



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

June 18, 2020

To: Any Interested Parties

Subject: Authorization to Sell Seed for Industrial Hemp Cultivators

The following is a clarification of the requirements to sell industrial hemp seed in California.

Effective March 19, 2020, “industrial hemp” and “hemp” are listed as agricultural seeds for California (California Code of Regulations (CCR), Title 3, Section 3899) and are subject to the requirements of the California Seed Law (California Food and Agricultural Code (FAC) Division 18, Chapter 2) and corresponding regulations.

Every labeler of industrial hemp seed offered for sale or sold in California, and any person who offers for sale or sells industrial hemp seed in California, must register annually with the California Department of Food and Agriculture’s Seed Services Program to obtain authorization to sell seed.

Any lot of industrial hemp seed that does not comply with the California Seed Law may be issued a “stop-sale” order, which will prohibit the sale of the seed until compliance is achieved.

The application for authorization to sell seed and other information on the sale and the labeling requirements for seeds in California can be found online at <https://www.cdfa.ca.gov/plant/pe/nsc/seed/index.html>. Please contact the Seed Services Program at (916) 654-0435 or seedservices@cdfa.ca.gov for additional questions.

For more information on industrial hemp cultivation, please contact the California Industrial Hemp Program at (916) 654-0435 or industrialhemp@cdfa.ca.gov, or visit us online at <https://www.cdfa.ca.gov/plant/industrialhemp/>.

Attachment: Relevant California Law



Relevant California Law

California Food and Agricultural Code (FAC):

FAC § 81000. “Industrial hemp” or “Hemp” means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of the plant, including the seeds, of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

FAC § 52351. Every labeler of agricultural or vegetable seed offered for sale in this state, or any person, as defined in Section 52256.5, who sells that seed in this state, shall annually register with the secretary to obtain authorization to sell agricultural or vegetable seed before engaging in this activity, except any of the following:

- (a) An individual grower that conditions such seed exclusively for the grower’s own planting use.
- (b) A person using agricultural or vegetable seed, or both agricultural and vegetable seed, only for purposes of planting seed increase.
- (c) Any person licensed to sell nursery stock pursuant to Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, except when he or she also engages in activities as defined under Section 52257.5.

FAC § 44. “Sell” includes offer for sale, expose for sale, possess for sale, exchange, barter, or trade.

FAC § 52254. “Agricultural seed” means the seed of any domesticated grass or cereal, and of any legume or other plant that is grown as turf, cover crop, forage crop, fiber crop, or field crop, and mixtures of such seeds. It does not, however, include any variety that is generally known and sold as flower seed or vegetable seed.

FAC § 52254.5. “Labeler” means any person whose name and address appears on the label pertaining to or attached to a lot or container of agricultural or vegetable seed, or both agricultural and vegetable seed, for sale and distribution within the state.

FAC § 52256.5. “Person” means any individual, partnership, corporation, trust association, cooperative association, or any other business unit or organization.

FAC § 52257.5. “Conditioner” means any person who cleans, scarifies, or blends to obtain uniform quality, or who conducts other operations which would change the purity, germination, or identity of any lot of seed, including but not limited to, packaging, labeling, blending together of uniform lots of the same kind of variety, or the preparation of a mixture.