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

**R66-34. Industrial Hemp Retailer Permit.**

**R66-34-1. Authority and Purpose.**

Pursuant to Section 4-41-103.3 and Subsection 4-2-103(1)(i), this rule establishes the requirements for a person seeking an industrial hemp retailer permit.

**R66-34-2. Definitions.**

(1) "Cannabinoid product" means the same as the term is defined in Subsection 4-41-102(6).

(2) "Cannabinoid product class" means a group of cannabinoid products:

(a) that have all ingredients in common; and

(b) are produced by or for the same company.

(3) "Conventional Food" means:

(a) an article used for food or drink for human consumption or the components of the article; or

(b) chewing gum or chewing gum components.

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

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

(6) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells or markets any cannabinoid product.

(7) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation or any employees of such.

(8) "Premises" means a place where an industrial hemp product is sold, offered for sale, exposed for sale, stored, or marketed.

(9) "Viable seeds" means seed that has a germination rate of greater than 0.0%.

**R66-34-3. Industrial Hemp Retailer Permit.**

(1) A person who sells, offers for sale, exposes for sale, or markets a cannabinoid product in the state shall secure an industrial hemp retailer permit from the department.

(2) A permit shall be obtained before a cannabinoid product is offered for sale in Utah.

(3) A person seeking an industrial hemp retailer permit shall provide to the department:

(a) the name of the person who sells, offers for sale, or markets a cannabinoid product;

(b) the address of each location where the cannabinoid product is sold, offered for sale, or marketed; and

(c) written consent allowing a representative of the department to enter any premises where the person is selling cannabinoid product.

(4) A retailer shall obtain a permit for each individual store or retail establishment location where cannabinoid products are sold.

(5) A permit fee, as set forth in the fee schedule approved by the Legislature, shall be paid to the department with the submission of the application.

(6) The department may deny a permit for an incomplete application.

(7) A permit is renewable for up to a one-year period with an annual renewal fee that shall be paid on or before December 31st of each year.

(8) A late fee shall be assessed for a renewal of an industrial hemp retailer permit submitted after December 31st and shall be paid before the renewal is issued.

**R66-34-4. Inspection and Testing.**

(1) The department shall randomly inspect a retailer permittee to ensure cannabinoid product distributed or available for distribution in Utah is in compliance with this rule and Rule R66-35.

(2) The department shall periodically sample, analyze, and test cannabinoid product distributed within the state for compliance with registration and labeling requirements, and the certificate of analysis, if applicable.

(3) The department may inspect cannabinoid product distributed or available for distribution for any other reason the department deems necessary.

(4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure cannabinoid product distributed or available for distribution in Utah is following this rule and Rule R66-35.

(5) The sample taken by the department shall be the official sample.

(6) Pursuant to Section 4-1-105, the department may take samples at no charge to the department.

**R66-34-5. Retailer Permittee Responsibilities.**

(1) A retailer shall:

(a) ensure that an advertisement for cannabinoid product sold or marketed in Utah does not contain any medical claim unless the product has been issued a National Drug Code by the FDA; and

(b) ensure that a cannabinoid product sold is properly registered with the department.

(2) A retailer shall provide the identity of the manufacturer or distributor of a cannabinoid product sold upon request of the department.

(3) A retailer may register the product in lieu of the manufacturer if the product is not registered.

(4) A retailer shall ensure that each location is permitted.

(5) A retailer shall ensure that products containing THC or THC analogs are only sold to individuals 21 years of age and older.

**R66-34-6. Viable Industrial Hemp Seed.**

(1) A person who sells or markets viable industrial hemp seeds in the state shall secure an industrial hemp retailer permit from the department.

(2) A separate permit is required for each individual business location in the state where viable industrial hemp seeds are sold or distributed.

(3) Any manufacturer or distributor who does not have a seed retail business within this state, and who sells or distributes viable industrial hemp seeds directly into Utah, shall obtain an industrial hemp retailer permit from the department for their principal out-of-state business location.

(4) A person who sells or markets viable industrial hemp seeds in the state may only sell viable seed to a licensed industrial hemp producer.

(5) Each industrial hemp retailer that sells or distributes viable industrial hemp seed shall keep a record of any viable industrial hemp seed sales. This sales record shall be submitted to the department through the department's website on the day of each sale and shall contain the following information:

(a) the company name of the industrial hemp retailer;

(b) the store or location name of the industrial hemp retailer making the sale;

(c) the complete industrial hemp retailer permit number;

(d) the first and last name of the individual who made the sale;

(e) the complete date of the sale, including the month, day, and year;

(f) the brand name of the seeds and the quantity sold;

(g) the first and last name of the licensed hemp producer who made the purchase;

(h) the complete license number of the licensed hemp producer who made the purchase; and

(i) the complete address and contact information of the licensed hemp producer who made the purchase, including street name and house number, city, state, zip code, phone number, and email address.

(6) Records shall be kept for a period of two years from the date of the hemp seed sale and shall be made available for inspection by the department.

(7) The department, upon request and within two business days, shall be furnished a copy of any sales records completed by the industrial hemp retailer.

**R66-34-7. Violation.**

(1) A cannabinoid product shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.

(2) It is a violation to:

(a) market or sell cannabinoid product in Utah without an industrial hemp retail permit;

(b) distribute, market, or sell cannabinoid product that is not registered with the department;

(c) distribute or market a product that contains greater than 0.3% THC;

(d) distribute or market a cannabinoid product that is represented as a conventional food item or food additive;

(e) market or sell industrial hemp products without a valid retailer permit;

(f) refuse inspection of a retail establishment, product for sale, or a product storage area;

(g) sell cannabinoid products that:

(i) have any likeness bearing resemblance to a cartoon character or fictional character; or

(ii) appear to imitate a food or other product that is typically marketed toward or appealing to children; or

(h) knowingly or intentionally sell or give a cannabinoid product that contains THC or a THC analog to an individual who is not at least 21 years old.

**KEY: industrial hemp, retailer permit**

**Date of Last Change: June 25, 2024**

**Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-41-103.3**