

**State of Rhode Island and Providence Plantations**  
**DEPARTMENT OF BUSINESS REGULATION**  
**1511 Pontiac Avenue**  
**Cranston, Rhode Island 02920**

**FINAL CONCISE EXPLANATORY STATEMENT FOR ADOPTION OF**  
**230-RICR-80-10-1 – Rhode Island Industrial Hemp Agricultural Pilot Program**

A. Introduction. Pursuant to R.I. Gen. Laws § 42-35-2.6, the Rhode Island Department of Business Regulation (“Department”) is hereby providing a final Concise Explanatory Statement for the implementation of 230-RICR-80-10-1 – Rhode Island Industrial Hemp Agricultural Pilot Program.

B. Statement of Purpose of the Adoption.

This regulatory action was taken in order to:

1. Establish policies and procedures for the registration, licensure and operation of industrial hemp growers and handlers pursuant to § 2-26-5 and § 2-26-6, conducted for purposes of research, academic or otherwise; and
2. Establish policies and procedures for the certification of institutions of higher education for the growth and handling of industrial hemp pursuant to § 2-26-9, conducted for purposes of research, academic or otherwise.

C. Summary of the Regulatory Analysis. This regulation will stabilize expectations for the growth and handling of industrial hemp across all industry business models, having a net positive effect on existing and prospective businesses, save for statutory licensing costs. The regulation addresses several areas of the industrial hemp industry landscape, including: application requirements for licensure; terms of the License Agreement between the licensee and DBR; research reporting requirements; inspection, sampling and testing requirements; operational requirements; procedures for enforcement actions taken by the Department, among others.

D. Summary of the Public Comments & Post-Comment Changes. There are several differences between the text of the proposed rule as published in accordance with R.I. Gen. Laws § 42-35-2.7 and the rule as adopted. These changes are all consistent with, and a logical outgrowth of, the proposed rulemaking filed in accordance with R.I. Gen. Laws § 42-35-6.1. In addition to the following summary of all comments and any resulting changes, a redlined document showing the exact changes is also attached.

1. *Part I – Rules and Regulations Related to the Industrial Hemp Agricultural Pilot Program Administered by the Department of Business Regulation.* Commentary was received regarding the title of the proposed rule that it should not contain the word “pilot.” The commentators objected because the word “pilot” is a reference to federal requirements found in 7 U.S.C § 5940, and is not found in the state law §2-26-1, *et seq.*

In consideration of this commentary, the Department simplified the title of the regulation though it declines to remove the word “pilot” from the title. Though the word “pilot” is not mentioned in R.I. Gen. Laws § 2-26-1, *et seq.*, it is still a federal requirement of state-operated industrial hemp programs and therefore appropriate for a conservative regulatory scheme.<sup>1</sup>

2. *Authority and Purpose - § 1.1-2.* Commentary was received regarding the references in the introductory two paragraphs to the applicable federal law. The commentator(s) stated that because the program is based on state law that no references to federal law are appropriate, and that the federal law cited is currently the subject of federal debate and may change.

These comments were carefully considered and balanced with the current federal and state requirements. After examining whether the federal law referenced conflicts with the state law, the Department determined that the two sources of law do not conflict, that both are appropriately referenced as comprising the current state of federalism in the area of hemp regulation and that the references are in the best interest of licensees and the State as it helps to ensure all parties receive applicable federal protections.

3. *Definitions - § 1.5(B), Certified Seed Source.* Commentary was received advocating for a third mechanism for certifying industrial hemp, whereby a handler would be allowed to import hemp seeds from out of state so long as they follow the exporting state’s industrial hemp program rules and regulations. Commentary was also received advocating for another mechanism for receipt of seeds by way of federal government agencies.

After receiving and considering this commentary, the Department changed §1.5(B) to clarify the meaning of “certified” with respect to both seed source and hemp and its derivatives, commensurate with a change in §1.10(b)(1). The original language regarding a licensee being able to sell, transfer and transport hemp, hemp derivatives, and seeds to another licensee or “such other persons who are in compliance with applicable laws regarding the possession, processing and sale of industrial hemp,” remains as originally written. Additionally, procuring industrial hemp seed from other government agencies is not currently feasible, given the necessary Drug Enforcement Administration (“DEA”) permitting required.

4. *Definitions - § 1.5(G) and (H), Grower and Handler.* Commentary was received that some

---

<sup>1</sup> Many of the states currently operating a hemp program or that have a state enabling statute put the word “pilot” in the title, including: New York (*Industrial Hemp Agricultural Research Pilot Program*); Vermont (*Industrial Hemp Pilot Program*); Massachusetts (though not in the title, MDAR refers to its program as “an Agricultural Pilot Program”); Washington (*Industrial Hemp Research Pilot Program*); Kentucky (*Industrial Hemp Research Pilot Program*); North Carolina (*Industrial Hemp Pilot Program in North Carolina*); South Carolina (*SC Industrial Hemp Pilot Program*); Maryland (*Industrial Hemp Pilot Program*); Florida (Florida allows for the cultivation of hemp only through land grant universities that have a college of agriculture and they have been named *Industrial Hemp Pilot Projects*); Tennessee (*Industrial Hemp Pilot Program*); Hawaii (*Industrial Hemp Pilot Program*); Minnesota (*Industrial Hemp Pilot Program*); Pennsylvania (*Industrial Hemp Research Pilot Program*); Wisconsin (*Industrial Hemp Research Pilot Program*).

prospective licensees would like to be both a grower and handler, and would like clarity in the regulations around a licensee possessing dual licensure.

In consideration of this commentary, the Department inserted an extra sentence in §1.5(M), allowing for a license to be categorized as either a grower, a handler, or both a grower and a handler.

5. *Definitions - § 1.5(J), Industrial Hemp.* Commentary was received that the citation in the last sentence was incorrect.

The Department corrected the citation identified.

6. *Application Information - § 1.6(D)(4).* Commentary was received that the requirement that an applicant must provide evidence that the owner of a growing area, land area, or building area consents to the cultivation or handling of industrial hemp should also include evidence of a lease agreement, if applicable.

The current §1.6(D)(4) allows for a signed statement by the owner of the location where the hemp is grown and/or handled such that the owner consents to the specified activity. A “statement” is broad enough to include a lessor-lessee arrangement where the growing and/or handling of hemp is explicitly acknowledged and agreed to.

7. *Inspection, Sampling and Testing - § 1.8(D)(1) and (2), Testing.* Commentary was received that questioned the legitimacy of the testing requirements and the readiness of the approved testing facilities at the inception of the hemp program. Commentators advocated for an interim procedure whereby the Department would temporarily approve third-party testing facilities, including laboratories outside the state, until official testing facilities are practically ready to test. Commentary was also received that laboratory testing and quality control standards should be included in these regulations and that sample test results greater than 0.3% THC should not be *prima facie* evidence of non-compliance because cross-pollinated volunteer plants may be the cause of an increased THC content.

After carefully reviewing the commentary around approved testing facility readiness and having collaborated and consulted with the R.I. Department of Health (“RIDOH”), which has oversight responsibility for laboratory regulations, the Department does not see a need to allow for interim approval of testing facilities. However, the Department changed the language of § 1.8(D)(1) to incorporate the testing requirement “at the direction of DBR.” Pursuant to R.I. Gen. Laws § 2-26-6(a), the Department is required to promulgate rules that provide for testing of hemp during its growth. Because RIDOH is the entity that regulates the approved testing facilities under 216-RICR-60-05-06, *Licensing Analytical Laboratories for Sampling and Testing Medical Marijuana*, and referenced in §1.8(D), that is the appropriate venue for laboratory and quality control standards. And lastly, nothing in the regulations prohibits a licensee from providing evidence that the sampled hemp was from a volunteer plant, as defined in §1.5(W), which would be unlikely given that hemp and marijuana cultivation are to be conducted separately, unless prior approval is given by the Department per §1.7(E).

8. *Agricultural Pilot Program Registry Identification Cards - § 1.9(A), (B), (C) and (D).* Commentary was received that advocated for the removal of the registry identification cards requirement. The commentators stated this section was unnecessary, unauthorized by the state enabling legislation, and made the hemp program appear to be based on the Medical Marijuana Program requirements. Additionally, commentary was received that the criminal background check requirements were unfair, too broad and incomplete, and questioned whether growers would be required to get registry identification cards for “testing agents.”

In consideration of the commentary made regarding the registration identification card requirements, the Department clarified that the registration identification card requirements are necessary for all officers, directors, owners, shareholders, managers, members, employees, and agents of the licensee, but the requirement to obtain a background check is not necessary for employees. Registry Identification Cards provide verification and authenticity that is helpful to both the employer (grower, handler or both) and the State. Pursuant to R.I. Gen. Laws § 2-26-6(a), the Department has general rule-making authority for the implementation of the Act. The background check mandates for licensees are required by R.I. Gen. Laws § 2-26-5 and cannot be changed by regulation, including the word “conviction” as defined in § 2-26-5(c)(7)(v). And lastly, after collaboration with RIDOH and because the definition of “agents” includes “testing agents,” the latter would need to independently apply for and receive registry identification cards.

9. *Operational Requirements - § 1.10(A), (C) and (D), Agricultural Pilot Program Tracking System, Inventory Tagging, and Inventory Control.* Commentary was received regarding the tracking system requirement generally, that such a system was unnecessary and costly. Commentary regarding the inventory tagging requirements specifically addressed its impracticality given the outdoor nature of hemp growth, its cost, its legislative basis and its dissimilarity from other New England states’ hemp programs. The similarity to requirements in the Medical Marijuana Program was noted.

In consideration of comments made regarding the tracking system, tagging requirements and inventory control, the Department altered these sections to provide for use of the Department’s tracking system by use of a tag, certificate, or other similar method approved by DBR. This will give the licensees substantial room to comply with R.I. Gen. Laws § 2-26-5(c)(4), requiring licensees to describe their seed to sale tracking method, without being too burdensome. Though commentary was received that other New England neighbors do not have inventory control requirements, that is an issue of a statutory, not regulatory, genesis. Changes were also made to § 1.10(C)(3)-(6) and (8), incorporating changes commensurate with those made in § 1.10(C)(1).

10. *Operational Requirements - §1.10(B), Limitation on Sales and Transfers.* Commentary was received that this section should incorporate not only sales, transfers and transportation between licensees but should also authorize the same to the general public.

In consideration of these comments, the Department added clarifying language surrounding

the items being sold, transferred or transported in §1.10(B)(1). Additionally, the Department added another clarifying phrase to the end of the same section, comparable to the exiting phrase in the first sentence. Therefore, §1.10(B)(1) allows authorized giving and receiving between licensees, providers, and “other persons” who are in compliance with the Act, these regulations, and all other applicable laws, including those addressing possession, processing and sale of industrial hemp. And finally, the Department added wholesale and retail language as requested in §1.10(B)(3).

11. *Operational Requirements - §1.10(E), Minimum Security Requirements.* Commentary was received that the minimum security requirements were too stringent for hemp, were based on the Medical Marijuana Program’s security requirements, that none of our New England neighbors have security requirements for their hemp programs, such requirements would increase costs substantially for the hemp farmer, and that the requirements were unnecessary given that hemp plants do not contain the same level of psychoactive THC as marijuana plants and thus do not present a similar safety and security risk. Commentary was also received that § (E)(1)(b), prohibiting firearms as a security measure on a licensee’s premises, was unnecessary.

In consideration of comments made regarding the security requirements, the Department removed the original §1.10(E)(1)(a), (c) and (d), §1.10(E)(2), portions of §1.10(E)(4)(b) and (c), and §1.10(E)(5)(b)(iv)-(v). The original proposed §1.10(E)(1)(b) is intended to enhance public safety and does not conflict with other provisions of Rhode Island law allowing for firearm possession and licensing.

12. *Operational Requirements - §1.10(G), Packaging and Labeling Requirements.* Commentary was received stating that this section was too broad, incorrectly based on the Medical Marijuana Program requirements, and not authorized by the enabling legislation.

These comments were thoughtfully considered and several original requirements were removed, specifically § 1.10(G)(2)(b) and (c), § 1.10(G)(3)(a) and (c), § 1.10(G)(4)(b) and (c) and § 1.10(G)(1) has been clarified to refer only to hemp or hemp products intended for consumption. The remaining packaging and labeling requirements include a prohibition on false or misleading statements or the use of any insignia representing the State’s endorsement of the product, both of which are reasonably intended to protect the public from misinformation.

13. *Retail/Wholesale Distribution.* Commentary was received stating that there was no provision in the regulation addressing wholesale and retail distribution of hemp, hemp derivatives, or products.

In consideration of these comments, the Department added §1.10(B)(3) for clarification purposes.

14. *License Fees and Length - §1.7(A) and (D).* Commentary was received that the cost of the license was too high for small farms and that the length of the license period should be longer than currently provided, proposing a duration of at least five (5) years.

The license fee of two-thousand five-hundred dollars (\$2500.00) is established in R.I. Gen. Laws §2-26-5(e), and cannot be changed in this regulation. However, in consideration of this comment, the biennial fee located in §1.9(C)(4) was reduced from one-hundred (\$100.00) to fifty dollars (\$50.00). Regarding the length of the license, it too cannot be changed in this regulation as it is required by R.I. Gen. Laws § 2-26-5(e) to be for a period of two (2) years.

15. *Cannabidiol*. Commentary was received by potential sellers and users of cannabidiol (“CBD”), a possible extracted derivative of hemp, that CBD was not addressed specifically in the regulations.

The definition of “*Industrial Hemp*” or “*Hemp*” in § 1.5(J) contains the following statement as the second-to-last sentence: “For purposes of this Part, hemp shall include hemp derivatives such as hemp extractions and concentrates.” CBD may be classified as a hemp derivative, extraction and/or derivative.

**230-RICR-80-10-01**

## **TITLE 230 – DEPARTMENT OF BUSINESS REGULATION**

### **CHAPTER 80 – MARIJUANA**

#### **SUBCHAPTER 10 – INDUSTRIAL HEMP**

PART 1 – ~~Rules and Regulations Related to the Rhode Island~~ Industrial Hemp  
Agricultural Pilot Program ~~Administered by the Department of Business Regulation~~

##### **1.1 Authority**

This Part is promulgated by the Department of Business Regulation with the assistance of the Department of Environmental Management, Division of Agriculture, in accordance with R.I. Gen. Laws § 2-26-1, *et seq.*, The Hemp Growth Act (the "Act"), and 7 U.S.C. § 5940 (Section 7606 of the Agricultural Act of 2014).

##### **1.2 Purpose**

The purpose of this Part is to describe the licensing and regulation of industrial hemp growth and production as an agricultural product as provided for in R.I. Gen. Laws § 2-26-4 and 7 U.S.C. § 5409 as it pertains to the hemp growers and handlers, and the employees of each, as participants in the state's Agricultural Pilot Program.

##### **1.3 Scope**

This regulation applies to the growth and production of industrial hemp by industrial hemp growers and handlers, and the employees of each, and to the growth, production and research by institutions of higher education.

##### **1.4 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 40 C.F.R. § 152.25(f) (2018) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate Environmental Protection Agency's "Active Ingredients Eligible for Minimum Risk Pesticide Products" (2015) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- C. These regulations hereby adopt and incorporate Environmental Protection Agency's "Inert Ingredients Eligible for FIFRA 25(b) Pesticide Products" (2015)

by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

## 1.5 Definitions

- A. "Agricultural Pilot Program" means the state's Industrial Hemp Pilot Program established pursuant to the Act and these regulations.
- B. "Certified ~~seed source~~" or "~~certified~~" means: ~~a source of industrial hemp seeds that:~~
  - 1. With respect to "seed source," it is certified according to the Association of Official Seed Certifying Agencies (AOSCA) standards or alternative certification standards approved by the Department; and
  - 2. With respect to hemp including hemp derivatives, it is produced from plants that were tested during the active growing season or after processing as applicable and found to produce industrial hemp having a THC concentration that does not exceed 0.3% on a dry weight basis.
- C. "Department" or "DBR" means the Department of Business Regulation, with the assistance of the Division.
- D. "Division" or "DEM" means the Department of Environmental Management, Division of Agriculture.
- E. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.
- F. "Growing area" means the land on which a licensee cultivates, produces or plans to cultivate or produce industrial hemp.
- G. "Grower" a person or entity who or that cultivates hemp for commercial purposes.
- H. "Handler" means a person or entity who or that produces hemp for processing into commodities, products, or agricultural hemp seed.
- I. "Institution of higher education" shall have the meaning set forth in 20 U.S.C. § 1001 and consistent with R.I. Gen. Laws § 2-26-9.
- J. "Industrial hemp" or "hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (0.3%) on a dry-weight basis of any part of the plant cannabis, or per volume or weight of marijuana product or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content. For purposes of this Part, hemp



shall include hemp derivatives such as hemp extractions and concentrates. Pursuant to R.I. Gen. Laws § 2-28.6-4(t) hemp is not medical marijuana.

- K. "The Hemp Growth Act" or "Act" means R.I. Gen. Laws § 2-26-1, *et seq.*
- L. "Law enforcement agency" means a federal, state or local agency responsible for maintaining public order and enforcing the law, particularly activities involving prevention, detection and investigation of crime and the apprehension of violators.
- M. "License" means an industrial hemp grower license and/or an industrial hemp handler license issued by the Department pursuant to the Act and these regulations. A grower license authorizes the licensee to cultivate industrial hemp and a handler license authorizes the licensee to produce hemp or hemp derivatives for processing into commodities, products or agricultural hemp seed. A dual license authorizes both growth and handling.
- N. "Licensee" means an individual or entity holding a license.
- O. "Licensing agreement" means an agreement executed by the licensee agreeing to abide by these regulations and any other terms and conditions the Department deems necessary for enforcing the Act.
- P. "Licensing period" means the time during which an industrial hemp license is valid. Licenses are issued for two-year terms.
- Q. "Hemp derivatives" means substances derived from hemp including concentrates made from hemp and substances derived through an extraction process.
- R. "Non-contiguous growing area" means a growing area on which a licensee grows or plans to grow industrial hemp that is separated from other growing areas by more than a mile. Partial acreage should be rounded up to the next whole acre.
- S. "Person" means a natural person, corporation, association, partnership or other legal entity.
- T. "Research" means the growth, cultivation and handling of industrial hemp either by an institution of higher education or otherwise under the Agricultural Pilot Program for purposes of agricultural or academic research.
- U. "Sample" means plant parts taken as representative of an individual plant or the combined total plants in the growing area, or a production batch of hemp or hemp derivatives-
- V. "THC" means THC as defined in R.I. Gen. Laws § 2-26-3(8) and includes tetrahydrocannabinol, the principal psychoactive constituent of cannabis, tetrahydrocannabinol acid and the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis

sativa L., or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.

- W. "Volunteer Plant" means any cannabis plant which is self-propagated and grows of its own accord from seeds or roots in the years following an intentionally planted industrial hemp crop. Volunteer plants are not intentionally planted.

## **1.6 Application Process**

- A. Each applicant for an industrial hemp license, whether as a grower and/or handler, must submit a signed, complete, accurate and legible application to DBR together with the applicable application fee. Applications will be accepted throughout the calendar year.
- B. Applicants applying to renew a license must update their application information and fees as applicants applying for a new license, and must submit any other information as required by DBR. In addition, applicants for renewal must include, on the application, the licensing numbers of any previous licenses held and year of issuance of those licenses.
- C. Applications for industrial hemp grown outdoors or indoors will be considered.
- D. The applicant must provide:
1. Name, address and other contact information of:
    - a. The applicant who will supervise, manage, or direct the growing, handling or production of hemp or hemp products;
    - b. Any person partnering or providing consulting services regarding the growing, handling or production of hemp or hemp products, if applicable; and
    - c. The applicant's employees and, if the applicant is an entity, the applicant's officers, directors, owners, shareholders, managers and members;
  2. A detailed description of the land area (including street address, assessor's plat and lot number, square footage and if the land does not abut a public road, the nearest public road of access) to be used for the growth and/or production of industrial hemp including, but not limited to: a map or aerial photograph and Global Positioning System ("GPS") coordinates sufficient for locating production fields and showing the boundaries, dimensions and size of the growing area, and a description of the building including approximate dimension or square feet of the growing area if cultivation occurs indoors;

3. A description of the DBR approved seed to sale tracking program to be used by the applicant and described in § 1.10 of this Part and the ~~security layout and~~ plan for tracking and monitoring all hemp grown and produced by the applicant;
  4. A signed statement that the applicant is the owner of the growing area, land area and any building to be used for cultivation or handling of industrial hemp or a statement, signed by the owner of the growing area, land area and any building consenting to that use;
  5. A copy of the certificate of analysis showing the industrial hemp, hemp seed or plants obtained for cultivation or production are from a certified ~~seed~~ source and ~~isare~~ of a type or variety that do not exceed the maximum concentration of delta-9 THC as set forth in the Act, as applicable;
  6. A detailed description of the applicant's cultivation or production method, as applicable;
  7. A detailed description of the applicant's extraction method, if applicable;
  8. A detailed description of the applicant's research proposal as a participant in the Agricultural Pilot Program;
  9. A statement of intended end use for all industrial hemp to be grown or produced including parts or derivatives of any hemp plants or hemp that will be grown or produced by the applicant;
  10. Documentation that the applicant has or will enter into sale agreements or otherwise transact with another licensee or such other persons who are in compliance with applicable laws regarding the possession, processing and sale of industrial hemp;
  11. Applicant's desired license type, whether grower or handler, or a dual ~~license and information as to any separate license for which the applicant has already applied~~; and
  12. Any other information the DBR determines is necessary for enforcing the Hemp Act, the Agricultural Pilot Program and these regulations.
- E. Each applicant for licensure shall submit a non-refundable application fee of two-hundred and fifty (\$250) dollars with the application. Fees will not be refunded if a license is not granted.
- F. Incomplete applications will not be processed and fees are nonrefundable.

- G. False, inaccurate or misleading information provided on an application is grounds for license denial. Licenses may be denied to applicants who have previously had an industrial hemp license revoked, suspended or denied.
- H. All grower applications will be submitted to DEM for its review before the issuance of any license. As a result of DEM review, the applicant may be asked to provide additional information as needed by DBR or DEM and failure to provide such additional information or otherwise respond may result in the denial of the license.

## **1.7 Issuance of Licensing Agreement and License**

- A. Upon approval of an application the applicant must pay the license fee of two thousand five hundred (\$2,500) dollars. License fees must be paid prior to license issuance.
- B. Licenses are issued only for the location and the type of activity(ies) listed on the license. Non-contiguous growing areas require separate licenses.
- C. Each applicant must sign a licensing agreement. The failure of the licensee to comply with any term or condition of the licensing agreement shall be grounds for license revocation, suspension or other enforcement action. By signing the licensing agreement, the licensee agrees to the following terms and conditions:
  - 1. The licensee will allow the inspection and sampling of the industrial hemp, including crops and derivatives, at any and all times that DBR deems necessary, including but not limited to sowing, growing, production, harvest, storage and production;
  - 2. All records relating to planting, growth, cultivation, harvest, production, processing and marketing of industrial hemp must be kept for a period of 5 years. The records must be made available to DBR upon request;
  - 3. The DBR may require reporting of any information or data associated with the planting, growth, cultivation, harvest, production, processing and marketing of industrial hemp. The licensee must submit all required reports by the due dates specified by DBR;
  - 4. Information provided to DBR and data collected by the DBR through the industrial hemp licensing and regulation process may be publicly disclosed and may be provided to DEM and other government agencies and law enforcement agencies without notifying the licensee;
  - 5. Licensees shall comply with the Act, these regulations, all other terms and conditions the DBR determines necessary for enforcement thereof and all other laws applicable to the applicant and its operations, including requirements under any applicable DEM and Department of Health regulations.

6. Any failure to comply with the licensing agreement, the Act or these regulations may be enforced by DBR as an administrative violation and shall be grounds for license suspension or revocation.
- D. All licenses shall be valid for two (2) years. Licensees must re-apply to participate in the program every two (2) years. All industrial hemp plant material must be planted and harvested within the licensing period unless otherwise approved by DBR.
- E. No industrial hemp plants shall be included in any licensed marijuana production programs, without the prior approval of DBR in its discretion. No growing area may contain cannabis plants which the licensee knows or has reason to know are of a variety that will produce a plant that when tested will contain more than 0.3% THC on a dry weight basis.
- F. Amendments to an existing license may be limited to reduction in the number of acres planted or square footage used within the original growing area and changes to contact information.
  1. Any licensee who wishes to reduce the growing area on which the licensee will conduct industrial hemp cultivation or production must submit to DBR, within ten (10) days of planting or commencement of production, an updated detailed description of the growing area including GPS location and map, and building description with approximate square footage of growing area if applicable.
  2. Requests to expand the original growing area are subject to review and consideration by DBR, in its sole discretion, and if granted may require a separate application and license.
  3. No reimbursements of license fees shall be made notwithstanding any reduction in the growing area during any licensing period.
  4. Any changes to the information required under § 1.6(D)(1) of this Part must be reported to DBR within ten (10) days of the change.
- G. Any conversion of cannabidiol to delta9-tetrahydrocannabinol by any licensee in the Agricultural Pilot Program is strictly prohibited.

## **1.8 Inspection, Sampling and Testing**

- A. During inspection and sampling, the licensee or its authorized representative must be present and must allow complete and unrestricted access to all industrial hemp, including plants, parts, ~~and seeds~~ and derivatives, within a growing area whether growing, producing, harvested or stored, and all land, buildings and other structures used for the cultivation, production or storage of industrial hemp, and all documents and records pertaining to the licensee's industrial hemp operations.

## B. Inspection

1. Pursuant to R.I. Gen. Laws § 26-6-6 all licensees are subject to periodic inspection to verify compliance with the requirements of the Act and these regulations including inspection during sowing, growing season, harvest, storage, and production.
2. In addition to any inspection and sampling under § 1.8(B)(1) of this Part, DBR may inspect and require samples from any licensee during normal business hours if DBR has reason to believe a violation of the Act or these regulations may be occurring or has occurred.
3. Inspections will include inspection at the following stages:
  - a. License application process: Prior to issuing a license, DBR may schedule a site visit to the applicant's location. The purpose of this visit will be to inspect the location, to review information that was provided during the application process and to review the proposed industrial hemp operations.
  - b. Records Inspections: DBR may conduct reasonable inspections of a licensee's books and records to ensure that the licensee is complying with applicable law including the Act and these regulations.

## C. Sampling

1. DBR will require testing of hemp to ensure that it does not exceed the 0.3% THC level, as required by R.I. Gen. Laws § 2-26-3(6), and is in compliance with other provisions of the Act and these regulations. For all licensees, sampling shall be conducted prior to harvest or production by a licensed testing facility agent and with the licensee and a DBR representative present. Sampling will be scheduled in advance with the licensee or an authorized representative of the licensee.
2. All industrial hemp being grown and/or produced within a growing-licensed area, including plants, ~~and~~ crops and derivatives, are subject to sampling to ensure compliance with the Act and these regulations. The licensee shall be responsible for the cost and expense of all sampling.

## D. Testing

1. Upon direction from DBR, tTesting, including but not limited to testing for THC concentration on a dry weight or per volume basis, will be performed by an approved testing facility. For purposes of these regulations and pursuant to R.I. Gen. Laws § 2-26-6(a), an "approved testing facility as determined by DBR" shall be defined as an analytical laboratory that is licensed by the Rhode Island Department of Health ("RIDOH") pursuant to

the rules and regulations promulgated by RIDOH for Licensing Analytical Laboratories for Sampling and Testing Medical Marijuana (216-RICR-60-05-6) ("Licensing Analytical Laboratories for Sampling and Testing Medical Marijuana"). All testing performed by an approved testing facility for a licensee shall conform to the requirements set forth in Licensing Analytical Laboratories for Sampling and Testing Medical Marijuana, including but not limited to [§ 216-RICR-60-05-6.21\(A\), \(B\) and \(C\)](#). The licensee shall be responsible for the cost and expense of such testing.

2. A sample test result greater than 0.3% THC shall be prima facie evidence that at least one cannabis plant or part of a plant or a derivative batch in the licensee's location contains THC above the allowable limit and that the licensee is not in compliance with the Act and these regulations.
3. The licensee may request a retest of any retained portion of a sample. Any request for retesting must be made to DBR, in writing, within ten (10) days of the date of notification of test results. The licensee must pay all analysis costs and expenses associated with any retest.
4. DBR may require that any hemp, plants or materials as to which testing results reflect THC content above the allowable limit be destroyed by the licensee under DBR's supervision and at the licensee's expense.
5. Upon completion of testing, any remaining samples may be destroyed ten (10) days after the date of notification of test results.

## **1.9 Agricultural Pilot Program Registry Identification Cards**

- A. Before issuance of the license all officers, directors, owners, shareholders, managers, members, employees, and agents of the licensee must apply for a registry identification card and all officers, directors, owners, shareholders, managers, members and agents must submit to a national criminal background check as provided in the Act and § 1.9(D) of this Part. Such individuals may be hired, appointed, or retained prior to receiving a registry identification card, but may not begin engagement in hemp cultivation, production or other license activities until receipt of the card.
- B. Registry Identification Card Definitions
  1. "Licensed cardholder" includes all officers, directors, owners, shareholders, managers, members, employees, and agents who have been issued a registry identification for their association with the licensee.
  2. "Agent" of a licensee shall include, but not be limited to, "testing agents."
  3. "Testing Agent" shall mean an employee of an approved testing facility who performs independent testing of hemp of the licensee in accordance with § 1.8(D)(1) of this Part.



C. Registry Identification Card Requirement, Eligibility, Annual Fee and Application

1. All officers, directors, owners, shareholders, managers, members, employees, and agents of the licensee must apply for Agricultural Pilot Program registry identification cards.
2. Each licensee shall maintain a current list of all licensed cardholders associated with the licensee.
3. Licensed cardholders shall be at least twenty-one (21) years old.
4. There shall be a ~~one hundred fifty~~-dollar (\$~~100~~.00) non-returnable, non-refundable biennial fee for an Agricultural Pilot Program registry identification card, including each initial application and subsequent annual renewal.
5. Applications pursuant to this section shall be on such forms and through such submission mechanisms as directed by DBR.

D. Criminal Background Checks

1. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7), all applicants are subject to a national criminal background check. This shall include all officers, directors, owners, shareholders, managers, members, ~~employees~~, and agents of the licensee (hereinafter also referred to in this section as "applicants").
2. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(iv), disqualifying information is defined as a conviction for any felony offense under chapter 28 of title 21, or murder, manslaughter, first-degree sexual assault, second-degree sexual assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, or any assault and battery punishable as a felony or assault with intent to commit any offense punishable as a felony.
3. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(i), the national criminal identification records check shall include fingerprints submitted to the Federal Bureau of Investigation. Application for said records check may be made to the Bureau of Criminal Identification of the Department of Attorney General, Rhode Island State Police ("RISP"), or the local police department.
4. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(i), upon the discovery of any disqualifying information, RISP shall send written notification to the applicant disqualifying the applicant and informing the applicant of the nature of the disqualifying information.



5. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(i), upon discovery of any disqualifying information, the RISP shall notify DBR in writing of the fact that disqualifying information has been discovered thus disqualifying the applicant.
6. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(ii), in those situations in which no disqualifying felony as defined in R.I. Gen. Laws § 2-26-5(7)(iv)-(v) has been found, the RISP shall inform the applicant and DBR, in writing, of this fact.
7. Pursuant to R.I. Gen. Laws § 2-26-5(c)(7)(vi), the applicant shall be responsible for any expense associated with the national criminal background check with fingerprints.

E. Issuance of the Agricultural Pilot Program Registry Identification Card

1. Once the licensee application is approved by DBR, each approved officer, director, owners, shareholder, manager, member, employee, or agent of the licensee is responsible for getting a registry identification card.
2. The registry identification card shall contain:
  - a. The name, address and date of birth of the person.
  - b. The legal name of the licensee that the individual is affiliated with.
  - c. The category of the person's affiliation; officer, director, owner, shareholder, manager, member, employee, or agent.
  - d. The date of issuance and expiration date of the registry identification card.
  - e. A random registry identification number.
  - f. A photograph.

F. Expiration and Renewal of Registry Identification Cards

1. Agricultural Pilot Program registry identification cards shall expire two years after issuance. Renewal applications shall be on such forms and through such submission mechanisms as directed by DBR.

G. Termination of Registry Identification Card

1. If a licensee registry identification cardholder violates R.I. Gen. Laws § 2-26-5(c)(7)(iv)-(v), or any portion of these regulations which apply to such cardholder, his or her registry identification card may be

suspended/revoked as determined by DBR pursuant to R.I. Gen. Laws § 2-26-5(e).

2. When a registry identification cardholder ceases work or other association with a licensee, whether voluntarily or involuntarily or upon the licensee closing, his or her registry identification card shall be null and void. In that situation, the licensee and/or the cardholder shall notify DBR within ten (10) business days and no hearing shall be necessary to render the card null and void.

## 1.10 Operational Requirements

### A. Agricultural Pilot Program Tracking System

1. Upon direction by DBR, each licensee shall be required to utilize the state approved Agricultural Pilot Program Tracking System to document and monitor compliance with the Act, these regulations, and the all testing regulations and requirements, including but not limited to seed to sale tracking, inventory supply tracking, adherence to restrictions on third party supply and sources of hemp and transfers thereof by the licensee, and all testing compliance tracking. Licensees may be required to pay costs associated with use of the Agricultural Pilot Program Tracking System which may be assessed on an annual, monthly, per use, or per volume basis and payable to the state or to its approved vendor.

### B. Limitation on Sales and Transfers

1. Licensees shall only sell, transfer and transport hemp including hemp derivatives and seeds to another licensee or such other persons who are in compliance with applicable laws regarding the possession, processing and sale of industrial hemp. A licensee may only receive hemp including hemp derivatives and seeds from another licensee or certified ~~seed or plant~~ source, provided the licensee's or certified source's products comply with the Act, these regulations, and all other applicable laws.
2. Any transfer to or from an approved testing facility shall be in accordance with transfer procedures adopted by the licensee and the approved testing facility and which comply with any applicable rules and regulations contained in Licensing Analytical Laboratories for Sampling and Testing Medical Marijuana.
3. Nothing in these regulations shall be construed to prohibit wholesale or retail sale of hemp, hemp seeds, hemp derivatives and/or products provided the hemp, hemp seeds, hemp derivatives and/or products comply with the Act, these regulations, and all other applicable laws.

### C. Inventory Tagging

1. Pursuant to R.I. Gen. Laws § 2-26-5(c)(3), every hemp ~~crop or production batch plant~~ possessed by a licensee must be tracked in the seed to sale tracking system. Use of the Agricultural Pilot Program Tracking System may require the licensee to utilize a tracking accompanied by a hemp tag, (for purposes of these regulations, tag is defined to include any tag or other tracking certificate or other similar method approved by DBR in its discretion. for the Agricultural Pilot Program Tracking System).
2. Properly using ~~tags with unique identifiers through~~ the Agricultural Pilot Program Tracking System, payment of the biennial license fee, and compliance with the requirements of this subsection shall be deemed to satisfy the requirements of R.I. Gen. Laws § 2-26-5(c)(3).
3. Licensees must ensure that a tracking certificate containing the total size and location of the licensed area used for growing hemp and the approximate number of hemp plants therein, is placed in a manner to clearly display its association with the licensed area where hemp is grown. Each acre, or parcel of land as defined by the Department, containing hemp must also be is marked with an Agricultural Pilot Program Tracking System unique identifier tags certificate through each stage of growth. A tracking system unique identifier tag or label must accompany industrial hemp through any and production the licensee is undertaking, from harvest seed propagation through packaging, as may be applicable and as directed by the Department.
4. Agricultural Pilot Program Tracking System unique identifier tags ~~s~~ certificates and labels shall contain the following information and/or technical functions:
  - a. DBR license number;
  - b. Unique identifier(s) (such as barcodes, numerical or alphabetical codes, or Radio Frequency Identification) that track hemp through each stage of growth and production;
  - c. Licensed premises location; and
  - d. Any other information or technical functions DBR deems appropriate (such as radio frequency identification).
5. Agricultural Pilot Program Tracking system unique identifier tags ~~s~~ certificates and labels shall not be altered or duplicated.
6. Unique identifier tags, tracking certificates, or any other tracking method required to use the tracking system shall be placed in a manner to clearly display their association with a particular ~~plant~~parcel, plant material, or product, such as affixed to the plant itself, affixed to a post or sign on the parcel of land where hemp is grown, on the growing receptacle, or in the

~~growing medium~~, by affixing the tag to the stalk for drying on the stalk, on a label affixed to a storage/transport or other package and other reasonable means as directed by the DBR.

7. The unique identifier tags may not be transferred or assigned except with the prior written approval of the DBR.
8. Return of unique identifier tags s certificates by a licensee upon revocation, suspension or abandonment of the license shall be specifically governed by DBR order or agreement and/or coordinated efforts with law enforcement. Disposal of unique identifier tags s certificates by a licensee as may be required by DBR, such as in the regular course of tagging if different stages will require different tag forms or such as recall of tags due to new technology, shall be handled in accordance with further instructions provided by DBR.

#### D. Inventory Control

1. Upon direction by DBR, each licensee shall utilize the state approved Agricultural Pilot Program Tracking System for all inventory tracking from seed to sale as further defined herein.
2. If the licensee is notified by DBR that the Agricultural Pilot Program Tracking System is not available, the licensee will be provided with direction as to alternative inventory control measures, which may include but are not necessarily limited to the licensee being directed to:
  - a. Conduct an initial comprehensive inventory of all hemp, including hemp plants and seedlings as of a date certain set by DBR.
  - b. Conduct subsequent comprehensive inventories at intervals not to exceed twenty-four (24) months from the date of the previous comprehensive inventory.
  - c. Conduct a monthly inventory review of hemp plants and stored hemp.
3. Upon request, DBR may require the licensee to conduct and provide the results of alternative inventory control measures outlined above, regardless of the availability and use of the Agricultural Pilot Program Tracking System.
4. Licensees may only obtain industrial hemp , hemp seeds or hemp derivatives from another licensee or a certified ~~seed or plant~~ source, provided the licensee's products comply with the Act, these regulations and other applicable laws.

#### E. ~~Minimum~~ Security ~~Requirements~~

1. General Security Requirements

- ~~a. Each licensee shall implement appropriate security and safety measures to deter and prevent the unauthorized entrance into areas containing hemp and the theft of hemp such as fencing or other method to protect against crop intrusion, security alarm, video surveillance, visitor protocols and disposal procedures acceptable to DBR.~~
- a~~b~~. Use or carry of firearms on the premises and/or perimeter of the licensee is a prohibited form of security, except by security guards licensed by the Office of the Rhode Island Attorney General pursuant to R.I. Gen. Laws § 5-5.1-13 and who are under written contract to provide security services to the licensee and by law enforcement personnel during duty.
- b~~c~~. ~~The licensed premises shall have adequate lighting to deter theft as is acceptable to DBR which may include motion activated lighting.~~
- d. Within any area where hemp is grown, cultivated, produced, stored, weighed, packaged, processed or manufactured, any person who does not have a valid licensee registry identification card shall be considered a "visitor" and must be escorted at all times by an Agricultural Pilot Program registry identification card holder. The licensee must maintain a visitor log for any such activity as detailed in § 1.10(E)(4)(c) of this Part.

~~2. Video Surveillance Requirements. If required by DBR, the licensee must have a fully operational video surveillance and camera recording system with appropriate protocols, which shall, at a minimum, comply with the below requirements:~~

- ~~a. Video surveillance equipment shall, at a minimum, consist of digital or network video recorders, video monitors, and digital archiving devices capable of playback quality sufficient to identify and monitor all individuals (including sufficient clarity of facial features) and activities in the monitored areas.~~
- ~~b. The recording system must record in digital format.~~
- ~~c. The date and time must be embedded on the recording without significantly obscuring the picture. Time is to be measured in Eastern Standard Time.~~
- ~~d. All video surveillance systems must be equipped with a failure notification system that provides prompt notification of any surveillance interruption and/or the complete failure of the~~

~~surveillance system. Said notification must be routed to licensee personnel specifically designated by management and to DBR.~~

- ~~e. All video surveillance equipment shall have sufficient battery backup to support a minimum of four (4) hours of recording in the event of a power outage.~~
- ~~f. Video recordings must be archived in a format and maintained in a manner that ensures authentication of the recording as legitimately captured video and guarantees that no alteration of the recorded image has taken place.~~
- ~~g. All video surveillance records and recordings must be made available upon request to DBR.~~
- ~~i. The system must include a color printer or similar equipment capable of printing still photos of a quality sufficient to identify individuals and activities in the monitored areas.~~
- ~~j. Camera views of required coverage areas shall be continuously recorded twenty-four (24) hours a day, seven (7) days per week.~~
- ~~k. All surveillance recordings must be kept for a minimum of fifteen (15) calendar days.~~
- ~~l. Surveillance recording equipment and all video surveillance records and recordings must be housed in a designated, locked and secured room or other enclosure with access limited to licensee personnel specifically authorized by management (the "security room"). The licensee must keep on site a current list of all authorized employees and service personnel who have access to the security room and a video surveillance equipment maintenance activity log.~~
- ~~m. If the licensee suffers a failure of the surveillance system, due to loss of electrical support, mechanical function, or otherwise, that is expected to exceed an eight (8) hour period, in addition to the notice requirements provided in §1.10(E)(5) of this Part, the licensee must also close the licensee's premises until the video surveillance system has been restored to full operation, or, if approved by DBR, provide alternative premises monitoring.~~

## 23. Emergency Plan

- a. The licensee shall develop and maintain an emergency plan with procedures to be followed to prevent and, if not prevented, to adequately address and mitigate consequences of theft or burglary or attempts thereof, fire, natural disasters, and other emergencies,

including cybersecurity and data breach procedures to prevent a compromise of the integrity of the Agricultural Pilot Program Tracking System. The plan shall include training for employees on crime prevention and personal safety techniques.

34. ~~Security-Related~~ Record-Keeping. The licensee shall maintain the following documentation on-site and with digital back-up for a period of at least twenty-four (24) months after the event as applicable:
- a. Inventory records including, at a minimum, the date the inventory was conducted, a summary of the inventory findings and the name, signature and title of the individual who conducted the inventory.
  - b. Testing results and sampling records, which can be satisfied by use of the Agricultural Pilot Program Tracking System. ~~All records of maintenance, inspection, and tests of the security alarm and video surveillance systems and of servicing, modifications, or upgrades performed on said systems. These records shall include at a minimum the date of the action, the summary of the action(s) performed and the purpose therefor, and the name, signature and title of the individual who performed the action(s).~~
  - c. Any pesticide use as required by § 1.10(H)(4) of this Part.
  - ~~e.~~ ~~Visitor logs which shall include the name of each visitor, the date and time of the beginning and end of the visit, the reason for the visit (i.e. maintenance, authorized pickup, etc.), the name of the escorting licensee registry identification cardholder.~~
  - cd. Emergency notification reports as required by §1.10(E)(45) of this Part.

45. Emergency Notifications and Reports

- a. Licensees shall provide notification of emergency events to DBR and municipal and/or state law enforcement as outlined below.
- b. Immediately upon discovery of the event, the licensee shall provide telephone notification to the appropriate municipal and/or state law enforcement authorities regarding any of the following "emergency events:"
  - (1) Theft or burglary or an attempt thereof.
  - (2) Any fire.
  - (3) A natural disaster that results in the destruction of or damage to hemp or hemp products.

~~(4) A failure of any security alarm system or video surveillance system, due to loss of electrical support, mechanical function, or otherwise, that is expected to exceed an eight (8) hour period.~~

~~(5) A security alarm activation.~~

~~(46)~~ Any other event which requires response by law enforcement or public safety personnel.

- c. The licensee shall provide e-mail notification to DBR immediately upon discovery of any data breach or cybersecurity threat to the Agricultural Pilot Program Tracking System, and within twenty-four (24) hours of discovery of any other emergency event as defined above. A follow-up telephone notification to DBR shall be provided not later than the next business day.
- d. The licensee shall submit a follow-up written report to DBR within five (5) business days for each emergency event. The written report shall include, at a minimum, a description of the event(s), identification of known or suspected cause(s) for the event(s), any corrective action(s) taken to prevent a recurrence, and the name, title, and signature of the individual preparing the report.
- e. Any notification and report of an emergency event required to be made to DBR pursuant to these regulations shall be made using the mailing address, telephone number, and/or e-mail address provided by DBR to approved licensees.
- f. Upon written direction to the licensee, DBR may require that the written and telephone notifications and reporting must be replaced or supplemented by notifications and reporting through the Agricultural Pilot Program Tracking System or any other electronic system or means DBR mandates the licensee to utilize.

#### F. Food Safety

- 1. Any product containing hemp or a hemp-derived substance that is intended for consumption must be produced and distributed consistent with any applicable state or local food processing and safety regulations, and the applicant shall be responsible to ensure its compliance with such regulations and any applicable licensing requirements.

#### G. Packaging and Labeling Requirements

- 1. Any container or packaging containing hemp or hemp product intended for consumption, including packaging for the purpose of storage and/or authorized transport, must:



- a. Protect the product from contamination;
  - b. Not impart any toxic or deleterious substance to the hemp or hemp product;
  - c. Contain the Inventory tracking ID number assigned by the Agricultural Pilot Program Tracking System; and
  - d. Be labeled with the quantity of the product.
2. Packaging and labeling shall not:
- a. Make any false or misleading statements including false or misleading statements regarding health or physical benefits or as to the composition and profiles.
  - ~~b. Resemble the trademarked, characteristic or product-specialized packaging of any commercially available product.~~
  - ~~c. Contain any statement, artwork, or design that could reasonably mislead any reasonably prudent person to believe that the package contains anything other than hemp or hemp product.~~
  - bd. Contain any seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any reasonably prudent person to believe that the product has been endorsed, produced or manufactured by the State of Rhode Island or any agency thereof or municipality within.
3. All hemp and hemp products must include a label affixed to the package containing the following information, prominently displayed and in a clear and legible English language font:
- ~~a. Licensee name, license number and address;~~
  - ab. Inventory tracking ID number assigned by the Agricultural Pilot Program Tracking System;
  - ~~c. Date of final packaging, and if applicable, the recommended expiration or "use by" date;~~
  - bd. Total weight in ounces and grams or volume as appropriate. Weight and volume must be determined using accurately calibrated equipment which equipment must also comply with any other applicable state laws; and

- ce. Total amount of THC as determined by approved testing and total amount of any other constituents determined by testing including CBD.
  - df. If solvents were used in production, statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract.
  - eg. Any applicable instructions for use and safe storage.
4. All hemp and hemp products must include a label affixed to the package containing the following warnings, prominently displayed and in a clear and legible English language font. ~~This~~these warnings may be on an insert provided with the packaging.
- a. "Warning: This product is not certified to be free of contaminants, is derived from industrial hemp, is not medical marijuana, and has not been analyzed or approved by the FDA."
  - ~~b. "Warning: This product is derived from industrial hemp and is not medical marijuana."~~
  - ~~c. "Warning: This product has not been analyzed or approved by the FDA."~~
  - bd. If applicable, a warning regarding use or contact with any nuts or other known allergens as defined in the federal Food Allergen Labeling and Consumer Protection Act of 2004, as administered by the FDA.

#### H. Pesticide Use and Record-Keeping

1. The cultivation process shall use best practices to limit contamination of industrial hemp and hemp products, including but not limited to mold, mildew, fungus, bacterial diseases, rot, pests, pesticides, and any other contaminant identified as posing potential harm.
2. The use of pesticides on industrial hemp plants in Rhode Island by licensed growers will not be considered a violation of these regulations provided that the product is registered and properly labeled under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and satisfies §§ 1.10(H)(2)(b)(1) and 1.10(H)(2)(f) and (g) of this Part below; or the product must satisfy all of the following criteria:
  - a. The product must be a "minimum risk pesticide" under 40 C.F.R. § 152.25(f), incorporated above at § 1.4(A) of this Part.

- b. The product must be labelled for use on either:
    - (1) "Cannabis," "hemp,"; or
    - (2) "All plants," "other plants," bedding plants, unspecified plants, or unspecified crops.
  - c. The label must not prohibit indoor or greenhouse use, as applicable.
  - d. All active ingredients must be eligible for food use as determined by the federal Environmental Protection Agency ("EPA") Active Ingredients Eligible for Minimum Risk Pesticide Products, incorporated above at § 1.4(B) of this Part.  
<https://www.epa.gov/sites/production/files/2018-01/documents/minrisk-active-ingredients-tolerances-jan-2018.pdf>.
  - e. All inert/other ingredients must be eligible for food use. See EPA's Inert Ingredients Eligible for FIFRA 25(b) Pesticide Products, incorporated above at § 1.4(C) of this Part.  
[https://www.epa.gov/sites/production/files/2016-11/documents/minrisk\\_inert\\_ingredients\\_w\\_tolerances\\_2016-11-16.pdf](https://www.epa.gov/sites/production/files/2016-11/documents/minrisk_inert_ingredients_w_tolerances_2016-11-16.pdf).
  - f. The product must be a currently registered pesticide product eligible for sale in Rhode Island as determined by DEM. To verify a product's registration in Rhode Island, please consult the online National Pesticide Information Retrieval System through the Center for Environmental and Regulatory Information Systems. See [http://npirspublic.ceris.purdue.edu/state/state\\_menu.aspx?state=RI](http://npirspublic.ceris.purdue.edu/state/state_menu.aspx?state=RI).
  - g. The product must be used in accordance with any and all use instructions on the label.
3. Pesticides shall be identified, held, stored and disposed of in a manner that protects against contamination of industrial hemp and industrial hemp products and in a manner that is in accordance with any applicable local, state, or federal law, rule, regulation, or ordinance.
4. As a DBR record-keeping requirement, licensees must keep detailed records of any pesticide products used and application regimens. This record-keeping requirement is independent of that required of commercial pesticide applicators by the Rhode Island Department of Environmental Management, and is intended to apply in addition to that requirement, where relevant.

## **1.11 Methods of Extraction**

- A. Pursuant to R.I. Gen. Laws § 2-26-8(b), no butane method of extraction shall be permitted.
- B. Pursuant to R.I. Gen. Laws § 2-26-8(a), permissible methods of extraction shall only be conducted using the following methods:
  - 1. Mechanical extraction;
  - 2. Chemical extraction using a nonvolatile solvent such as a nonhydrocarbon-based or other solvent such as water, vegetable glycerin, vegetable oils, animal fats, or food-grade glycerin. Nonhydrocarbon-based solvents shall be food grade.
  - 3. Chemical extraction using a professional closed loop CO<sub>2</sub> gas extraction system;
  - 4. Chemical extraction using a volatile solvent, provided the solvent and extraction method is authorized and approved by DBR; and
  - 5. Any other method authorized and approved by DBR.
- C. If any method uses a flammable/combustible material or heat source, the method must also be approved by the State Fire Marshal and/or local fire department.

## **1.12 Licensees' Reports and Submissions**

- A. End of Year Reporting
  - 1. The Grower shall submit an end-of-year report, on a form prescribed by DBR, with their renewal application or if a licensee is not applying for renewal for the following two-year period on or before the last day of the month next preceding the month in which the license will expire, indicating, at a minimum, the following information:
    - a. Variety and source of hemp plants or seeds used for growth;
    - b. Method(s) used to grow hemp;
    - c. Variety of hemp grown;
    - d. Purpose of crop;
    - e. Harvested amount and description of quality;
    - f. End destination or use of crop; and

- g. Volunteer Plants, if any occurred, and how they were managed.
- 2. The Handler shall submit an end-of-year report, on a form prescribed by DBR, with their renewal application or if a licensee is not applying for renewal for the following two-year period on or before the last day of the month next preceding the month in which the license will expire, indicating, at a minimum, the following information:
  - a. Variety and source of hemp used for production;
  - b. Method(s) used to process and produce hemp;
  - c. Amount of hemp used in production;
  - d. A description of the end product resulting from the method(s) described in § 1.11(B) of this Part;
  - e. A description of the quantity and quality of the hemp product that the handler produced; and
  - f. End destination or use of hemp produced.

**B. Research Reporting**

- 1. The licensee must conform its research to that which it proposed in its application. If the licensee wants to perform research other than that which it proposed in its application, it must submit an amended research proposal to DBR no later than sixty (60) days from the date of the initial application or within such other time as DBR shall approve.
- 2. The licensee must submit to DBR a summary of the research that it conducted during the license period with their renewal application or if a licensee is not applying for renewal for the following two-year period on or before the last day of the month next preceding the month in which the license will expire. The research summary must be submitted on a form prescribed by DBR made available on DBR's website, and must include specific data collected by the licensee during the two-year period for which it was most recently licensed.
- 3. In addition to the requirements specified in § 1.12(A) and (B) of this Part, DBR may require the Licensee to provide additional reporting as necessary.

### **1.13 Institutions of Higher Education**

- A. Pursuant to R.I. Gen. Laws § 2-26-9(a), DBR will certify an institution of higher education to grow or handle, or assist in growing or handling, industrial hemp for

the purposes of agricultural or academic research upon submission of the following:

1. The location where the institution of higher education intends to grow or cultivate, or provide assistance with growth and handling of the industrial hemp;
2. The institution of higher education's research plan;
3. The name and contact information of the employee of the institution of higher education who will supervise the hemp growth, cultivation, research and any record-keeping related to those activities;
4. The name and contact information of the employee of the institution of higher education responsible for communicating research results and reports to DBR; and
5. Such other information as DBR shall request to ensure compliance with the Act and these regulations.

#### **1.14 Violations and Enforcement**

- A. Any violation of the licensing agreement, the Act or these regulations may be enforced by DBR as an administrative violation and shall be grounds for license suspension or revocation.
- B. Any action taken by DBR as to any licensee pursuant to § 1.14 of this Part will follow the proscribed procedures outlined in R.I. Gen. Law § 42-35-1 *et seq.*, the Administrative Procedures Act ("APA") and Part 10-00-2 of this Title, DBR Rules of Procedure for Administrative Hearings (the "Rules of Procedure").

#### **1.15 Severability**

If any provision of these regulations, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.