

WAC 16-306-200 Corrective action plans. (1) When the department determines that a hemp producer has committed a negligent violation, the department will issue a notice of violation. This notice will include a corrective action plan. Producers shall not receive more than one negligent violation per calendar year. Negligent violations include, but are not limited to:

(a) Failing to provide an accurate legal description of land on which the producer produces hemp;

(b) Failing to obtain a license or other required authorization from the department; or

(c) Producing *Cannabis sativa* L. with delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(2) A hemp producer shall comply with a corrective action plan established by the department to correct the negligent violation. The corrective action plan will include:

(a) A reasonable date by which the hemp producer shall correct the negligent violation;

(b) A requirement that the hemp producer periodically report to the department, as applicable, on the compliance of the hemp producer with the regulations under this chapter for a period of at least two calendar years.

(3) Licensees may be subject to license suspension or revocation for violations of chapter 15.140 RCW, this chapter, or for failing to comply with a corrective action plan.

(4) A hemp producer that negligently fails to comply with the regulations under this chapter three times in a five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) The department will not consider hemp producers as committing a negligent violation by producing plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than 1.0 percent on a dry weight basis. For sampling and testing violations, the department will consider the entire harvest from a distinct lot in determining whether a violation occurred. This means that if testing determines that each sample of five plants from distinct lots has a THC concentration exceeding the acceptable hemp THC level (or 1.0 percent if the hemp producer has made reasonable efforts to grow hemp), this is considered one negligent violation. If an individual produces hemp without a license, this will be considered one violation.

(6) Hemp found to be produced in violation of this chapter such as hemp produced on a property not disclosed by the licensed producer, or without a license, is subject to the same disposal requirements as for hemp above the acceptable hemp THC level.

[Statutory Authority: RCW 15.140.030. WSR 22-19-033, § 16-306-200, filed 9/14/22, effective 10/15/22. Statutory Authority: RCW 15.140.030, 15.140.060 and 2021 c 104. WSR 22-01-137, § 16-306-200, filed 12/14/21, effective 1/14/22. Statutory Authority: RCW 15.140.030 and chapter 34.05 RCW. WSR 20-03-174, § 16-306-200, filed 1/22/20, effective 2/22/20.]