



## 2020 INDOOR/OUTDOOR HEMP LICENSE APPLICATION

Application deadline extension: June 1, 2020 - Valid through April 30, 2021

<b>APPLICANT INFORMATION</b>		Were you licensed in 2019? If yes, provide your License Number: MTSHP-			
Business Name		SOS Number		EIN Number	
Last Name		First Name			MI
Physical Address		City	ST	ZIP	County
Mailing Address		City	ST	ZIP	
Phone	Cell Phone		Email		
<b>NAMES and TITLES of KEY PARTICIPANTS</b>					
Full Name		Title	Phone	Email	
Full Name		Title	Phone	Email	
Full Name		Title	Phone	Email	
Full Name		Title	Phone	Email	

<b>Seed/Live Plant Source and Verification</b> - Complete the information for <u>each</u> variety you are applying to grow, information and attachments are <u>required</u> . Use the optional page 2 if necessary. The Instructions provide more detail.				
Variety	Name of Licensed Seed Dealer or Nursery	License Number of Seed Dealer or Nursery	Seed or Live Plants?	Documentation Attached?

<b>Crop Information</b> - As applicable, list the crop information you are requesting to grow.			
Grow Type	Primary Market (circle one)	Number of Varieties	Quantity of
Outdoor	CBD / Fiber / Grain / Seed / Live Plants		_____ Acres
Greenhouse	CBD / Fiber / Grain / Seed / Live Plants		_____ Sq. Ft.
Indoor	CBD / Fiber / Grain / Seed / Live Plants		_____ Plants

**A non-refundable application fee of \$850 is required with this application.**

**ATTESTATION STATEMENT** - I hereby certify that the information contained in and submitted with this application is true and correct. Persons who violate federal laws regarding hemp may be subject to federal prosecution. I agree to comply with Section 80-18-101 through 80-18-111, MCA, ARM 4.19.101 - 202, and with other state and federal regulations, including consent to entrance of above property by department personnel for inspection and testing of hemp. I further acknowledge that I have read, accept and agree to the conditions outlined in the accompanying Risk Acknowledgement Statement.

Applicant Printed Name:		Applicant Title:	
Applicant Signature:		Date:	



# 2020 INDOOR/OUTDOOR HEMP LICENSE APPLICATION

## Seed/Live Plant Source and Verification form

Complete the information for each variety you are applying to grow, all information is required, including attachments. See the Instructions for additional information.

Variety	Name of Licensed Seed Dealer or Nursery	License Number of Seed Dealer or Nursery	Seed or Live Plants?	Documentation Attached?



## Montana State Hemp Program

### 2020 Risk Acknowledgment Statement

The Agriculture Improvement Act of 2018 (2018 Farm Bill, Section 10113) directs the U.S. Department of Agriculture (USDA) to provide states desiring to have primary regulatory authority over the production of hemp the opportunity to submit state plans for approval. USDA published an Interim Final Rule (IFR) on October 29, 2019 to set the federal standard for producing hemp in the US and began accepting state plans for review. The Montana Department of Agriculture submitted its state plan for approval on January 9, 2020 and intends to implement an updated, federally approved plan in 2021.

The 2018 Farm Bill provides that States, Tribes, and institutions of higher education can continue operating under authorities of the 2014 Farm Bill for up to 24 months. In 2020, the Montana Department of Agriculture has elected to operate under the 2014 Farm Bill Authority and will continue to oversee statewide hemp production pursuant to rules and regulations currently in place.

*Cannabis* plants and products produced from “Category C” varieties may not follow the 2014 Farm Bill or USDA’s IFR requirements. The Montana Department of Agriculture will allow planting of “Category C” varieties during the 2020 growing season but does not guarantee or certify that these plants and products are included in the definition of hemp under the federal Agriculture Improvement Act of 2018. Any license holder planting seeds or clones or processing hemp products from “Category C” varieties acknowledge and agrees to the following conditions:

1. Any and all parts of “Category C” *Cannabis sativa* L. plants, whether growing or not, may be considered marijuana under other state, local, or federal jurisdictions within and outside of the state of Montana.
2. Any license holder electing to plant “Category C” varieties who violates any part of the state plan with a culpable mental state greater than negligence shall be reported to USDA and federal and state law enforcement officials.
3. Any law enforcement actions related to the integrity of “Category C” hemp varieties are the sole responsibility of the grower, supplier, and landowner.
4. No liability shall attach to the Montana Department of Agriculture or to any officer or representative of the department with respect to “Category C” *Cannabis* varieties.

In addition, all hemp license holders planting seeds, clones, possessing hemp plants, or processing hemp products acknowledge and agrees to the following conditions:

1. Hemp varieties planted and developed in the United States prior to 2016 may not be compliant with the 2014 Farm Bill or USDA’s IFR.
2. The department may request lab report results from any known *Cannabis* testing lab in Montana.
3. Plants and products that exceed the hemp Total THC threshold of 0.3% will be reported by the license holder to the department immediately and a corrective action plan developed.
4. THC is tested in Montana using the federally required post-decarboxylation method, meaning the component measured to determine the compliance of hemp is Total THC, which includes THCa.
5. The purchase and planting of non-certified or non-labeled seed includes inherent risk to the quality of the seed, the genetics and the potential of elevated THC levels of the crop produced.
6. It is the responsibility of the applicant to disclose any drug related felonies occurring outside the State of Montana within the last 10 years. Failure to comply will result in license revocation and law enforcement notification.



## INSTRUCTIONS

The hemp license application is to apply for the growing of hemp for the period of January 2020 - April 30, 2021, whether growing outdoors, in a greenhouse or indoors (using light to manipulate the flowering stage of hemp). This application must be completed by an authorized company representative. Application does not constitute licensure until final approval. Applications will not be processed until all required information is received.

**The department issues hemp licenses in (2) two progressive stages.** Upon approval of this application, eligible applicants will be issued a **Planting license** so they may purchase seed or live plants and plant or propagate hemp. To receive full licensure, the applicant must submit a Planting Report confirming information about the crop that was planted. Successful candidates will be issued the second stage **Production license**. The Production license allows for the production and harvest of compliant hemp. **Any applicant that does not meet the conditions of the Production license will forfeit their Planting license and the crop will require destruction.** Prior to applying for a license, an applicant should review the Stage 2 requirements for receiving the full license on the department's website.

**Applicant Information:** The application must be completed in its entirety, including printed name, date and signatures. The licensed entity can be either a single individual or a business with a contact name. A Business Name is only required if you are licensing a registered business. If the applicant is a business, you must provide the Business License Number on file with the Montana Secretary of State's (SOS) Office. Businesses are also required to list its EIN number.

**Key Participants:** List the Key Participants and titles for each person involved in the management of hemp for this operation. Key Participants are defined as "officers of the company and/or the person(s) responsible for management decisions regarding the crop" (i.e. planting date, seeding rate, pesticide or fertilizer applications, timing of harvest, etc.).

### **FBI Identity History Summary Requirement for 2020 Growing Season:**

**Effective March 24, 2020:** Due to restricted access to obtain fingerprint documentation caused by the COVID-19 emergency, the Montana Department of Agriculture waives the requirement for FBI Identity History Summary documentation for all 2020 hemp license applicants and Key participants. This does not exempt applicants from the federal requirement of having no prior convictions of felony drug charges in the last 10 years.

**Seed/Live Plant Source and Verification:** The department has developed four risk-based categories of hemp varieties. The variety you choose will determine the level of review your application receives and the level of testing of your crop. All varieties that meet the definitions of Category A, B or C are allowed. Visit the department's hemp website for more information on hemp categories and the complete list of Category A and B varieties. Each variety of hemp will be reviewed by the department prior to issuance of the hemp license. The application must include for each variety the name and license number of the seed provider or nursery, and an indication of your purchase: Seed or Live Plants. A copy of the seed label (provided to you by the seed provider) is required for each Category A and B variety. For Category C varieties, a copy of the seed label or the Certificate of Analysis (COA) is required.

The person providing seed and/or live plants to the grower must be licensed to distribute into the state. Seed providers must be licensed in Montana; nurseries must be licensed in their resident state. Growers who purchase live plants must submit a copy of the provider's resident state nursery license and hemp license and verification of variety (nursery label, seed label or COA) and be aware of live plant importation requirements. For more information on these requirements, please visit our website at <https://agr.mt.gov/Topics/Seed>, <https://agr.mt.gov/Nursery-Program>, or <https://agr.mt.gov/Hemp>.

**Crop Information:** As applicable to your operation, list the required information for each Grow Type for which you are applying to grow.

**Fees:** A check or money order for \$850 must be enclosed, written to the Montana Department of Agriculture, for the application to be considered. Applicants who plant Category C varieties will have additional fees due with the Planting Report.

**Mail To:** Montana Department of Agriculture - Hemp Program, PO Box 200201, Helena, MT 59620-0201

For additional assistance, visit our website at <https://agr.mt.gov/Hemp>, contact Andy Gray at (406) 444-0512 or by email at [angray@mt.gov](mailto:angray@mt.gov), or contact Mikayla Moore at (406) 444-5430 or by email at [mikayla.moore@mt.gov](mailto:mikayla.moore@mt.gov).