**R66. Agriculture and Food, Medical Cannabis and Industrial Hemp.**

**R66-36. Transport of Transportable Industrial Hemp Concentrate.**

**R66-36-1. Authority and Purpose.**

Pursuant to Subsection 4-41-103.1(1), this rule establishes the procedures governing transportable industrial hemp concentrate by cannabinoid processors, including procedures for approval, transportation, recordkeeping, testing, and inspections.

**R66-36-2. Definitions.**

For the purposes of this rule:

(1) " Shipment " means a quantity of transportable industrial hemp concentrate consisting of the same cannabinoid profile shipped on the same day to the same location.

(2) "Cannabinoid" means any:

(a) naturally occurring derivative of cannabigerolic acid (CAS 25555-57-1); or

(b) any chemical compound that is both structurally and chemically similar to a derivative of cannabigerolic acid.

(3) "Cannabinoid processing facility" means a person licensed by the department as a tier 1 or tier 2 processing facility that:

(a) acquires or intends to acquire transportable industrial hemp concentrate from an industrial hemp processor; and

(b) sells or intends to sell transportable industrial hemp concentrate to a tier 1 or tier 2 processing facility.

(4) "Certificate of analysis" (COA) means a document produced by a testing laboratory listing the quantities of the various analytes for which testing was performed.

(5) "Department" means the Utah Department of Agriculture and Food.

(6) "Industrial hemp" means any part of the cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.

(7) "Industrial Hemp Processor" means:

(a) a cannabinoid processing facility that has registered with the department as an industrial hemp producer; or

(b) the equivalent of a cannabinoid processing facility registered in another state.

(8) "Transportable industrial hemp concentrate" means:

(a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass;

(b) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days before the day on which the cannabis plant was harvested, contains a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis;

(c) has a THC and THC analog concentration total that is less than 20% when concentrated from the cannabis plant to the purified state; and

(d) is intended to be processed into a cannabinoid product.

**R66-36-3. Transport of Transportable Industrial Hemp Concentrate - Requirements.**

Transportable industrial hemp concentrate may only be transferred by an industrial hemp processor to a cannabinoid processing facility if:

(1) the transportable industrial hemp concentrate is derived from industrial hemp biomass that has been certified as industrial hemp by a state department of agriculture or the U.S. Department of Agriculture; and

(2) the industrial hemp processor has records to substantiate the certification.

**R66-36-4. Transport of Industrial Hemp - Notification and Approval.**

(1) Within ten days before the transport of transportable industrial hemp concentrate by an industrial hemp processor to a cannabinoid processing facility, the cannabinoid processing facility shall:

(a) notify the department of the potential transport on a form provided by the department;

(b) provide the department with a COA showing that the biomass from which the transportable industrial hemp concentrate was derived is certified industrial hemp by a state department of agriculture or the U.S. Department of Agriculture; and

(c) provide the department with a COA of test results showing that a representative sample of the transportable industrial hemp concentrate has been tested for cannabinoids.

(2) The department may approve the transport following review of the records of the industrial hemp processor to ensure compliance with this rule.

(3) Upon approval of the transport, the department will issue a certificate to the industrial hemp processor allowing the transport to proceed.

(4) No transportable industrial hemp concentrate may be transferred to a cannabinoid processing facility unless the cannabinoid processing facility has a license in good standing with the department.

(5) The department may not approve the transport of transportable industrial hemp concentrate with a THC concentration greater than 20%.

**R66-36-5. Transportation.**

(1) Transportable industrial hemp concentrate shall be tested for cannabinoids and be accompanied by the COA.

(2) A printed certificate of transport shall accompany every transport of transportable industrial hemp concentrate.

(3) The certificate of transport may not be voided or changed after departing from the original industrial hemp processor.

(4) The receiving cannabinoid processing facility shall ensure they are given a copy of the certificate of transport.

(5) The receiving cannabinoid processing facility shall ensure that the transportable industrial hemp concentrate received is as described in the certificate of transport and shall record the amounts received.

(6) The receiving cannabinoid processing facility shall document any differences between the quantity specified in the certificate of transport and the quantities received.

**R66-36-6. Recordkeeping Requirements.**

(1) Following the purchase of transportable industrial hemp concentrate from an industrial hemp processor, a cannabinoid processing facility shall ensure that each shipment is identified as transportable industrial hemp concentrate and identification is maintained.

(2) A cannabinoid processing facility shall maintain a record of each purchase of transportable industrial hemp concentrate, including:

(a) a copy of the certification that the transportable industrial hemp concentrate is derived from certified industrial hemp;

(b) the certificate of transport;

(c) the intended use of the transportable industrial hemp concentrate; and

(d) the disposition of the transportable industrial hemp concentrate.

(3) A cannabinoid processing facility shall make each record available for inspection by the department and kept for a minimum of three years after the final disposition of the transportable industrial hemp concentrate.

**R66-36-7. Testing Requirements.**

(1) Transportable industrial hemp concentrate purchased by a cannabinoid processing facility shall be tested by the department's analytical laboratory for a cannabinoid profile within five days of the cannabis processing facility's receipt of the transportable industrial hemp concentrate.

(2) The facility shall document testing on a COA and keep a record of the testing for three years after the final disposition of the transportable industrial hemp concentrate.

**R66-36-8. Inspection and Destruction.**

(1) The department has the right to conduct a random inspection of each industrial hemp processor and cannabinoid processing facility that are subject to this rule, including an audit of the following to ensure compliance with Utah state law:

(a) the records of an industrial hemp processor that has transferred transportable industrial hemp concentrate; and

(b) the records of a cannabinoid processing facility that has received transportable industrial hemp concentrate.

(2) Inspection may take place at any time during normal business hours.

(3) Transportable industrial hemp concentrate that is identified as out of compliance may be subject to destruction by the department.

**R66-36-9. Violations.**

(1) Violations of this rule include:

(a) transport or transfer of transportable industrial hemp concentrate without notifying the department;

(b) transport of cannabinoid concentrate with a THC level greater than 20%;

(c) a cannabinoid processing facility allowing transportable industrial hemp concentrate into the facility without proper records;

(d) a cannabinoid processing facility allowing transportable industrial hemp concentrate into the facility without testing;

(e) a facility not keeping and maintaining each record required by this rule;

(f) a facility falsifying a record required to be kept under this rule;

(g) a facility denying the department access to the records; and

(h) transporting transportable industrial hemp concentrate to a cannabinoid processing facility without a certificate of transport.

(2) The department shall assess fines of:

(a) $3,000 - $5,000 for public safety violations;

(b) $1,000 - $5,000 for regulatory violations; and

(c) $500 - $5,000 for licensing violations.

(3) The department shall calculate fines based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.

(4) The department may enhance or reduce the penalty based on the seriousness of the violation.

**KEY: cannabinoid product, industrial hemp, transportable industrial hemp concentrate**

**Date of Last Change: June 11, 2024**

**Authorizing, and Implemented or Interpreted Law: 4-41-103.1**