**R66. Agriculture and Food, Specialized Products.**

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

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

Pursuant to Section 4-41-103.1 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) "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.

(2) "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 shall obtain a permit before the cannabinoid product is offered for sale in Utah.

(2) A person seeking an industrial hemp retailer permit shall provide a complete application to the department.

(3) A retailer shall obtain a permit for each retail establishment location or web address.

(4) A nonrefundable 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.

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

(6) A permittee may renew their permit by submitting a complete application and annual renewal fee on or before December 31st of each year.

(7) A late fee shall be assessed if a renewal fee is submitted after December 31st and shall be paid before the renewal is issued.

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

(1) The department may 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 provide the identity of the manufacturer or distributor of a cannabinoid product sold upon request of the department.

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

(3) A retailer shall obtain a Cannabinoid Tax License from the Utah Tax Commission.

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

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

(2) 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 individual who made the purchase;

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

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

(3) An industrial hemp retailer shall keep records shall be kept for two years from the date of the hemp seed sale and make them available for inspection by the department.

(4) An industrial hemp retailer shall provide the department with a copy of any sales records within two business days of receiving a department request.

**R66-34-7. Temporary Retail Location.**

An industrial hemp retailer may sell cannabinoid products at a temporary location, if they:

(1) provide a complete application for an industrial hemp retailer permit to the department that includes the dates and location;

(2) pay the retailer permit fee;

(3) provides proof that they hold a Cannabinoid Tax License from the Utah Tax State Commission; and

(4) the department approves of the temporary location.

**R66-34-8. 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) refuse inspection of a retail establishment, product for sale, or a product storage area; or

(c) sell cannabinoid products without a Cannabinoid Tax License from the Utah Tax Commission.

**KEY: industrial hemp, retailer permit**

**Date of Last Change: September 22, 2025**

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