaged consumable hemp products to Georgia retail consumable hemp establishment licensees, or any person in Georgia desiring to sell prepackaged consumable hemp products to retail establishments located outside of Georgia that are authorized to sell consumable hemp products to consumers in the jurisdiction where such establishments are located, must first obtain a wholesale consumable hemp license issued by the Department.

(a) Wholesale consumable hemp licenses issued by the Department shall be issued in connection with a single location where wholesale consumable hemp product licensees will store and otherwise operate as a wholesaler of consumable hemp products, whether such facility is owned or leased by the licensee. For a person to store and otherwise operate as a wholesaler of consumable hemp products at multiple locations, such person shall be required to obtain separate wholesale consumable hemp license for each such wholesale location. No licensee may transfer a wholesale consumable hemp license between locations.

(2) License Application. As part of the wholesale consumable hemp license application, each applicant must submit to the Department the following:

(a) An annual wholesale consumable hemp license fee of \$500.00;

(b) Information regarding the applicant's business including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. The location (street address) where the applicant will store consumable hemp products and otherwise operate as a wholesaler of consumable hemp products and whether the location is owned or leased by the applicant;

(i) Wholesale consumable hemp licensees without a physical location within the state and that only sell to Georgia retail consumable hemp establishment licensees, must provide the location (street address) in the applicant's home jurisdiction from which they wholesale consumable hemp products to Georgia retail consumable hemp establishment licensees.

5. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and

- (i) If applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.
- 6. If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity.
- (c) An attestation that the applicant has legal permission to store and wholesale consumable hemp products on the property listed on the application;
 - (i) For purposes of satisfying this rule, sufficient ownership of property or legal permission to store and wholesale consumable hemp products includes property specifically deeded or leased to the applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.
- (d) The approximate dimensions or square footage of the wholesale consumable hemp location;
- (e) Written consent, allowing representatives of the Department to enter all premises where consumable hemp products are stored and sold for the purpose of conducting inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and
- (f) An acknowledgment of the general requirements set forth or referenced in this rule.

(3) License Timing.

- (a) Wholesale consumable hemp licenses will be issued on January 1 of each year, or otherwise when approved by the Department. Wholesale consumable hemp licenses will expire on December 31 of each calendar year for which the Department issued the license.
 - 1. Notwithstanding the above, wholesale consumable hemp licenses issued by the Department between July 1, 2024, and December 31, 2024, will expire on December 31, 2025.
- (b) At the conclusion of any calendar year during which a licensee holds a wholesale consumable hemp license, a licensee may renew its wholesale consumable hemp license upon timely submission of the \$500.00 licensee fee, so long as:
 - 1. No administrative action has been taken by the Department against the licensee; and

2. The information in the licensee's original application is current and accurate.

(c) A wholesale consumable hemp licensee may request to update the information associated with the license. To request a change to information associated with a wholesale consumable hemp license, the licensee must, at least ten (10) calendar days prior to effectuating the change, submit the proposed changes on the Department's website used to administer wholesale consumable hemp licenses. Changes to information associated with a license will be valid only upon the Department's approval.

Licenses may request changes to the following information associated with a license:

2. The information originally submitted in the licensee's wholesale consumable hemp license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.02(2)(b) and (d).

(i) Licensees will be limited to a maximum of ten (10) changes per license year.

(4) General Requirements. Wholesale consumable hemp licensees shall abide by the following minimum requirements set forth in the Georgia Hemp Farming Act.

(a) Wholesale consumable hemp licensees are prohibited from wholesaling hemp or hemp products in violation of the Georgia Hemp Farming Act, including by:

1. Selling or offering for sale the flower or leaves of the Cannabis sativa L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;

2. Selling non-compliant consumable hemp products, including, but not limited to, consumable hemp products:

(i) For which a full panel certificate of analysis has not been obtained within the past 12 calendar months and made available to the public;

(ii) Without a warning sticker of the universal symbol identified in GA. Comp. R. & Regs. r. 40-32-5;

(iii) Without a conspicuous label providing the information required in GA. Comp. R. & Regs. r. 40-32-5;

(iv) With a total delta-9-THC concentration that exceeds the legal limit;

- (v) That contains one or more analytes in excess of the maximum levels established in Subject 40-32-5 of this Chapter;
- (vi) That contain a materially different composition from what is shown on the label or relevant full panel certificate of analysis;
- (vii) That are packaged in a container that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.04;
- (viii) That are advertised in any manner that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.05;
- (ix) That constitute a food product; or
- (x) That contain alcohol or constitutes an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated.

(5) Compliance and Enforcement.

- (a) The Department will conduct inspections at wholesale consumable hemp establishments for compliance with the Georgia Hemp Farming Act and this Chapter. The Department may randomly inspect and test consumable hemp products stored or offered for wholesale.
- (b) A wholesale consumable hemp licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.
- (c) A violation of the Georgia Hemp Farming Act or this Chapter by a wholesale consumable hemp licensee is subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

40-32-4-.03 Retail Consumable Hemp Establishments

- (1) License Required. Any person desiring to sell, offer for sale, or otherwise distribute any consumable hemp product to consumers in this state must first obtain a retail consumable hemp establishment license issued by the Department.
 - (a) Retail consumable hemp establishment licenses issued by the Department shall be issued in connection with a single retail location where consumable hemp products will be sold or offered for sale to consumers by the licensee. For a person to sell or offer for sale consumable hemp products to consumers at multiple retail locations, such person shall be required to obtain separate retail consumable hemp establishment licenses for each such retail location. No licensee may transfer a retail consumable hemp establishment license between locations.
- (2) License Application. As part of the retail consumable hemp establishment license application, each applicant must submit to the Department the following:
 - (a) An annual retail consumable hemp establishment license fee of \$250.00;
 - (b) Information regarding the applicant's business including, but not limited to:
 1. Legal individual or entity name;
 2. Principal office address;
 3. Telephone number and email address;
 4. The location (street address) where the applicant will sell or offer for sale consumable hemp products in Georgia and whether the location is owned or leased by the applicant;
 - (i) Retail consumable hemp establishment licensees without a physical location within the state and that only sell to Georgia customers online, must provide the location (street address) in the licensee's home jurisdiction from which they ship consumable hemp products to Georgia customers.
 5. If the applicant is a business entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and
 - (i) If the applicant is a business entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity.
- (c) An attestation that the applicant has legal permission to commercially sell consumable hemp products on the property listed on the application.
 - (i) For purposes of satisfying this requirement, sufficient ownership of property or legal permission to commercially sell consumable hemp products includes property specifically deeded or leased to the applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances or O.C.G.A. § 2-23-9.3.
 - (d) The approximate dimensions or square footage of the retail consumable hemp establishment;
 - (e) Written consent, allowing representatives of the Department to enter all premises where consumable hemp products are stored and sold for the purpose of conducting inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter;
 - (f) An attestation that the applicant understands the restrictions on sale of consumable hemp products in O.C.G.A. §§ 16-12-240 through 16-12-243, including applicable signage requirements and the prohibition of sale or furnishing of consumable hemp products to persons under 21 years of age; and
 - (g) An acknowledgment of the general requirements set forth or referenced in this rule.

(3) License Timing.

- (a) Retail consumable hemp establishment licenses will be issued on January 1 of each year, or otherwise when approved by the Department. Retail consumable hemp establishment licenses will expire on December 31 of each calendar year for which the Department issued the license.
 1. Notwithstanding the above, retail consumable hemp establishment licenses issued by the Department between July 1, 2024, and December 31, 2024, will expire on December 31, 2025.
- (b) At the conclusion of any calendar year during which a licensee holds a retail consumable hemp establishment license, a licensee may renew its retail consumable hemp establishment license upon timely submission of the \$250.00 licensee fee, so long as:
 1. No administrative action has been taken by the Department against the licensee; and

2.The information in the licensee’s original application is current and accurate.

- (c) A retail consumable hemp establishment licensee may request to update the information associated with the license. To request a change to information associated with a retail consumable hemp establishment license, the licensee must, at least ten (10) calendar days prior to effectuating the change, submit the proposed changes on the Department’s website used to administer retail consumable hemp establishment licenses. Changes to information associated with a license will be valid only upon the Department’s approval.

Licensees may request changes to the following information associated with a license:

1. The information originally submitted in the licensee’s retail consumable hemp establishment license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.03(2)(b) and (d).

(i) Licensees will be limited to a maximum of ten (10) changes per license year.

(4) General Requirements. Retail consumable hemp establishment licensees shall abide by the following minimum requirements set forth in the Georgia Hemp Farming Act.

- (a) Retail consumable hemp establishment licensees are prohibited from selling hemp or hemp products in violation of the Georgia Hemp Farming Act, including by:

1. Selling or offering for sale the flower or leaves of the Cannabis sativa L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;
2. Selling non-compliant consumable hemp products, including, but not limited to, consumable hemp products:

(i) For which a full panel certificate of analysis has not been obtained within the past 12 calendar months and made available to the public;

(ii) Without a warning sticker of the universal symbol identified in GA. Comp. R. & Regs. r. 40-32-5-.03;

(iii) Without a conspicuous label providing the information required in GA. Comp. R. & Regs. r. 40-32-5-.03;

(iv) With a total delta-9-THC concentration that exceeds the legal limit;

- (v) That contain one or more contaminants in excess of the maximum levels established in Subject 40-32-5 of this Chapter;
 - (vi) That contain a materially different composition from what is shown on the label or relevant full panel certificate of analysis;
 - (vii) That are packaged in a container that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.04;
 - (viii) That are advertised in any manner that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.05;
 - (ix) That constitute a food product; or
 - (x) Contain alcohol or constitutes an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated.
3. Selling or distributing consumable hemp products to consumers from a retail establishment located within 500 feet of any educational institution, public or private, providing elementary or secondary education to children at any level, kindergarten through twelfth grade, or the equivalent thereof if grade divisions are not used by such institution, unless such establishment began operation prior to July 1, 2024;
4. Naming or advertising the consumable hemp retail establishment in such a way as to violate GA. Comp. R. & Regs. r. 40-32-5-.05.

(5) Compliance and Enforcement.

- (a) The Department will conduct inspections at retail consumable hemp establishments for compliance with the Georgia Hemp Farming Act, this Chapter, and O.C.G.A. §§ 16-12-240 through 16-12-243. The Department may randomly inspect and test consumable hemp products offered for sale.
- (b) A retail consumable hemp establishment licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.
- (c) A violation of the Georgia Hemp Farming Act or this Chapter by a retail consumable hemp establishment licensee is subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq. including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

40-32-4-.04 Registered Laboratories

(1) Registration. Any laboratory seeking to test hemp or hemp products made from hemp or hemp-derived ingredients, including but not limited to industrial hemp products and consumable hemp products, shall first register with the Department.

(a) A laboratory seeking registration shall submit the following to the Department:

1. A \$250.00 one-time registration fee;
2. The legal name of the laboratory;
3. The principal office address of the laboratory;
4. Contact information, including telephone number and email address;
5. The physical address where the laboratory will perform cannabis or hemp product testing and analysis;
6. If the registrant is an entity, the name of the owner, partners, members, or shareholders of such entity;
7. Attestation that the laboratory is not affiliated with any licensee or permittee under this Chapter;
8. A copy of the United States Department of Justice, Drug Enforcement Administration Controlled Substances Act Certificate of the laboratory to handle controlled substances under the CSA; and
9. Documentation sufficient to demonstrate that the laboratory has been accredited pursuant to the relevant standards of the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), namely ISO/IEC 17025:2017, or a more recent version of that standard.

(b) Registration will be limited to a single laboratory facility. Laboratories seeking to perform testing and analysis pursuant to this Chapter at multiple laboratory facilities must register each facility individually. Registered laboratories may not transfer registration to a different location.

(c) The Department will register laboratories that successfully complete the required application. Laboratory registrations will remain in effect until revoked, suspended, or surrendered.

(d) The Department may conduct a site visit prior to the approval of a registration.

- (e) Registered laboratories must alert the Department of any changes to the information submitted in response to GA. Comp. R. & Regs. r. 40-32-4-.04(1)(a)(2)-(9) at least 30 days prior to and at the time of implementation.

(2) General Rules. Registered laboratories must comply with the following general rules.

- (a) Laboratories registered with the Department are authorized to analyze and test hemp and hemp products, including consumable hemp products intended for distribution, wholesale, or retail sale in Georgia, and to produce the full panel certificate of analysis required by O.C.G.A. § 2-23-9.1.
- (b) The Department will maintain a list of registered laboratories on its website.
- (c) Registered laboratories are prohibited from holding any other license or permit issued pursuant to the Georgia Hemp Farming Act and this Chapter.
- (d) Any person with a financial interest in a registered laboratory is prohibited from holding a financial interest in any other license or permit issued pursuant to the Georgia Hemp Farming Act and this Chapter.
- (e) A registered laboratory shall not use the Department's name or logo on any sign on its premises, website, or any advertising or social media, except to the extent that information is contained on a proof of registration or is contained in part of warnings, signage, or other documents required by this Subject.
- (f) Registered laboratories shall notify the Department of the following:
 - 1. The loss or suspension of required accreditation within twenty-four (24) hours of such loss or suspension.
 - (i) If accreditation is not restored within thirty (30) days of such loss or suspension, then the Department will remove the registered laboratory from the published list of registered laboratories and may seek to revoke the laboratory's registration in accordance with O.C.G.A. §§ 2-5-6 & 2-23-6.5.

(3) Hemp Testing. Registered laboratories conducting testing and analysis for pre-harvest or remediated hemp for hemp grower licensees must meet the following minimum requirements.

- (a) Utilize the standard testing procedures specified for cannabis samples taken in accordance with the sampling procedures for the Georgia Hemp Program to measure the total delta-9-THC concentration levels of those samples on a dry weight basis.

(b) Analytical testing for purposes of detecting the total delta-9-THC concentration must be conducted in accordance with the USDA's most current *Laboratory Testing Guidelines U.S. Domestic Hemp Production Program*.

(c) Registered laboratories must submit results for all official samples tested in the prior month to the Department via e-mail to hemp@agr.georgia.gov by the third day of the following month. Registered laboratories are only required to submit test results performed to comply with pre-harvest testing requirements. Laboratories are not required to report test results from informal testing conducted throughout the growing season. Test results must be reported using the Department's "Grower Laboratory Test Results Report" form and must contain the following information for each sample tested:

1. Hemp grower license number;
2. Name of hemp grower licensee;
3. Lot identification number for the sample;
4. Laboratory registration number;
5. Date of test and report;
6. Identification of a pre-harvest retest, if applicable;
7. Measurement of uncertainty (MU); and
8. Total delta-9-THC concentration.

(4) Hemp Product Testing. Registered laboratories conducting testing and analysis for hemp products must meet the following minimum requirements.

(a) Industrial Hemp Product Testing. Registered laboratories shall test industrial hemp products at least for total delta-9-THC concentration.

(b) Consumable Hemp Product Testing. Registered laboratories shall test consumable hemp products at least in conformance with the following minimum requirements.

1. Testing Requirements. Registered laboratories shall test all consumable hemp products in accordance with the following requirements:

- (i) All consumable hemp products intended for distribution or sale shall be tested in final packaged form.

- (ii) The registered laboratory shall test any part of the consumable hemp product in final packaged form that will be consumed by a consumer.
- (iii) Registered laboratories shall follow the relevant methodologies, ranges, and parameters that are contained in the registered laboratory's scopes of the accreditation and certification.
- (iv) Registered laboratories shall report the results of each test performed by the registered laboratory to the requesting permittee or manufacturer.
- (v) If a sample of a consumable hemp product fails to comply with each of the limits set forth in Subject 40-32-5 of this Chapter, then the independent laboratory shall:
 - (I). Notify the permittee or manufacturer who submitted the sample of the test results; and
 - (II). Report the failure to the Department via email to hemp@agr.georgia.gov.
- (vi) Registered laboratories shall dispose of the remains of the samples of consumable hemp products upon completion of testing, unless directed otherwise by the Department.

(c) Certificate of Analysis. Registered laboratories testing consumable hemp products for sale or distribution must generate a full panel certificate of analysis according to the requirements established herein and provide such full panel certificate of analysis to the requesting permittee, manufacturer, wholesaler, or retailer.

1. Registered laboratories shall test and provide a full panel certificate of analysis for consumable hemp products in final packaged form after the samples are:
 - (i) Homogenized;
 - (ii) Controlled; and
 - (iii) Collected as set forth in this Chapter.
2. Full panel certificates of analysis for consumable hemp products intended for sale or distribution must, at a minimum, include the results with supporting data identifying the presence and quantities of the compounds and contaminants set forth in Subject 40-32-5.

(5) Records. An independent laboratory shall establish a system to create, retain, and maintain all required records.

(a) For the testing of consumable hemp products, an independent laboratory shall maintain the following records and shall produce such records upon request by the Department:

1. Records of laboratory testing results for a minimum of thirty-six (36) months from the date of such testing; and
2. For each full panel certificate of analysis, copies of the results of each test performed for a minimum of thirty-six (36) months from the respective dates of issuance.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

40-32-5 Consumable Hemp Products

40-32-5-.01 Standards for Consumable Hemp Products.

(1) General Standards. All consumable hemp products in the state of Georgia must conform with the standards established in the Georgia Hemp Farming Act and this Chapter.

(a) Prohibited Forms of Consumable Hemp Products. The following products shall not be sold, offered for sale, or otherwise distributed as consumable hemp products in Georgia:

1. The flower or leaves of the *Cannabis sativa* L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;
2. Products that contain alcohol or constitute an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated;
3. Marijuana products or low THC oil products;
4. Food products, including, but not limited to, dairy, meat, and seafood products; and
5. Any hemp product containing a non-cannabinoid additive that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances including, but not limited to, nicotine.

(b) Compliance with the Georgia Hemp Farming Act and this Chapter shall not exempt consumable hemp products, and processors and manufacturers thereof, from any other applicable Federal or State law.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.02 Concentration Limits and Contaminant Limits.

(1) Cannabinoid and Contaminant Limits. No consumable hemp product intended for commercial sale or distribution in Georgia may contain cannabinoids or contaminants that exceed the limits established in applicable Federal and State laws. Additionally, no consumable hemp product intended for commercial sale or distribution in Georgia shall contain analytes in excess of the following limits:

(a) Residual solvents, measured in parts per billion (ppb):

1. Butane: 800,000;
2. Ethanol: 5,000,000;
3. Heptane: 500,000; and
4. Hexane: 100,000.

(b) Heavy metals, measured in parts per billion (ppb), for the following analytes, by product:

1. Arsenic

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products intended for sublingual use, such as a tincture: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

2. Cadmium

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products intended for sublingual use, such as a tincture: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

3. Lead

- (i) Consumable hemp products intended for inhalation: 500;
- (ii) Consumable hemp products for sublingual use, such as tinctures: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

4. Mercury

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products designed for sublingual use, such as tinctures: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

(c) For the following pesticides, 100 parts per billion (ppb) or the registered laboratory's lowest possible limit of quantitation (LOQ) for such respective analyte, whichever is lower:

1. Abamectin;
2. Acephate;
3. Acequinocyl;
4. Acetamiprid;
5. Aldicarb;
6. Azoxystrobin;
7. Bifenazate;
8. Bifenthrin;
9. Boscalid;
10. Carbaryl;
11. Carbofuran;
12. Chlorantraniliprole;
13. Chlordane;
14. Chlorpyrifos;
15. Coumaphos;
16. Cyfluthrin;
17. Cypermethrin;
18. Daminozide;
19. Diazinon;
20. Dichlorvos;
21. Dimethoate;
22. Dimethomorph;
23. Ethoprophos;
24. Etofenprox;
25. Etoxazole;
26. Fenoxycarb;
27. Fenhexamid;
28. Fipronil;
29. Flonicamid;
30. Fludioxonil;
31. Hexythiazox;
32. Imazalil;

33. Imidacloprid;
34. Kresoxim Methyl;
35. Malathion;
36. Metalaxyl;
37. Methiocarb;
38. Methomyl;
39. Mevinphos;
40. Myclobutanil;
41. Oxamyl;
42. Paclobutrazol;
43. Permethrin;
44. Phosmet (Imidan);
45. Prallethrin;
46. Propiconazole;
47. Propoxur;
48. Pyridaben;
49. Spinetoram;
50. Spiromesifen;
51. Spirotetramat;
52. Spiroxamine;
53. Tebuconazole;
54. Thiacloprid;
55. Piperonyl butoxide;
56. Thiamethoxam; and
57. Trifloxystrobin.

(d) Any visible foreign material that is not intended to be part of the consumable hemp product being produced, including, but not limited to, filth, hair, insects, metal, or plastic.

(e) Microbial impurities, measured in colony-forming unit per gram (cfu/g), for each of the following analytes:

1. Total viable aerobic bacteria: 100,000;
2. Total yeast and mold: 10,000;
3. Bile-tolerant gram negative bacteria: 1,000;
4. Shiga-toxin producing escherichia coli (STEC): 1.0; and
5. *Aspergillus fumigatus*, *Aspergillus flavus*, *Aspergillus niger*, and *Aspergillus terreus*: 1.0.

(f) Mycotoxins, 20 parts per billion (ppb), for each of the following analytes:

1. Aflatoxin B1;
2. Aflatoxin B2;
3. Aflatoxin G1;
4. Aflatoxin G2; and

5. Ochratoxin A.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.03 Labelling of Consumable Hemp Products.

(1) Required Labelling. All consumable hemp products, prior to commercial sale or other distribution in Georgia, shall be labeled at least in accordance with the Georgia Hemp Farming Act and this Chapter.

(a) General Provisions. Prior to and throughout commercial sale or distribution in Georgia, consumable hemp products must bear labels. Such labels must conform to the below general requirements.

1. All required label information must be presented in at least the English language.
2. Labels shall be unobstructed and conspicuous such that a consumer can easily identify and read the contained information.
3. Labels shall include a warning sticker containing the universal symbol, unless the consumable hemp products contain no THC (including isomers and esters thereof).
4. No consumable hemp product labeled may contain a health-related statement that is untrue or misleading.
 - (i) Any health-related statement must be supported by the totality of publicly available scientific evidence and significant scientific agreement among experts qualified by scientific training and experience to evaluate such claims.
5. No consumable hemp product shall bear a label that contains any information that is false or misleading.
6. Consumable hemp product labels must identify the product lot in which the consumable hemp product was produced.

(b) Contents Labelling. Prior to and throughout commercial sale or distribution in Georgia, consumable hemp product labels must identify the contents of the product. Labels must conform to at least the below requirements.

1. Labels for consumable hemp products must include either:
 - (i) All results of a full panel certificate of analysis; or

- (ii) A QR code providing direct access to all results of the full panel certificate of analysis.
- 2. Labels for consumable hemp products in the form of gummies, beverages, or tinctures shall express the total delta-9-THC content in milligrams per serving size and milligrams per package.
- 3. Labels for consumable hemp products intended for topical application shall express the total delta-9-THC content in milligrams per package.
- 4. Labels for consumable hemp shall bear a list of all product ingredients in descending order of predominance by weight or volume. If any product ingredient contains sub-ingredients, the list shall either:
 - (i) Include the common name of the ingredient followed by a parenthetical listing of all ingredients in descending order by weight or volume; or
 - (ii) List all sub-ingredients as individual ingredients in descending order of predominance.
- 5. Labels for consumable hemp products shall list any major food allergens contained.
- 6. Labels for consumable hemp products must list the cannabinoid content reflected on the full panel certificate of analysis. The amount may be rounded to the nearest tenth of a percent. Notwithstanding the preceding sentence, no consumable hemp product may be labeled as exceeding the total delta-9-THC concentration legal limit.

(2) Full Panel Certificate of Analysis. Full panel certificates of analysis must attest to at least the following analytes:

- (a) The chemical profile of the following cannabinoid compounds represented as a percent of total weight:
 - 1. Total delta-9-THC concentration;
 - 2. Cannabidiol (CBD);
 - 3. Cannabidiolic acid (CBD-A);
 - 4. Cannabigerol (CBG);
 - 5. Cannabigerol acetate (CBG-A);

6. Cannabinol (CBN);
7. Delta-8-tetrahydrocannabinol (D8-THC);
8. Delta-9(11) exo-tetrahydrocannabinol (Exo-THC);
9. Delta-10-tetrahydrocannabinol (D10-THC);
10. THC-O acetate (THC-OA);
11. THC-O-phosphate (THC-O); and
12. Hexahydrocannabinol (HHC).

- (b) The occurrence of the analytes identified in GA. Comp. R. & Regs. r. 40-32-5-.02(a)-(c) & (e)-(f), represented in parts per billion (ppb).

(3) Warning Sticker of the Universal Symbol. Any consumable hemp product sold or otherwise distributed in the state shall bear a sticker, or equivalent re-production, of the universal symbol warning potential consumers that the product contains THC. If a consumable hemp product contains no THC (including isomers or esters), the warning sticker of the universal symbol is not required.

- (a) The universal symbol shall replicate the following form:



- (b) The universal symbol shall be in black, white, and red color. The symbol shall be made conspicuous by printing on a contrasting color.
- (c) The universal symbol must be at least one-half inch in height.
- (d) The universal symbol shall not be altered or manipulated in any way other than to increase the size. No changes shall alter the proportions of the universal symbol.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.04 Packaging of Consumable Hemp Products

(1) Packaging Minimum Requirements. Consumable hemp products in final packaged form shall utilize packaging that meets the following minimum requirements:

- (a) Packaging shall protect the consumable hemp product from contamination and exposure to any toxic or harmful substance;
- (b) Packaging shall be tamper-evident;
- (c) Packaging shall be child resistant;
- (d) Packaging shall not be attractive to children;
- (e) Packaging shall not bear a reasonable resemblance to any existing candy, snack, or other food product that is widely distributed and familiar to the public;
- (f) Packaging shall not infringe on any trade dress, trademark, branding, or other related materials as described in O.C.G.A. § 10-1-440 et seq. or in Chapter 22 of Title 15 of the United States Code;
- (g) Packaging shall not suggest the consumable hemp product constitutes or contains low-THC oil, medical marijuana, or medical cannabis.
- (h) Packaging shall not mislead potential or actual consumers as to the contents of the package;
- (i) Packaging for consumable hemp products that contain more than one serving shall be resealable, with the exclusion of consumable hemp products in the form of vapes.
- (j) Packaging for consumable hemp products in the form of a tincture shall be packaged in such a way as to include a calibrated dropper or similar device for measuring a single serving.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.05 Advertising

- (1) Prohibited Manners of Advertising. No consumable hemp product shall be advertised in this state in any manner that:
- (a) Is attractive to children;
 - (b) Bears a reasonable resemblance to any existing candy, snack, or other food product that is widely distributed and familiar to the public;
 - (c) Infringes on any trade dress, trademarks, branding, or other related materials as described in O.C.G.A. § 10-1-440 et seq. or in Chapter 22 of Title 15 of the United States Code; or
 - (d) Suggests that such product constitutes or contains low-THC oil, or otherwise constitutes or contains medical marijuana or medical cannabis.
- (2) Representation as a Low-THC Oil Dispensary. No person in this state that sells or otherwise distributes consumable hemp products to consumers shall advertise or represent themselves as selling, dispensing, or distributing low-THC oil or products containing low-THC oil, unless such person holds the required dispensing license.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

