

Urgency Interim Ordinance Establishing Moratorium on Industrial Hemp

NEVADA COUNTY BOARD OF SUPERVISORS

APRIL 9, 2019

Definition- Industrial Hemp

As defined by the Health and Safety Code section 11018.5 and the Food and Agricultural Code 81000:

Industrial hemp means a crop that is limited to types of the plant *cannabis sativa* L. having no more than three tenths of 1 percent tetrahydrocannabinol (THC) contained in the flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

Recent Legislation (State/Federal)

- 2013 - California Industrial Hemp Farming Act (SB 566)
- Agriculture Improvement Act of 2014 (2014 Farm Bill)
- 2016 - The Adult Use of Marijuana (Prop 64)
- 2018 - Senate Bill 1409
- Agriculture Improvement Act of 2018 (2018 Farm Bill)

Pending State Regulations

CDFA has submitted a regulatory package for Industrial Hemp registration to OAL for review.

CDFA has requested immediate implementation if approved by OAL, meaning once approved by OAL and adopted by CDFA, Industrial Hemp registration will be available to cultivators of Industrial Hemp and cultivation will be allowed at that time.

This is only one aspect of the Industrial Hemp Program. Regulations still need to be promulgated by CDFA for sampling, testing, and crop destruction. All which will likely require the local county agricultural commissioner to implement.

Local Concerns

- County's ability to determine its own land use policies- legal non-conforming uses
- Lack of a fully stood up state program
- Compatibility issues between industrial hemp and cannabis
- Distinguishing cannabis from industrial hemp
- Established Agricultural Research Institutions- loop hole in regulations?

Counties that have Moratoriums

- Calaveras
- Glenn
- Humboldt
- Lassen
- Mendocino
- Modoc
- Mono
- Placer
- Sacramento
- San Bernardino
- San Joaquin
- Shasta
- Sierra
- Siskiyou
- Sonoma
- Tehama
- Tulare
- Tuolumne
- Yolo
- Yuba

4 other counties require use permit or define hemp as cannabis and is subject to same local regulations

Interim Urgency Ordinance

This is not a ban on Industrial Hemp

Should an Interim Urgency Ordinance be adopted, as per the Govt Code, the ordinance will only be in effect for 45 days from the date of its adoption.

The 45-day time period will allow staff to conduct research, outreach with stakeholders, prepare Board report, and report back to the Board of Supervisors a recommendation regarding the best approach to regulating Industrial Hemp in Nevada County.

Recommendation

Staff recommends at this time to adopt the Urgency Interim Ordinance imposing a temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of Nevada County. (4/5ths vote required)

If adopted this will allow:

- County's Cannabis Ordinance to be finalized.
- Staff to conduct research and develop proposal for how to regulate industrial hemp at the county level.
- Staff to determine resources necessary to implement a local program.
- State regulations to be finalized.