

Industrial Hemp Program Study Committee

Monday, November 21, 2016

12:30 p.m.

Room 103

PANEL #2

Colorado Department of Agriculture

COMMERCIAL INDUSTRIAL HEMP REGISTRATION APPLICATION

&

Industrial Hemp Registration and Inspection
Program
Related Documents



Revised March 2016

Office Use:
cc 6580 - Commercial Registration

Commercial
Industrial Hemp Registration Application

Please review the following rules carefully before beginning to fill out the application.

- Signed, complete, accurate, and legible applications are due 30 days prior to planting (Rule 2.1).
GPS Coordinates and a map of the Registered Land Area must be included (Rules 2.1.5 & 2.1.6).
All Registrations shall be valid for one year from the date of issuance (Rule 2.10).
Registrations cannot be assigned or transferred to another business, individual or other entity (Rule 2.3)
No industrial hemp shall be included in more than one Registration simultaneously (Rule 2.4)
No Land Area may be included in more than one registration at the same time (Rule 2.15)
A Registrant must have the legal right to cultivate Industrial Hemp on the Registered Land Area AND the legal authority to grant the Department access for inspection and sampling (Rule 2.1.8). A Registrant may lease the Registered Land Area, (it is not required that the Registrant be the Land Owner) but the Registrant must be able to comply with Rule 2.1.8.

Review the attached Application Checklist prior to filling out the Application. An accurate and complete application helps avoid delays in processing.

STEP 1: BEGIN the Application Process (The original signed application not just an e-mailed copy must be received by the CDA before your certificate will be issued).

The applicant is the person who will sign the application either as the sole proprietor or on behalf of the corporation. Choose Business or Sole Proprietorship in Step 2 and then provide information below.

Applicant Name:
Business Mailing Address:
City: State: Zip:
Work phone: Cell phone:
Email:
Website:



STEP 2: Choose Type of Registration: Choose either Business or Sole Proprietorship

Choose Business:

The business must be licensed and in good standing with the Colorado Secretary of State and operate as one of the following:

- Corporation S-Corp LLC Partnership Co-Op

The name of the Registered Business is: _____

The Registered Business is also known as (DBA): _____

Choose Sole Proprietorship (Registering as an Individual):

In order to register as a Sole Proprietorship a Citizenship Immigration Verification Form **must** be completed. If the registration is a sole proprietorship, sending in the application without a completed a Citizenship Immigration Verification form attached is an incomplete application and will slow down your application process. **Citizenship Immigration Verification forms can be downloaded from the CDA website.**

The name of the Sole Proprietorship Registrant is: _____

STEP 3: Add Additional Authorized Persons Who Can Communicate with the CDA

Note: If you do not provide information regarding Additional Authorized Persons at the time of your application, the CDA cannot communicate by phone and/or in writing with anyone other than the applicant until such time that this information is provided to the CDA.

Rule 2.14 requires that any changes to contact information be provided *within 10 days of the change*.

List any additional persons authorized to receive correspondence either by mail, email, or phone and/or accept service of summons and legal notices of all kinds for the applicant in the state of Colorado. (Use additional sheet if necessary)

Name and Title

Phone and E-mail

Address, City, State, Zip Code

Name and Title

Phone and E-mail

Address, City, State, Zip Code

STEP 4: Provide the Legal Description of the Registered Land Area

The Legal Description of the Registered Land Area is required by Rule 2.1.4.

All boxes provided below must be completely filled in or your application will be regarded as incomplete and could delay the processing of your application.

Note: Use GPS Decimal Degree Coordinates from Google Earth Pro for Legal Description

SUGGESTION: A suggested way to find the Legal Description for your Registered Land Area is by going to <http://www.earthpoint.us/TownshipsSearchByLatLon.aspx> for a *Free Trial Download*.

Please fill in all of the boxes provided below:

Address / City / Zip Code		County:
Township:	Range:	Section :

Provide Outdoor Acres or Indoor Square Feet.

Outdoor Acres:	Indoor Square Feet:
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STEP 5: Registered Land Area Grow Map: Create a MAP of the Registered Land Area (You must sign the map when you are done).

- See the Application Checklist for directions on how to create a map.
- Tutorials on how to create a map are available on the CDA website.
- It is suggested you go to Google Earth Pro to create your map (free download).
- The map must be signed.
- The MAP must show:
 - 1) The global positioning location coordinates taken at the approximate center of the Registered Land Area in decimal degrees;
 - 2) The boundaries and dimensions of the entire Registered Land Area must be outlined; and
 - 3) The acres (if outdoor) and/or square feet (if indoor) must be stated on the map.

Please fill in all of the boxes provided below:

GPS: Decimal Degrees <i>(from registered land area center)</i>	Latitude in Decimal Degrees :	Longitude in Decimal Degrees :
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NOTE: Boundaries of the Registered Land Area need to be easily identifiable and delineated for your protection. Lack of clear boundaries opens you up for interpretation by outside entities.

STEP 6: Provide Information about Varieties and Intended End Use

NOTE: In addition to the filing of a Pre-Planting Report, **WITHIN 10 DAYS AFTER PLANTING** any cannabis plants in a Registered Land Area that the Registrant chooses to cultivate and not destroy, each Registrant shall submit a Planting Report (can be downloaded off of the CDA website by clicking on Plants/drop down to Industrial Hemp).

Each statement must be initialed below :

_____ I understand that prior to planting Cannabis a Pre-Planting form as provided by the Commissioner shall be submitted to the CDA. All information requested on the Pre-Planting form must be provided including:
Initials

_____ • I verify that I have reasonable grounds to believe that the crop that will be planted is of a type and variety of Cannabis that will produce a DELTA-9 THC concentration of no more than 0.3% on a dry weight basis.
Initials

_____ • I have provided an accurate description of the Cannabis varieties to be planted on the Registered Land Area and a map showing where they will be planted. All plant material to be used for cultivation of Cannabis within a Registered Land Area must be included.
Initials

_____ • I have provided a statement of intended end use for all parts of any Cannabis plants grown within a Registered Land Area.
Initials

Statement of Intended End Use

Please check off your intended end use for all plants grown under this registration.

- | | | | |
|---|--|---|--|
| Animal Bedding <input type="checkbox"/> | Biofuel <input type="checkbox"/> | CBD extraction <input type="checkbox"/> | Compost <input type="checkbox"/> |
| Cosmetic/beauty <input type="checkbox"/> | Cultivars <input type="checkbox"/> | Dietary supplement <input type="checkbox"/> | DNA sequencing/genetics <input type="checkbox"/> |
| Fiber <input type="checkbox"/> | Food/drink additive <input type="checkbox"/> | Hempcrete <input type="checkbox"/> | Insulation <input type="checkbox"/> |
| Phytoremediation <input type="checkbox"/> | Seed to sell <input type="checkbox"/> | Seed stock <input type="checkbox"/> | Unknown at this time <input type="checkbox"/> |
| Other <input type="checkbox"/> | | | |

If other, please explain:

Note: If you submit the information requested below (Variety Details) you do not need to also submit a Pre-Planting Report.

Variety Details

Variety #1 Name

Name of Variety:

General Grow Site: Describe the area within the map of the Registered Land Area.

General Grow Site: Describe the area within the map of the Registered Land Area.

Variety #2 Name

Name of Variety:

General Grow Site: Describe the area within the map of the Registered Land Area.

General Grow Site: Describe the area within the map of the Registered Land Area.

USE ADDITIONAL SHEETS IF YOU HAVE MORE THAN 2 VARIETIES

Variety Not Selected: If at the time that you submit this application you do not know the variety(s) you intend to plant then you must submit a Pre-Planting Report prior to planting any Cannabis on your Registered Land Area.

The Pre-Planting Report Form can be downloaded from the CDA website.

IF NO VARIETY HAS BEEN SELECTED YET, please CHECK THE BOX BELOW and initial your understanding of the Pre-Planting reporting responsibility.

No variety selected, to be determined.

- Initials*
- I understand that an official CDA Pre-Planting Report is due before planting. This official CDA Planting Report shall be submitted to the CDA listing name and description of varieties clearly delineating the location(s) of each variety a statement of intended use.
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OTHER REQUIRED REPORT

INDUSTRIAL HEMP PLANT DECLARATION FOR INCLUSION

If you have plant material from your previous Industrial Hemp Registration OR volunteer industrial hemp plant material that have emerged, are being cultivated, and not being destroyed then you must file an Industrial Hemp Plant Declaration for Inclusion with this application. (Rule 2.11).

Ask Yourself:

- Does the land area covered under this registration application contain any industrial hemp plant material that was not harvested in the prior registration period?
- Does the land area include volunteer plant material that you plant to cultivate and not destroy?

If you answered YES to either question above, you MUST include with this application an Industrial Hemp Plant Declaration for Inclusion (download from the CDA website).

NOTE: If you have volunteer plant material you wish to include it is your responsibility to comply with all contracts relating to the reproduction of plant material from prior plantings.

I understand that no plant or land area may be included in more than one registration at the same time. I have attached an Industrial Hemp Plant Inclusion Form for any plant material currently growing on the land identified in this Application. I wish to close the following Registration(s) in order to process this application. For your protection these registrations will not be closed until this application has been processed and certificate issued.

Registration # _____
 # _____
 # _____

STEP 7: PLEASE CAREFULLY READ ALL OF THE STATEMENTS PROVIDED BELOW AND INITIAL EACH STATEMENT.

I **(PRINT YOUR NAME)** _____, declare under penalty of perjury that the foregoing is true and correct and that I am the owner or person with legal control of and authority to bind, the herein named applicant, and that I have read and understand all of the conditions and obligations stated herein. I understand and agree, as required by the Colorado Industrial Hemp Act:

- _____ • I understand that no plant material above 0.3% THC may be grown in the land area I chose to register for the cultivation of Industrial Hemp.
Initials
- _____ • I understand that it is my responsibility as a registrant to notify the Department of any changes to the contact information provided in the registration within 10 days of the change.
Initials
- _____ • I understand that it is my responsibility as the registrant to have the legal right to grow Industrial Hemp on the land that I am registering and to fully cooperate with the Department for any inspections and sampling that may be requested.
Initials
- _____ • I understand that the movement of plant material from one area within or to another growing site requires the submission of a harvest form for where the material is being moved from and planting report for the new location unless it is within the same container within the same indoor location.
Initials
- _____ • I understand that any material testing above 0.3% is constitutionally defined as marijuana and is being grown outside of the protections afforded under the Industrial Hemp Program or the Department's authority. A request for a waiver from civil penalties under the rules of the program must be requested within 10 days of test results.
Initials
- _____ • I have read the rules pertaining to the administration and enforcement of Industrial Hemp Regulatory Program and agree to conditions set forth for growing Industrial Hemp and understand the penalties for noncompliance.
Initials

Signature:

Print Name

Signature

Title

Date

STEP 8: Make your payment. Note: The original, signed application (not the e-mailed copy) must be received by the CDA before your certificate will be issued.

FEES:

Amount Owed: \$500.00 application fee + plus \$5.00 per acre (outdoor – round up to next acre) and/or 0.33 per 1000 sq ft (indoor) if applicable.

Round up to nearest 1000 sq ft.

Application fee	\$500.00	\$ 500.00
\$5.00 x		\$
Outdoor	# acres	
Example 1.4 acres = \$10.00		
0.33 x		\$
Indoor – 0.33 per 1000 sq ft	# sq ft in 1000s	
Example 800 sq ft = \$0.33		
Total Amount Due		\$

- Registration fees are non-refundable.
- Make check payable to: Colorado Department of Agriculture
- Send check to: Colorado Department of Agriculture
Industrial Hemp Program
305 Interlocken Parkway
Broomfield, CO 80021
- Pay by credit: Call 303-869-9071.
- Pay by electronic check: An electronic check is likely to speed up the application process. Call 303-869-9071.
- Application and all Reports/Forms can be downloaded from the CDA website found at <https://www.colorado.gov/agmain> (Go to Plants, click on Industrial Hemp dropdown)



. APPLICATION CHECKLIST

Review this checklist prior to submitting your application. An accurate and complete application helps avoid delays in processing.

Corporate Registration: If registering as a business it must be *in good standing* with the Colorado Secretary of State. The person signing the application must be a registered agent or an officer of the corporation.

Sole Proprietorship: If you are registering as an individual (sole proprietorship) a citizenship immigration verification form (available on CDA website) and a copy of your driver's license must be included.

Additional Contacts Legal Representative: Now is the best time to identify all additional individuals who are authorized to communicate with the CDA on your behalf.

Legal Description: Fill in all the blanks. It is suggested that you go to obtain information at <http://www.earthpoint.us/TownshipsSearchByLatLon.aspx> about your Legal Description. Failure to fill in all of the blanks will delay the processing of your application. **NOTE:** Attaching a legal description of the Registered Land Area *will not be accepted in lieu of completing the boxes on the application.*

MAP: You must create a map of the Registered Land Area that contains all of the requirements listed below. For information on how to create a map, go to the CDA website at www.colorado.gov/agmain; click on Plants; drop down to Industrial Hemp. Google Earth Pro tutorial links are available at the CDA website. To create your map, it is suggested you go to Google Earth Pro and include all of the following:

- Pin the center of the registered grow area (see pin at the top of the google earth pro screen).
- Determine the latitude and longitude in decimal degrees. Make sure this information is stated on the map.
- Outline the entire Registered Land Area (all land you want to register). Use the ruler/polygon at the top) or outline with a marker. Boundaries of the Registered Land Area must be easily identifiable and delineated. This is for your protection. Lack of clear boundaries opens you up for interpretation by outside entities.
- Write on the map the specific number of acres and/or square feet.
- Print the map and SIGN the map. E-mailed maps must be Pdf format.
- Be sure to fill in the boxes on the application asking for latitude and longitude in decimal degrees.

Pre-Planting Report: You do not need to submit a Pre-Planting Report if you provide accurate information about the Variety(s) and General Grow Site(s) in the application. If you do not provide this information now, check "NO" on page 6 of 8. **NOTE: A Pre-Planting Report must be provided to the CDA prior to planting.** This form can be downloaded at www.colorado.gov/agmain. (Go to Plants/drop down and click on Industrial Hemp).

Industrial Hemp Plant Declaration for Inclusion: If you have plant material from your previous Industrial Hemp Registration OR volunteer plants you must complete an Industrial Hemp Plant Declaration for Inclusion (download at www.colorado.gov/agmain; go to Plants; drop down and click on Industrial Hemp).

Payment: Payment options are available. Payment must be included with the application.



IMPORTANT INFORMATION FOR INDUSTRIAL HEMP REGISTRANTS

Industrial Hemp Registrant Responsibilities and Reporting Schedule

- **Upon accurately and completely filling out your application**, allow up to 30 days for application review and approval process. Any incomplete applications will not be processed and application fees will not be refunded.
- **Prior to planting** you must verify that the Registrant has reasonable grounds to believe that the crop the Registrant will plant is of a type and variety of Cannabis that will produce a Delta-9THC concentration of no more than 0.3% on a dry weight basis, describe the Cannabis varieties to be planted, include a map showing where the varieties will be planted and state the intended use of the industrial hemp grown (**Pre-Planting Report** that requires this verification can be downloaded from the CDA website under Plants/drop down to Industrial Hemp).
- **You must have your industrial hemp registration certificate prior to planning.**
- **If a Registrant intends to include plants in the Registration** that were included under a previous registration certificate, the plant material must be declared on an Industrial Hemp Plant Declaration for Inclusion Form that accompanies the new application (**Industrial Hemp Plant Declaration for Inclusion Form** can be downloaded from the CDA website under Plants/drop down to Industrial Hemp).
- **Within 10 days after Planting any Cannabis And/OR 10 Days after Emergence of Any Volunteer Cannabis Plants** in a Registered Land Area that the Registrant chooses to cultivate and not destroy a Registrant is required to submit a Planting Report and provide a list of varieties, location(s), maps, and actual acreage/square footage of each variety. (**Planting Report** can be downloaded from the CDA website under Plants/drop down to Industrial Hemp).
- **Individuals who are not authorized to communicate with the CDA (not specifically identified in the application) will be unable to communicate with the CDA.** Any changes to contact information including address, phone, and email must be provided to the CDA within 10 days of change.
- **Please adjust your filter or spam.** Registrants should be aware that communications from the CDA will occur via written and/or email correspondence so please adjust your email filter and spam settings accordingly.
- **Registrants that participate in voluntary private testing** are not exempt from being selected for sampling from the CDA.
- **30 days prior to harvest** Registrants shall submit a Hemp Harvest Notification Form that reports anticipated harvest date, location of each variety, and documentation of purchase agreement with an in-state hemp processor or, if no agreement established, a statement of intended end use (**Harvest Report** can be downloaded at the CDA website under Plants/drop down to Industrial Hemp).
- If your harvest is immature cuttings/clones, then document Immature Plants on your Harvest Report.
- **Within 10 days after notice of selection for sampling** Registrant must contact the CDA to arrange and schedule inspection.
- **When selected for sampling within 30 days of the date of invoice**, all Registrants must reimburse the CDA for inspection and sampling fees, drive time, mileage, and laboratory analysis.

Colorado's Industrial Hemp Program

The Colorado Department of Agriculture's regulatory role with Industrial Hemp is limited to registration of growers and inspection of crop. The state of Colorado has no jurisdiction over many other factors that producers are faced with. While Colorado legalized the production of Industrial Hemp (*Cannabis spp*), growing it is still considered illegal under Federal Law. The following issues may cause concern for those interested in growing this crop in Colorado.

- **Seed Procurement / Seed Quality** - Seed that exists in Colorado may be variable and have unknown THC levels. Random sampling of hemp fields will be conducted. Plant samples testing at levels higher than 0.3% THC will be in violation of the Colorado Industrial Hemp Registration and Production Act. Currently CDA approved certified seed does not exist.
- **Seed vs. Grain** - Seed represents a product that will germinate, grow or reproduce. Grain is seed that has been treated so that it will not germinate, grow or reproduce and will be used for processing or consumption. Grain may be legally imported into the U.S under current laws.
- **Pesticides** - There are a limited number of pesticides (herbicides, insecticides, fungicides, etc.) currently registered for use on *Cannabis spp*. (Industrial Hemp and marijuana) due to the predominant federal nature of pesticide regulation. The CDA has a list of pesticides that could be used on *Cannabis spp*. and not constitute a violation of pesticide labeling or other federal and state pesticide laws and regulations. This list is available on the CDA website.
- **Federal Farm Programs** such as crop insurance, farm loans and conservation reserve may be jeopardized if industrial hemp is planted; these programs are managed by USDA a Federal Agency. Contact a lawyer for legal advice or the agency responsible for further information.
- **Banking** – Banks including state-chartered banks may be reluctant to provide services to *Cannabis* growers for fear of being prosecuted for federal laws and regulations violations.
- **Processing** - Colorado's industrial hemp rules state that industrial hemp producers must provide documentation of in state processing as part of registration. It is unknown at this time how many processing facilities will be available in Colorado at time of harvest.
- **Zoning** – check with local, city and county conveyances, codes and zoning requirements for industrial hemp prior to planting.
- **Shipping** – Shipping Industrial Hemp outside of Colorado is beyond the jurisdiction of the CDA. This remains federal jurisdiction and open to deliberation with federal officials.
- **Selling** – Selling material outside of the regulated program exposes the registrant and the buyer to legal scrutiny from outside entities.

Industrial Hemp Registration and Inspection Program

Quick Facts

- Amendment 64 to the Colorado Constitution directed the General Assembly to enact legislation governing the cultivation, processing, and sale of industrial hemp. Legislation adopted in 2013 delegated the responsibility for establishing registration and inspection regulations pertaining to cultivation to the Colorado Department of Agriculture.
- New and revised rules for the Industrial Hemp Program are effective as of March 30, 2016.
- Industrial Hemp means a plant of the genus *Cannabis* and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis. Material in excess of 0.3% THC is by definition marijuana.
- Commercial registrants are not limited in size of acreage and will be charged an application fee of \$500 plus \$5/acre (outdoor) or \$0.33/1000 sq ft (indoor).
- When registering, applicants must provide:
 - contact information
 - maps that include GPS location of registered land area, growing locations, and varieties planted.
- CDA will select up to 100% of registrants each year for field sampling and verification of 0.3% or less THC content.
- Costs of field sampling and lab testing incurred by the Department will be passed on to the registrant.
 - Fees for field sampling are currently \$35/hour and will include drive time and sampling time, a \$150/per sample charge, and mileage at 0.25/mile.
 - All regulatory samples will be processed by the CDA Biochemistry Lab, following established protocol.
- If an Industrial Hemp sample tests higher than 0.3% but less than 1% THC content the registrant shall not be subject to penalty if the crop is destroyed or utilized on site in a manner approved of and verified by the Commissioner. Sample test results for Industrial Hemp registrations that are greater than 0.3% THC on a dry weight basis may be provided to the appropriate law enforcement agencies.
- Anyone selling seed that they grow or package in Colorado (regardless of Genus and species) must register as a seed labeler or farmer seed labeler with the Colorado Department of Agriculture.