

Agriculture Marketing Authority (Industrial Hemp) Regulations,
2020

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SCHEDULE.

IT is hereby notified that the Minister of Lands, Agriculture, Water and Rural Resettlement, after consultation with the Board of the Agricultural Marketing Authority has, in terms of section 50 of the Agricultural Marketing Authority Act [*Chapter 18:24*], made the following regulations:—

PART I

PRELIMINARY

Title

1. These regulations may be cited as the Agricultural Marketing Authority (Industrial Hemp) Regulations, 2020.

Interpretation

2. In these regulations—

“Act” means the Agricultural Marketing Authority Act [Chapter 18:24];

“Authority” means the Agricultural Marketing Authority established in terms of section 4 of the Act;

“appropriate fee” means the fee prescribed in the First Schedule;

“approved laboratory” means the Fertilizer, Farm Feeds and Remedies Research Institute, Tobacco Research Board (TRB) or any other laboratory approved by the Authority for the purpose of testing samples of hemp under these regulations;

“certified hemp seed” means, hemp seed that has been certified and registered with recognised international seed registration authorities and the Zimbabwean Seed Services;

“cultivar” means a variety that has arisen as a result of cultivation;

“cultivation area” means an area of land within industrial hemp is cultivated under a permit;

“cultivation period” means a period commencing on the day on which certified hemp seed is sown in an cultivation area and ending on the day on which the harvesting of an industrial hemp crop in the area is completed;

“industrial hemp” means the plant cannabis sativa and any part of the plant including the seeds thereof and all derivatives, extracts, cannabinoids, isomer, acids, salts and salts of isomers, whether growing or not with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis;

- “permit” means a general permit or a research and breeding permit;
- “permit holder” means the person in whose name a permit is issued;
- “register” means a register required to be kept under these regulations;
- “responsible person”, in relation to a permit held or sought by a body corporate or partnership, means an individual approved by the Authority for the purposes of the permit;
- “THC” means tetrahydrocannabinol;
- “THC content”, in relation to a hemp plant, means the content of THC of the plant expressed as a percentage of the dry weight of the plant;
- “variety” means a distinct form of a species of plant.

Object

3. The object of these regulations is to regulate the production, procurement, distribution possession, sale, provision, transportation of industrial hemp.

PART II

PERMITS

Permits

4. (1) The Authority may issue the following types of permit—
- (a) a general cultivator’s permit;
 - (b) a research and breeding permit;
 - (c) an industrial hemp merchant’s permit.
- (2) A general cultivator’s permit authorises the permit holder to undertake, in accordance with the permit and these regulations, any of the following activities—
- (a) the cultivation of industrial hemp;
 - (b) processing hemp for marketing purposes;
 - (c) selling of hemp produce.

(3) A permit holder is authorised to undertake the activities specified in a general permit only in respect of approved cultivars or, if the permit is limited to particular approved cultivars, the approved cultivars specified in the permit.

(4) A research and breeding permit authorises the permit holder to undertake all or any of the following activities—

- (a) the procurement by a person within Zimbabwe of hemp of specified cultivars and varieties that are not approved cultivars;
- (b) the cultivation, for research purposes only, of new cultivars and varieties of hemp that are not approved cultivars;
- (c) the breeding, for research purposes only, of new cultivars and varieties of hemp;
- (d) the conduct of research, under the supervision of a research institute approved by government, into the suitability of cultivars and variety of hemp referred to in paragraphs (b) and (c) for industrial uses;
- (e) the supply, within Zimbabwe, of specified cultivars and varieties of hemp that are not approved cultivars, but only to holders of research and breeding permits;
- (f) the possession of specified cultivars and varieties of hemp that are not approved cultivars for the purposes of the activities specified in the permit.

(5) An industrial hemp merchant's permit shall entitle the holder of any or all of the following—

- (a) the supply within Zimbabwe of industrial hemp;
- (b) the procurement within Zimbabwe of industrial hemp;
- (c) the processing of industrial hemp into specified hemp product;
- (d) contracting individual farmers; and
- (e) the possession of industrial hemp for the purposes of the activities specified in the permit.

Application for permits

5. (1) An application for a permit shall be made to the Authority, in duplicate and shall be accompanied by—

- (a) the appropriate fee;
- (b) three copies of a plan of the cultivation area proposed, including the geo-coordinates, to be licensed;
- (c) in the case of an individual, proof of citizenship or proof of being ordinarily resident in Zimbabwe or proof of an exemption by the Minister;
- (d) in the case of a company, proof of citizenship or proof of being ordinarily resident in Zimbabwe of the majority of directors or proof of an exemption by the Authority and proof of incorporation in Zimbabwe of the company; and
- (e) a declaration, signed and dated by the proposed authorised person in charge, stating that the proposed authorised person in charge is familiar with the provisions of the Act;
- (f) by a security clearance, for the following persons—
 - (i) the authorised person in charge;
 - (ii) the responsible person in charge;
 - (iii) if applicable, the alternate responsible person in charge;
 - (iv) if a permit is applied for by an individual, that individual; and
 - (v) if a permit is applied for by a company, each officer and director of the company.
- (g) a detailed description of the method that the applicant proposes to use for keeping records, which shall permit—
 - (i) compliance with the requirements of these regulations;
 - (ii) the Authority to audit the activities of the permit holder with respect to Industrial Hemp; and
 - (iii) the reconciliation of orders for industrial hemp and shipments and inventories of industrial hemp.

(2) If the permit holder intends to possess, produce, sell, provide, ship, deliver, transport or destroy industrial hemp at more than one cultivation area, a separate application shall be submitted for each proposed cultivation area.

- (3) An application made in terms of subsection (1) shall—
- (a) be signed and dated by the proposed authorised person in charge; and
 - (b) include a statement signed and dated by that person indicating that—
 - (i) all of the information and documents submitted in support of the application are correct and complete to the best of their knowledge; and
 - (ii) they have the authority to bind the applicant.

Issuance, duration, renewal of permits

6. (1) Subject to section 7, the Authority shall, after examining an application issue to the applicant a permit that indicates—

- (a) the permit number;
- (b) the name of the permit holder;
- (c) the list of authorised activities;
- (d) the address of the cultivation area and, if applicable, of each building within the area where the permit holder may conduct the authorised activities;
- (e) the security level, determined in accordance with the security requirements, of each location within the cultivation area where industrial hemp is stored;
- (f) the effective date of the permit;
- (g) the expiry date of the permit.
- (h) any conditions that the permit holder shall meet in order to—
 - (i) comply with any international obligations and any other obligations that may be imposed by the Authority from time to time; or
 - (ii) reduce any potential public health, safety or security

risk, including the risk of industrial hemp being diverted to an illicit market or use.

(2) A—

- (a) general cultivator's permit shall be valid for a period of one year;
- (b) research and breeding permits for three years;
- (c) industrial hemp merchant's permit shall be valid for a period of one year;

and the permits may be renewed thereafter before their expiry.

(3) An application for the renewal of a permit shall be lodged with the Authority before the expiry of such permit and shall be accompanied by the following—

- (a) the appropriate fee; and
- (b) a copy of the original permit; and
- (c) a declaration signed and dated by the authorised person in charge stating that as of the date of the application to the best of that person's knowledge the information shown on the producer's permit as specified in section 5 is correct and complete.

(4) Where an application for the renewal of a permit has been lodged with the Authority, the validity of the permit shall, where the applicant has not been given notice of the renewal or refusal of the application by the date of expiry of such permit, continue after the date of expiry until the decision of the Authority on the application is notified to the applicant by the Authority.

(5) A permit holder proposing to amend the content of his or her permit shall provide the Minister with the following documents—

- (a) an application in writing describing the proposed amendment, as well as any information or documents mentioned in section 5 that are relevant to the proposed amendment;
- (b) if applicable, a declaration signed and dated by the authorised person in charge stating that the notices to local authorities have been provided and specifying

the names, titles and addresses of the senior officials to whom they were addressed and the dates on which they were provided, together with a copy of each notice; and

- (c) a copy of the original permit.
- (6) The application referred to in subsection (5) shall—
 - (a) be signed and dated by the authorised person in charge; and
 - (b) include a statement signed and dated by that person indicating that all of the information and documents submitted in support of the application are correct and complete to the best of his or her knowledge.

(7) Subject to section 7, the Authority shall, after examining the information and documents required under this section and, if applicable, section 5, amend the permit accordingly and may add any conditions that the permit holder shall meet in order to—

- (a) comply with any international obligations; and
- (b) reduce any potential public health, safety or security risk, including the risk of industrial hemp being diverted to an illicit market or use.

Refusal of permits

7. The Minister shall refuse to issue, renew, or amend a permit in the following circumstances—

- (a) the requirements of section 5 have not been met;
- (b) an inspector, who has requested an inspection, has not been given the opportunity by the applicant to conduct an inspection;
- (c) the Authority has reasonable grounds to believe that false or misleading information was submitted in, or false or falsified documents were submitted with, the application;
- (d) information received from a peace officer, a competent authority or the United Nations raises reasonable grounds to believe that the applicant has been involved in the

- diversion of a controlled substance or precursor to an illicit market or use;
- (e) the applicant does not have in place the security measures set out in the Part III in respect of an activity for which the permit is sought;
 - (f) the applicant is in contravention of or has, in the past 10 years contravened a provision of the Act or these regulations;
 - (g) the issuance, renewal or amendment of the permit is likely to create a risk to public health, safety or security, including the risk of industrial hemp being diverted to an illicit market or use; or
 - (h) if applicable, the information required under section 5 has not been provided or is insufficient to process the application.

Display of permits

8. (1) Subject to subsection (2) a permit holder shall ensure that his or her permit is conspicuously displayed at all times on the licensed cultivation area to which it relates.

(2) Subsection (1) shall not apply in respect of any period during which the permit is necessarily removed from the licensed cultivation area concerned for the purposes of doing anything in terms of the Act or for any other lawful purpose the proof whereof, in any proceedings against any person for contravention of subsection (1), shall lie upon that person.

Suspension and cancellation of permit

9. (1) The Authority may in the public interest require the temporary suspension of a permit for such period as he or she may determine.

(2) Where the Authority suspends a permit in terms of subsection (1), he or she shall forthwith notify the permit holder of the reasons therefor and call upon the permit holder to show cause why the permit should not be suspended.

(3) The Authority shall, by notice to the permit holder, reinstate a permit, in respect of any or all activities or substances affected by the suspension, if the permit holder demonstrates to the Authority that the failure that gave rise to the suspension has been rectified or that the suspension was unfounded.

(4) The Authority shall cancel a permit if—

- (a) the permit holder fails to comply with the decision of the Authority to suspend the permit under subsection 17 or if the failure that gave rise to the suspension is not rectified;
- (b) the Authority has reasonable grounds to believe that the permit was issued on the basis of false or misleading information submitted in, or false or falsified documents submitted with, the application;
- (c) the licensed producer has, since the issuance of the permit, contravened a provision of the Act or its regulations or a condition of their permit or of an import of export permit issued under this Part;
- (d) the permit holder is no longer eligible under section 5;
- (e) information received from an inspector, a competent authority or the United Nations raises reasonable grounds to believe that the permit holder has been involved in the diversion of a controlled substance or precursor to an illicit market or use; or
- (f) any of the reasons referred to in section 7(1)(i) does not hold a security clearance.

(5) The Authority shall give notice in writing to the permit holder of any intended cancellation.

(6) A notice given in terms of subsection (5) shall—

- (a) specify the grounds on which the opinion of the Authority is based; and
- (b) indicate that the person to whom it is directed may within seven days after receipt thereof submit to the Authority any comments he may wish to put forward in connection with the matter failure of which the Authority shall proceed with the cancellation.

Production and return of permit

10. (1) Whenever the Authority—
- (a) cancels any permit; or
 - (b) varies or amends the conditions of any permit; or
 - (c) imposes new conditions on the renewal of any permit the Authority shall request the holder of the permit to produce such permit within such period as he or she may specify and the holder thereof shall produce such permit within the specified period.

(2) Any person who fails to comply with a request in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(3) Whenever the Authority varies, amends or imposes any new conditions on any permit, the Authority shall return such permit duly endorsed to the holder.

PART III

SECURITY MEASURES

Security measures

11. (1) A permit holder shall ensure that—
- (a) the security measures set out in this Part are carried out; and
 - (b) the cultivation site is designed in a manner that prevents unauthorised access; and
 - (c) the cultivation area is monitored at all times by personnel who shall determine the appropriate steps to be taken in response to any intrusion by unauthorised persons; and
 - (d) access to areas within an cultivation area where industrial hemp is present shall be restricted to persons whose presence in those areas is required by their work responsibilities; and

(e) the responsible person in charge, shall be physically present while other persons are in the cultivation areas or where industrial hemp is kept.

(2) If any intrusion is detected, the personnel shall make a record of—

- (a) the date and time of the intrusion; and
- (b) the measures taken in response to it and the date and time when they were taken; and
- (c) the identity of every person entering or exiting those areas where there is industrial hemp.

Authorised person in charge and responsible person in charge and changes thereof

12. (1) A permit holder shall designate—

- (a) one authorised person in charge to have overall responsibility for management of the activities conducted by the permit holder under their permit at their cultivation area who may, if appropriate, be the permit holder; and
- (b) one responsible person in charge to work at the permit holder's cultivation area and have responsibility for supervising the activities with respect to industrial hemp conducted by the permit holder under their permit at that cultivation area and for ensuring that the activities comply with the Act and these regulations who may, if appropriate, be the authorised person in charge.

(2) A permit holder may designate one or more alternate responsible persons in charge to work at the permit holder's cultivation area and have authority to replace the responsible person in charge when that person is absent.

(3) The authorised person in charge, the responsible person in charge and, if applicable, the alternate responsible person in charge shall be familiar with the provisions of the Act and its regulations.

(4) A permit holder shall—

- (a) apply for and obtain the Authority's approval before making a change involving the replacement or the addition of—

- (i) the authorised person in charge; or
 - (ii) the responsible person in charge and, if applicable, the alternate responsible person in charge; or
 - (iii) if applicable, an officer or director referred to in section 4(2)(d); or
 - (iv) an individual authorised to place an order for industrial hemp on behalf of the permit holder;
- (b) except in the case referred to in subsection (3), notify the Authority, not later than five days after the event, when a person referred to in section 5 ceases to carry out their duties; and
- (c) notify the Authority, not later than five days after the event, when a person referred to in section 5(1)(d) ceases to be an officer or director.

(5) The permit holder shall, with the application for approval referred to in subsection (1)(a), provide the Authority with the following information and documents with respect to the new person—

- (a) in the case of the replacement of the senior person in charge or the responsible person in charge or the replacement or addition of an alternate responsible person in charge—
 - (i) the information stated in 5(1)(c) and (f); and
 - (ii) the declaration specified in section 5(5);
- (b) in the case of the replacement or addition of an officer or director, the information specified in section 5 concerning that person.

(6) A permit holder shall notify the Authority not later than the next business day if the responsible person in charge ceases to carry out their duties and there is no person designated as an alternate responsible person in charge.

Notice to Authority on various changes

13. (1) A holder shall, within fourteen days after the change, notify the Authority of any change to—

- (a) the method used for keeping records;

- (b) the telephone number, mobile number and, if applicable, the email address;
 - (c) their cultivation area; and
 - (d) if applicable, each building within the cultivation area where the activities are conducted under the permit; or
 - (e) the security of their cultivation area, other than a change that affects the security level of any location within the area where industrial hemp is stored.
- (2) A permit holder must immediately notify the Authority—
- (a) if the permit holder or an associate of the permit holder is convicted of a drug related offence; or
 - (b) if there is a change in the position of director, trustee, partner, manager, secretary or other executive position, however designated, or a change in the structure of the business to which the permit relates; or
 - (c) of any unauthorised interference with, or theft of, industrial hemp cultivated or possessed under the permit.
- (3) A permit holder must only employ or engage persons who are suitable to carry out the activities authorised under the permit.
- (4) If a permit holder employs person to carry out activities in the business conducted under the permit, the permit holder must, within 14 days after the person commences employment, notify the Authority of the full name, date of birth, residential address and position of the new employee.

PART IV

CULTIVATION AND OTHER AUTHORISED ACTIVITIES

General conditions of cultivation

14. (1) A permit authorising the possession, cultivation and supply of industrial hemp is subject to the following conditions—
- (a) a permit holder shall only cultivate industrial hemp at premises identified in the permit or notified to the Authority;
 - (b) other than for the purposes of research, cultivation area must not be less than one hectare in area;

- (c) a permit holder must, at least 28 days before the commencement of an cultivation period, notify the Authority of the following—
 - (i) the type of industrial hemp product intended to be produced;
 - (ii) the variety of seed to be sown;
 - (iii) the source of the seed;
 - (iv) the premises at which industrial hemp is to be cultivated;
 - (v) the GPS coordinates of the proposed cultivation area;
 - (vi) any other information requested by the Authority;
 - (vii) a permit holder must only cultivate a variety of industrial hemp notified to the Authority;and
- (e) any other condition notified by the Authority.

Labelling of industrial hemp

15. A permit holder shall ensure that each batch or lot of industrial hemp seed to be stored on premises to which the permit relates must bear a label that clearly states—

- (a) the variety of the seed; and
- (b) that the plant that produced the seed had a concentration of THC in the leaves and flowering heads of not more than 0.3%; and
- (c) if the industrial hemp seed is certified hemp seed – that the seed is certified hemp seed for the purposes of the Act.

Destruction of Industrial hemp plants, flowering heads and seeds after harvesting

16. A permit holder shall ensure that—

- (a) the flowering heads (including seeds) of any industrial hemp plants remaining in an cultivation area after the harvesting of industrial hemp are destroyed within seven days of the harvest taking place; and

- (b) any industrial hemp plants subsequently found growing in an cultivation area after the harvesting of industrial hemp are destroyed within seven days of being found.

Transportation of industrial hemp

17. A permit holder who wishes to transport industrial hemp from premises at which industrial hemp is authorised to be cultivated under the permit, shall ensure that the transportation of the industrial hemp is undertaken in a manner that ensures that the industrial hemp is protected from theft and spillage while in transit.

Cultivation of industrial hemp for scientific research

18. A permit authorising the cultivation and supply of industrial hemp for scientific research, instruction, analysis and study is not subject to the condition in section 16(1)(b).

Possession, processing and supply of industrial hemp

19. A permit authorising the possession, processing and supply of industrial hemp is subject to the following conditions—

- (a) that the permit holder must only process industrial hemp at premises identified in the permit;
- (b) that the permit holder must ensure that any industrial hemp plant found growing in the premises used by the permit holder to undertake activities authorised by the permit are destroyed immediately;
- (c) that each batch or lot of industrial hemp seed to be stored on premises to which the permit relates must bear a label that clearly states—
 - (i) the variety of the seed;
 - (ii) that the plant produced the seed had a concentration of THC in the leaves and flowering heads of not more than 0.3%; and
 - (iii) if the seed is certified hemp seed, that the seed is certified hemp seed for the purposes of these regulations;

- (d) that the permit holder must only supply viable industrial hemp seed to a person within the State if that person holds a permit under these regulations;
- (e) that the permit holder must immediately notify the Authority—
 - (i) if the permit holder or an associate of the permit holder is convicted of a drug related offence; or
 - (ii) if there is a change in the position of director, trustee, partner, manager, secretary or other executive position, however designated, or a change in the structure of the business to which the permit relates; or
 - (iii) of any unauthorised interference with, or theft of, industrial hemp possessed under the permit;
- (f) that the permit holder must only employ or engage persons who are suitable to carry out the activities authorised under the permit;
- (g) that if a person becomes employed in carrying out activities authorised under the permit, the permit holder must, within 14 days after the person commences employment, notify the Authority of the full name, date of birth, residential address and position of the new employee;
- (h) if industrial hemp is to be transported from the premises to which the permit relates – a condition that the permit holder must—
 - (i) ensure that the transport of the industrial hemp is undertaken in a manner that ensures that the industrial hemp is protected from theft and spillage while in transit; and
 - (ii) provide a notice to accompany the industrial hemp stating that the industrial hemp was processed and supplied pursuant to a permit under the Act.
- (i) a condition that, within 28 days of the end of each financial year, the permit holder must report to the Authority on the following in relation to activities carried out under the permit in respect of that financial year—

- (i) the method of the processing undertaken;
 - (ii) the quantity in kilograms of certified hemp processed by each processing method;
 - (iii) the quantity in kilograms of certified hemp seed supplied;
 - (iv) the names and addresses of each person to whom certified hemp seed is supplied;
 - (v) the name, including the registered business or company name, and address of each person who has transported viable industrial hemp seed from the premises to which the permit relates;
- (j) any other conditions the Authority thinks fit.

Possession and supply of viable industrial hemp seed

20. A permit authorising the possession and supply of viable industrial hemp seed is subject to the following conditions—

- (a) that the permit holder must only store viable industrial hemp seed on premises to which the permit relates;
- (b) that each batch or lot of viable industrial hemp seed to be stored on premises to which the permit relates must bear a label that clearly states—
 - (i) the variety of the seed; and
 - (ii) that the plant from which the seed derives had a concentration of THC in the leaves and flowering heads of not more than 0.3%; and
- (iii) if the seed is certified hemp seed – that the seed is certified hemp seed for the purposes of these regulations;
- (c) that the permit holder must only supply viable industrial hemp seed to a person who is permitted in terms of these regulations;
- (d) a condition that the permit holder must only employ or engaged persons who are suitable to carry out the activities authorised under the permit;
- (e) a condition that is a person becomes employed in carrying out activities authorised under the permit, the

permit holder must, within 14 days after the person commences employment, notify the Authority of the full name, date of birth, residential address and position of the new employee;

- (f) any other conditions the Authority thinks fit.

Good agricultural practices

21. (1) A permit holder shall ensure that standard operating procedures are developed and implemented for all activities during cultivation of industrial hemp.

(2) The procedures referred to in subsection (1) shall be in accordance with the Good Agricultural Practices.

(3) Good Agricultural Practices shall be applied in the cultivation of industrial hemp, as determined by the Ministry responsible for agriculture.

Notification to Authority of seeds not sown or failed crop

22. (1) If a permit holder fails, in any season, to sow hemp seeds intended for sowing or for any reason, the seeds sown by a permit holder fail to germinate or any crop of hemp plants fails to attain maturity, the permit holder must, not later than 30 days after the seed would normally have been sown, or 30 days after the failure to germinate becomes apparent, whichever is applicable, report the failure to the Authority.

(2) A permit holder must ensure that—

- (a) any industrial hemp plants found growing on the premises of the permit holder other than within an cultivation area or on any land adjacent to such premises are destroyed within seven days of being found;
- (b) if an industrial hemp crop fails, the flowering heads including seeds from the failed industrial hemp crop are destroyed within seven days of the failure of the crop.

(3) Within 28 days after the failure of an industrial hemp crop of the permit holder report to the Authority—

- (i) the date of the failure; and

- (ii) the total area in hectares of industrial hemp that failed.

Harvesting

23. A permit holder must follow good harvesting practices, as determined by the Ministry responsible for agriculture to ensure that the appropriate quality product is obtained for the intended use.

Locations must be available for inspection

24. If an Inspector wishes to carry an inspection, at a reasonable time, on a location specified in a permit, the permit holder must permit the Inspector to enter the land that comprises or includes the location.

Quality assurance

25. A permit holder shall employ a person who—

- (a) shall be responsible for assuring the quality of the hemp or seeds before they are made available for sale; and
- (b) has the training, experience and technical knowledge relating to the activity conducted and the requirements of this Part; and
- (c) shall investigate every complaint received in respect of the quality of those substances and, if necessary, take corrective and preventative measures.

Inspections and testing of samples of industrial hemp

26. (1) A permit holder shall provide samples to the Authority who may, by written direction to the permit holder, direct the permit holder to take a specified number of samples of each cultivar or variety of hemp growing in a location specified in the permit holder's permit.

(2) A permit holder shall comply with the direction and take each sample—

- (a) from mature plants that are in a condition and growing in areas of the location that the Authority considers appropriate for testing by the approved laboratory; and
- (b) in accordance with any protocol that the Authority has—

- (i) developed to ensure the accuracy of test results;
and
- (ii) notified to the permit holder.

(3) A permit holder shall place each sample in a separate packet and write on the packet the following information—

- (a) the name of the cultivar or variety;
- (b) the date on which the sample was taken;
- (c) the area of the location from which the sample was taken;
- (d) the name of the permit holder and the number of the permit;
- (e) any other particulars that the Authority may require.

(4) A permit holder shall promptly send or deliver each packet to the approved laboratory specified in the Authority's request.

(5) A permit holder may be required to provide, within ten working days from the date on which the request is made, additional samples if the approved laboratory considers any original samples inadequate for satisfactory testing.

(6) A permit holder shall comply with the request made in subsection (2).

(7) A permit holder shall report test results to the Authority as soon as practicable after the permit holder receives the test results from the approved laboratory, the permit holder must report those results to the Authority.

(8) A permit holder must ensure that if samples of industrial hemp are taken at different stages of the growing cycle for examination, testing and agronomic assessment such as soil, nutrient, pest and disease testing such samples are dealt with in a manner approved by the Authority.

(9) The Ministry may carry out routine sampling and testing of hemp as it grows.

(10) A permit holder or his or her responsible person shall be present when ministry official take samples.

Position where THC content above 1%

27. (1) In this section—

“adverse test result” means the result of a test carried out by an approved laboratory that indicates that hemp plant material, delivered or sent to the laboratory as a sample, has a THC content above 0.31%;

“affected plants” means the hemp plants that are being, or have been, cultivated in the same location as the sample to which the adverse test result relates; and are of the same cultivar or variety as that sample.

(2) A permit holder who receives an adverse test result, shall within five days, provide the Authority with the following information—

- (a) particulars of the adverse test result;
- (b) the location of the affected plants and the name of the cultivar or variety of the affected plants;
- (c) the source of the seeds from which the affected plants were cultivated;
- (d) all relevant records in the cultivation register on the affected plants;
- (e) the name and address of any person to whom affected plants or seeds from affected plants have been supplied.

(3) The Authority may, by notice to the permit holder, require further tests to be done of the affected plants and may take, or oversee the taking of, further samples for that purpose.

(4) The Authority may, by notice to the permit holder, require the permit holder to harvest the affected plants within five days after the date of the notice.

(5) In any case where an adverse test result indicates that a sample has a THC content above 0.3%, the Authority may—

- (a) give a notice under subsection (3) to the permit holder in respect of the affected plants;
- (b) by notice to the permit holder, require the permit holder to destroy the affected plants within ten days after the

date of the notice; and to provide the Authority with evidence, in a form directed by the Authority, of the destruction of the plants.

Review of adverse test result

28. (1) A permit holder who has been required, under section 27, to destroy affected plants may apply to the Authority for review of the adverse test result on which that requirement is based.

(2) The permit holder shall apply for a review stated in subsection (1) not later than five days after the day on which the notice under section 27 is given.

(3) The Authority shall appoint a person to conduct the review and that reviewer may be an employee of the Ministry responsible for health but must not have any previous involvement in the case.

(4) If, after conducting the review, the reviewer has reason to doubt the accuracy of the adverse test result, the reviewer shall recommend that the notice under section 27 be set aside.

(5) In the event that the reviewer does not have reason to doubt the accuracy of the adverse test result, the reviewer shall recommend that the review be dismissed.

(6) After considering the recommendation, the Authority may, by notice to the permit holder—

- (a) set aside the notice under section 27;
- (b) direct that further tests be done; or
- (c) dismiss the review.

Abandoned industrial hemp

29. If the Authority believes on reasonable grounds that a permit holder has abandoned any growing or harvested industrial hemp that is subject to the permit holder's permit, the Authority may treat the industrial hemp as surrendered to the Authority.

Destruction of dispersed plants

30. (1) In this section—

“permit holder” includes a former permit holder;

“dispersed plants” means industrial hemp that growing in an area that is not a location specified in a permit; and the dispersed plants have been planted by a permit holder or by any of the permit holder’s employees or agents; or have spread to the area from a location specified in the permit issued to the permit holder.

(2) Where the Authority is satisfied that dispersed plants are growing from an area to which a permit relates, he or she shall give the permit holder a notice requiring the permit holder to destroy the dispersed plants.

(3) Where a permit holder fails to promptly comply with a notice given in terms of subsection (2), the Authority shall destroy or arrange for the destruction of the dispersed plants.

(4) The Authority shall recover from a permit holder any costs incurred in managing or disposing of the dispersed plants whether or not the permit of the permit holder has expired or has been revoked.

Disposal of industrial hemp

31. (1) In these regulations—

“destroy” includes to compost.

(2) Where industrial hemp requires to be destroyed the permit holder shall notify the Authority who shall give directions as to the disposal of the industrial hemp.

(3) For the purposes of subsection (4) there is hereby established a panel comprising of a police officer of or above rank of a superintendent designated by the Commissioner of Police, a senior customs officer designated by the Commissioner General of the Zimbabwe Revenue Authority, the Director-General, of the Medicines Control Authority of Zimbabwe or an inspector designated by him or her and a senior official of the Ministry responsible for justice designated by the Attorney-General, a senior official of the Ministry responsible for Agriculture or any person appointed by the Authority.

(4) On a date and time appointed by the Authority, the panel referred to in subsection (3) shall attend to the destruction by appropriate means, of the industrial hemp concerned in the full view and presence of each other and shall immediately thereafter, subscribe to and sign a joint declaration attesting to the total destruction of such industrial hemp, which shall be forwarded forthwith to the Authority.

Import and export of industrial hemp

32. (1) A permit holder who wishes to import or export industrial hemp shall, upon payment of fees specified in the First Schedule, submit an application to the Authority in terms of section 44 of the Dangerous Drugs Regulations, 1975, published in Rhodesia Government Notice 1111 of 1975.

(2) A permit holder who imports industrial hemp shall retain a copy of the export permit issued by a competent authority in the country of export.

(3) A permit holder who exports industrial hemp shall retain a copy of the import permit issued by a competent authority in the country of final destination.

Notice of cessation of activities

33. (1) A permit holder who intends to cease conducting activities at their cultivation area, whether before or on the expiry of their permit shall submit to the Authority a written notice to that effect at least thirty days before ceasing those activities.

(2) A notice referred to in subsection (1) shall be signed and dated by the permit holder in charge and shall contain the following information—

- (a) the expected date of the cessation of activities at the cultivation area;
- (b) a description of the manner in which any industrial hemp remaining on the cultivation area as of the date referred to in paragraph (a) will be dealt with by the permit holder, including—

- (i) if some or all of it will be sold or provided to another permit holder who will be conducting activities at the same site, the name of that cultivator;
 - (ii) if some or all of it will be sold or provided to another permit holder, the name of that permit holder and the address of their premises; and
 - (iii) if some or all of it will be destroyed, the date on which and the location at which the destruction is to take place;
- (c) the address of the location at which the permit holder's records, books, electronic data and other documents will be kept after activities have ceased; and
 - (d) the name, address, telephone number, mobile number and, if applicable, the email address of a person whom the Authority may contact for further information after activities have ceased.

(3) After having ceased the activities, the permit holder shall submit to the Authority a detailed update of the information referred to in subsection (2)(a) to (d), if it differs from what was set out in the notice submitted under subsection (1) and such update shall be signed and dated by the permit holder in charge.

(4) If the activities cease before the expiry of the permit, the permit holder shall return to the Authority the original of the permit and the Authority shall then revoke the permit.

Registers and record keeping

34. (1) A permit holder shall keep and record information in the following registers—

- (a) seed register;
- (b) cultivation register; and
- (c) harvest register.

(2) Every permit holder who is authorised to possess hemp seed shall, for each occasion on which seeds are supplied or procured by or on behalf of the permit holder, record in a register to be known as the seed register, the following particulars—

- (a) the amount by weight of the seeds supplied or procured;
- (b) the cultivar or variety of those seeds;
- (c) the date when those seeds were supplied or procured;
- (d) the name of the person to whom those seeds were supplied or from whom they were procured;
- (e) the number of the permit issued under these regulations to the person named under paragraph (d);

(3) Every permit holder must maintain in the seed register a tally of the seeds that are at any time in the permit holder's possession.

(4) Every permit holder who is authorised to cultivate hemp must record in a register to be known as a cultivation register the following particulars—

- (a) for each occasion on which hemp seeds are sown—
 - (i) the amount by weight of the seeds sown;
 - (ii) the cultivar or variety of those seeds;
 - (iii) the location where those seeds are sown;
 - (iv) the date of the sowing;
- (b) for each occasion on which hemp plants are planted—
 - (i) the number of plants planted;
 - (ii) the cultivar or variety of those plants;
 - (iii) the location where those plants are planted;
 - (iv) the date of the planting;
- (c) for each occasion on which hemp seeds or hemp plants are destroyed—
 - (i) the amount by weight of the seeds destroyed or the number of plants destroyed;
 - (ii) the cultivar or variety of those plants or seeds;
 - (iii) why those plants or seeds were destroyed;
 - (iv) the date on which those plants or seeds were destroyed.

(5) Every permit holder who is authorised to cultivate hemp must record in a register to be known as the harvest register, the following particulars—

- (a) the quantity of the hemp plants harvested;
- (b) the cultivar or variety of those plants;
- (c) the location from which those plants were harvested;
- (d) the amount by weight of any seeds obtained from harvested plants;
- (e) the cultivar or variety of the plants from which those seeds were obtained;
- (f) for each supply of any of those plants or seeds or of any material derived from them—
 - (i) the quantity of plants, seeds, or material supplied;
 - (ii) the state of those plants, seeds, or materials, and, in particular, whether the plants are fresh or dried, and whether the seeds are viable or are treated to be non-viable;
 - (iii) the name of the person to whom those plants, seeds, or materials were supplied;
 - (iv) the number of the permit issued under these regulations to the person named under subparagraph (iii);
 - (v) the date of the supply.

(6) A permit holder shall keep any register referred to in this subsection in the following manner—

- (a) each register must be kept in the place notified to the Authority;
- (b) each register must state the name of the person responsible for recording any matter or any class of matter in the register;
- (c) every matter recorded in a register must be retained for at least 5 years after the record was made;
- (d) the registers may be kept on paper or in electronic form;
- (e) each register must be readily accessible, retrievable, and secure from tampering.

(7) Every permit holder must provide to the Authority a copy of a register as soon as practicable after the Authority requests a copy.

(8) The copy may be provided on paper or in electronic form.

PART V

GENERAL

Annual report and other reports

35. (1) For every period of 12 months in which a permit holder holds a permit, the permit holder must provide a report to the Authority on the authorised activities undertaken by the permit holder in that period.

(2) The report shall—

(a) be provided within the time that the Authority directs; and

(b) cover the matters that the Authority directs;

(3) A direction under subsection (2) may be general or specific.

(4) A direction under subsection (2)(b) must relate to, or be ascertainable from, one or more of the following matters—

(a) any particulars required to be recorded in a register;

(b) the financial reports of the permit holder;

(c) any processing of hemp undertaken by the permit holder;

(d) the progress of any research or breeding programme undertaken by the permit holder.

(5) In addition to the annual reports a permit holder shall file—

(a) a report with the ministry, for pre-planting, detailing the intended planting date, the variety or cultivar to be planted, intended use of all the product;

(b) planting report, with the details of planting date, variety and cultivar;

(c) a pre-harvest report 14 to 28 days prior to harvest, with intended harvest date accompanied by documents detailing plan of disposal of the material. Ministry must sample before harvest.

Fees

36. The fees payable in terms of these regulations shall be the appropriate fee opposite the appropriate item specified in the first column of the First Schedule.

Offences and penalties

37. (1) Any person who contravenes the provisions of these regulations shall be guilty of an offence and liable to a fine not exceeding a fine of level 4 or imprisonment for a period of three months or both such fine and such imprisonment.

(2) Any person who publishes, distributes or in any other manner whatsoever bring to the notice of the public or cause or permit to be published or distributed or to be so brought to the notice of the public any advertisement concerning industrial hemp without the authority of the Ministry shall be guilty of an offence and liable to a fine of level 4 or imprisonment for a period of three months or to both such fine and such imprisonment.

Appeals

38. (1) Any person who is dissatisfied by any decision made in terms of these regulations may, within thirty days, appeal to the Authority.

(2) Upon receiving the appeal noted in terms of subsection (1), the Authority may, within thirty days, confirm, vary or set aside the decision appealed against.

(3) Any person who is dissatisfied by the decision of the Authority may, within twenty-one days, appeal to the Administrative Court.

Agriculture Marketing Authority (Industrial Hemp) Regulations,
2020

SCHEDULE (Sections 2, 4(1)(a), 14(1)(a), 63 and 81)

FEEES

<i>Item</i>	<i>Fee</i>
	US\$
1. Application for a permit to cultivate industrial hemp	200
2. Application for a permit to conduct research on industrial hemp	200
3. Application for renewal of permit to cultivate industrial hemp	200
4. Application for renewal of a permit to conduct research on industrial hemp	200
5. Application for variation or amendment of a permit	200
6. Application for import/export permit	200
7. Application for a merchant's permit	500
8. Application for renewal of a merchant's permit	500
9. Inspection fees	200