

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

R66-29. Compliance Procedures.

R66-29-1. Authority and Purpose.

- (1) This rule is promulgated under authority of Subsection 4-2-103(1)(j).
- (2) This rule establishes the division's use of hold orders, the issuing of citations, and requests for a hearing.

R66-29-2. Definitions.

- (1) "Cease and Desist order" means a written order issued by the division requiring a respondent to cease and desist violations and directing that positive steps be taken to mitigate any harm or damage arising from the violation.
- (2) "Citation" means a lawful notice, issued by the division, that is intended to immediately remedy a violation of agricultural statute or rule by a person, pursuant to Section 4-2-304, 4-41-106, and 4-41a-801. A citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.
- (3) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.
- (4) "Department" means the Utah Department of Agriculture and Food.
- (5) "Division" means the Division of Medical Cannabis and Industrial Hemp in the department.
- (6) " Hold Order" means a written action by the division, that is issued to a person, as a result of information that is known by the division, that identifies:
 - (a) a danger to the public's health, safety or welfare, and warrants prompt action; or
 - (b) a violation of statute or rule.

R66-29-3. Hold Order.

- (1) The division may issue a hold order when it determines that there is an immediate and significant danger to public health, safety, or welfare, and may be issued to secure the well-being, safety, or removal of danger to state citizens.
- (2) Hold orders are intended to protect the public from unlawful agricultural and food products and services.
- (3) When a hold order is justified, and conditions warrant immediate action by the division, the division shall promptly issue a written order that includes:
 - (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) a brief statement of findings of fact as determined by the division;
 - (c) references to statutes or administrative rules violated;
 - (d) the reasons for issuance of the hold order;
 - (e) products and services subject to the hold order
 - (f) corrective action required;
 - (g) the signature of the agency representative; and
 - (h) a space or line for the signature of the person, although a signature is not needed if the person refuses.
- (4) No product, condition, or service subject to the order shall be released, except upon written release by the department.
- (5) Pursuant to Subsection 4-2-304(2) the person subject to the written order may be required to pay the expense incurred by the department in connection with the withdrawal of the product, condition, or service from the market.

R66-29-4. Citation.

- (1) The commissioner may enforce this rule by the issuance of a citation for violation, to secure payments of fines or the imposition of penalties.
- (2) The citation shall include:
 - (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
 - (b) references to the statutes or rules violated;
 - (c) a brief statement of findings of fact as determined by the division;
 - (d) a penalty or fine amount;
 - (e) the signature of the division representative;
 - (f) corrective action required; and
 - (g) a statement that a person is allowed to request an administrative hearing if the person feels that a citation was not warranted.

(3) Fine or penalty amounts shall be set by the department or the division, under the direction of the commissioner, for amounts up to \$5,000 per violation, or if the citation involves a criminal proceeding, the person may be found guilty of a class B misdemeanor.

(4) For violations of Chapter 4-41 Hemp and Cannabinoid Act:

- (a) If the citation is not paid within 30 days, it shall be two times the citation amount.
- (b) If the citation is not paid within 60 days, it shall be four times the citation amount.

(5) For violations of Chapter 4-41a Cannabis Production Establishments:

- (a) If the citation is not paid within 20 days, it shall be two times the citation amount.
- (b) If the citation is not paid within 40 days, it shall be four times the citation amount.

R66-29-5. Cease and Desist Order.

(1) The division may issue a cease and desist order upon discovery of a suspected violation of the code or administrative rules.

(2) The cease and desist order shall include:

- (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
- (b) references to the statutes or rules violated;
- (c) describes the act or course of conduct that is prohibited by the cease and desist order;
- (d) orders the respondent to immediately cease the prohibited act or prohibited course of conduct;
- (e) corrective action required; and
- (f) takes effect immediately upon the date issued or within such time as specified by the division.

R66-29-6. Suspension of License.

(1) The division may suspend a license or permit upon discovery that a person has failed to meet any legal, financial, or operational requirements required by statute or administrative rules.

(2) The Division shall provide the licensee with a notice outlining the violations and the suspension, that includes:

- (a) the name, street address, city, state, zip-code, phone-number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;
- (b) references to the statutes or rules violated;
- (c) orders the respondent to immediately cease operations related to the license;
- (d) corrective action required; and
- (e) takes effect immediately upon the date issued or within such time as specified by the division.

R66-29-7. Request for Hearing.

(1) When any order or citation, as defined in Section R66-29-4, is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the department to schedule an informal administrative hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Rule R70-201.

(2) A request for a hearing temporarily suspends the timeline referenced in Subsection R66-29-4(4) and R66-29-4(5).

KEY: industrial hemp, medical cannabis

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