



2021 INDOOR/OUTDOOR HEMP LICENSE APPLICATION - Stage 1

Application deadline: Outdoor - May 30, 2021 / Indoor - No deadline • Valid through December 31, 2021

For applicants intending to grow within tribal boundaries, please note updated licensing requirements in the Instructions.

APPLICANT INFORMATION		Were you previously licensed? 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			

NAMES and TITLES of KEY PARTICIPANTS			
Full Name	Title	Phone	Email
Full Name	Title	Phone	Email
Full Name	Title	Phone	Email
Full Name	Title	Phone	Email

Seed/Live Plant Source and Verification - Complete the information for each variety/strain you are applying to grow, all information and attachments are **required**. Use the optional page 2 if necessary. See more detailed instructions on page 4.

Variety/Strain	Quantity	Units	Grow Type	Name of Licensed Seed Dealer or Nursery	License Number (of Seed Dealer or Nursery)	Seed or Live Plants?
		Acres or Plants	Outdoor or Indoor			

A non-refundable application fee is required with this application, see Instructions for details.

- \$1,100 - Category C growers \$850 - Category A or B only growers

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 related properties 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:	



Montana State Hemp Pilot Program

2021 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 its Final Rule in January 2021 to set the federal standard for producing hemp in the U.S. The Montana Department of Agriculture intends to implement an updated, federally approved plan by January 2022.

The 2018 Farm Bill provides that States, Tribes, and institutions of higher education can continue operating under authorities of the 2014 Farm Bill until January 2022. Until that time, 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” strains may not follow the 2014 Farm Bill or federal hemp regulations. The Montana Department of Agriculture will allow planting of “Category C” strains during the 2021 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” strains 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 state, local, or federal jurisdictions within and outside of the state of Montana.
2. Any license holder electing to plant “Category C” strains 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 strains 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* strains.

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 or strains planted and developed in the United States prior to 2016 may not be compliant with the 2014 Farm Bill or federal hemp regulations.
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 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 calendar year in which it is issued, whether growing outdoors or indoors. 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.

Tribal Reservation Boundaries: The state of Montana does not have authority over hemp grown within the boundaries of tribal reservations. That authority rests with the tribal nation on the reservation or the U.S. Department of Agriculture (USDA), depending on the status of the resident tribe's hemp plan. **Any person interested in growing hemp within reservation boundaries, whether a tribal member or not, must contact their resident tribe or the USDA to request information on hemp licensing requirements.** Questions related to jurisdictional authority and USDA requirements for licensing can be emailed to farbill.hemp@usda.gov. Contact information for tribal nations within Montana can be found at <https://tribalnations.mt.gov/tribalnations>.

The department issues hemp licenses in two (2) progressive stages. Upon approval of this application, eligible applicants will be issued a **Planting Permit** so they may purchase seed or live plants and plant or transplant 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 Permit and the crop will require destruction.** Prior to applying for a Planting Permit, an applicant should review the Stage 2 requirements for receiving the full license on the department's website. Additionally, a minimum of 30 days prior to harvest, regardless of Category planted, each license holder **must** notify the department of their harvest date for inspection purposes.

Applicant Information: The application must be completed in its entirety, including printed name, date, and signatures. The licensed entity can be a single individual with or without a business. A Business Name is only required if you are licensing as a registered business. If a business name is included, 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 full name and title for each person as defined by Key Participant - "a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as an owner or partner in a partnership. A key participant also includes a person in a corporate entity at executive levels including the chief executive officer, chief operating officer, and chief financial officer. This does not include other management positions like farm, field, or shift managers".

FBI Identity History Summary Requirement: 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 2021 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 cultivars. The cultivar you choose will determine the level of review your application receives and the level of testing of your crop. All cultivars that meet the definitions of Category A, B or C are allowed to be planted. Visit the department's hemp website for more information on hemp categories and the complete list of Category A and B varieties.

The application must include for each variety or strain the quantity of land area or number of plants requested to be permitted, the grow type, name and license number of the seed provider or nursery from which you obtained plants, 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 strains, a copy of the seed label or the Certificate of Analysis (COA) is required.

Variety or strain and location changes made after the application is processed will be subject to a \$50/request change fee. Contact Mikayla Moore to request the Change Request form.

The person providing seed and/or live plants to a Montana grower must be licensed to distribute into Montana - 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 hemp license and verification of variety/strain (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>.

Fees: Licensees who plant a Category C strain are required to pay the \$1,100 fee. This fee includes the initial inspection and testing of the first Category C sample. An additional \$250 testing fee will be required for each additional sample and an additional \$250 inspection/sampling fee will be required for each additional inspection.

Licensees who plant only Category A or B varieties are required to pay the \$850 fee. The initial inspection fee and the first sample testing fee is waived under Montana's Pilot Program. Additional inspection and testing fees will apply as outlined above.

Regardless of Category planted, growers who request sampling (e.g., insurance claim) will be charged the standard \$250 inspection fee and the standard \$250 testing fee. The department may assess a processing fee of \$100 for any late or incomplete documentation associated with the licensing process and a change fee of \$50 for a request for each new cultivar or location associated with a previously processed license application. Checks should be written to the Montana Department of Agriculture. Credit card payments can be made by contacting Mikayla Moore, processing fees will apply.

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, or contact Mikayla Moore at (406) 444-5430 or by email at mikayla.moore@mt.gov.

Reporting Requirements:

Harvest Notification - Each license holder is responsible for contacting the department a minimum of 30 days prior to harvest to confirm actual harvest date and schedule a pre-harvest inspection. Crops harvested without notification or later than the time allowed after official sampling, regardless of Category, are subject to destruction with a violation being recorded. Additionally, crops harvested later than the allowed time frame after official sampling may result in additional sampling with the license holder being responsible for additional fees.

FSA Reporting - Each license holder is required to report their hemp growing locations and acreage to the USDA Farm Service Agency (FSA). Information on this requirement can be found in USDA's Final Rule at <https://www.ams.usda.gov/rules-regulations/hemp> or by contacting your county FSA office. A complete list of Montana local FSA offices can be found at <https://www.fsa.usda.gov/state-offices/Montana/index>.

Annual Hemp Harvest/Distribution Report - Each licensee must annually submit this form listing the harvest and sale or distribution of any hemp grown by the licensee. The report must include:

- name and address of the person receiving the hemp,
- quantity of harvested area (i.e., acres or plants),
- crop yield (i.e., pounds/acre or plants/Lot), and
- the form of the product sold or distributed, listed as:
 - Grain, used primarily as a food;
 - Seed, used for further propagation;
 - Flower, buds of the plant;
 - Stalk, stem of plants with or without fan leaves (containing no flowers) intended for use in the fiber industry;
 - Whole plant, entire plant not including the roots.

A licensee must keep all records related to the planting, growing, harvesting, storage, destruction, distribution, sale and/or processing of hemp, and make those records available for inspection for a minimum of three years.