COLORADO
Department of Agriculture
Division of Plant Industry

Office Use:
cc 6580 – Commercial Registration

# Commercial
# Industrial Hemp Registration Application

*Complete registrations are due 30 days prior to planting*

**Please type or print clearly** *(Incomplete or illegible forms will be returned)*

Registrant Name: _____

DBA: *(If applicable)* _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Work phone: _____ Alternate phone: _____

Email: _____

Website: _____

**This business is licensed with the Secretary of State and operates as a:**

☐ Corporation ☐ S-Corp ☐ LLC ☐ Partnership ☐ Individual

***If person or business applying is not registered with the Secretary of State***

☐ Sole Proprietorship *(Citizenship Immigration Verification Form must be completed)*

Other - *(describe)* _____


Other authorized persons/Grow Area Details/Maps ..... page 2
Variety Details ..... page /3
End Use/Reporting responsibilities..... page 4
Affidavit ..... page 5
Signature and Fees ..... page 6

- Conflict between State and Federal laws
- Quick Facts



305 Interlocken Parkway, Broomfield, CO 80021 P 303.869.9000
Plant Industry Division: P 303.869.9071 F 303.466.2860 www.colorado.gov/ag/dpi

**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 & Email*

*Address, City, State,Zip*

*Name and Title* | *Phone & Email*

*Address, City, State, Zip*

## Commercial Grow Area Details

Total contiguous acres and/or sq ft applied for at this location: _____ acres and/or _____ sq ft

| | | | |
|---|---|---|---|
| Address/City/Zip: | | | County: |
| Legal Description: Township: | | Range: | Section: |
| GPS: Decimal Degrees *(from registered land area center)* | Lat: | Long: | |

## Commercial Grow Area Maps

Using a separate sheet(s) please provide a map(s) of the contiguous registered grow area for this registration showing the boundaries and the dimensions in acres or sq ft, **and** clearly delineating the location(s) of each individual variety within the growing area. Include street names and other descriptive labels when applicable. Use additional sheets as needed to show necessary detail.

***Map and GPS can be found at websites such as: Google Earth and www.earthpoint.us/***

## Variety Details

(use additional sheet if needed)

**Variety #1 Name** _____

| | | |
|---|---|---|
| **Grow Site #1 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS : |
| **Grow Site #2 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS: |
| **Grow Site #3 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS: |

**Variety #2 Name** _____

| | | |
|---|---|---|
| **Grow Site #1 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS: |
| **Grow Site #2 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS: |
| **Grow Site #3 description:** i.e., 1000 sq ft hoop house or 150 acre field located in SW section of registered land area | | |
| Acres/Sq Ft at this site: | Indoors or Outdoors: | Other location details including GPS: |

If no variety has been selected yet, please mark as such and initial understanding of reporting responsibility.

☐ No variety selected, to be determined.

_____ *Initials*

- I understand that within 10 days after planting an official CDA Planting Report shall be submitted to the CDA listing name and description of varieties, actual acreage or sq footage of each variety planted, indoor or outdoor designation, and to include a map clearly delineating the location(s) of each variety.

Does the land area covered under this registration application contain any industrial hemp plant material that was not harvested in the prior registration period?

☐ Yes ☐No

_____ *Initials*

- I understand that any and all industrial hemp existing in the registered land area covered by this registration application which was not harvested within the previous registration period MUST be declared on a separate Hemp Declaration for Inclusion Form attached to this registration application.

## Statement of Intended End Use

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

| | | | |
|---|---|---|---|
| Animal Bedding ☐ | Biofuel ☐ | CBD extraction ☐ | Compost ☐ |
| Cosmetic/beauty ☐ | Cultivars☐ | Dietary supplement ☐ | DNA sequencing/genetics☐ |
| Fiber ☐ | Food/drink additive ☐ | Hempcrete ☐ | Insulation ☐ |
| Phytoremediation ☐ | Seed to sell ☐ | Seed stock ☐ | Not disclosed ☐ |
| Did not plant ☐ | Died ☐ | Other ☐ If other, please explain. | |

## Industrial Hemp Registrant Responsibilities and Reporting Schedule

- A registration certificate needs to be in place **30 days prior to planting or if unharvested plants are to be included under a subsequent registration certificate, they must be declared on a Hemp Material Declaration form accompanying the new application**. Allow up to four weeks for application review and approval process. Any incomplete applications will not be processed and application fees not refunded.
- Any changes to contact information including address, phone, and email must be provided to the CDA **within 10 days**. Registrants should be aware that communication from the CDA will occur via written and/or email correspondence. Please adjust your email filter and spam settings accordingly.
- Registrants shall provide a list of varieties, location(s), maps, and actual acreage of each variety **within 10 days after planting** if not done so on the original registration application as well as provide a statement of verification.
- Registrants are encouraged to communicate with the CDA and report any private laboratory testing results obtained for their registered grow area. Registrants conducting their own private testing are not exempt from being selected for sampling from the CDA.
- Registrants shall submit a Hemp Harvest Notification Form to the CDA **30 days prior to harvest** providing the 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.
- **Within 10 days after notice of selection for sampling** registrant must contact the CDA to arrange and schedule inspection.
- If selected for sampling, all registrants must reimburse the CDA for inspection and sampling fees, drive time, mileage, and laboratory analysis in full **within 30 days of the date of invoice**.

**PLEASE READ CAREFULLY.**

I *(print 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:

_____ *Initials*
- That a registration cannot be transferred or assigned to another business, individual, or entity and that a registration is valid for one year from the date of issuance.

_____ *Initials*
- No industrial hemp plant shall be included in more than one registration simultaneously.

_____ *Initials*
- All industrial hemp plant material must be planted and harvested within a registration period. Any plant material that is not harvested in the registration period it was planted in must be declared for inclusion in a subsequent registration on a Hemp Inclusion Form.

_____ *Initials*
- That each noncontiguous land area on which industrial hemp is grown shall require a separate registration and that any addition of acreage or square footage to a registered land area shall also require a separate registration.

_____ *Initials*
- That no registered land area may contain Cannabis plants or parts thereof that the registrant knows or has reason to know are of a variety that will produce a plant than when tested will produce more than 0.3% THC on a dry weight basis. No registrant shall use any such variety for any purpose associated with the cultivation of industrial hemp.

_____ *Initials*
- That any registrant intending to sell industrial hemp seed grown under a commercial registration must also register with the Department as a farmer seed labeler under a separate application and adhere to all rules and regulations as defined in the Seed Act and that no seed grown under an R&D registration may be sold.

_____ *Initials*
- To allow any inspection and sampling that CDA deems necessary and that CDA will be sampling plant parts containing the highest THC concentrations. Up to 100% of the registrations may be inspected. Individual or composite samples of each variety of the Cannabis may be sampled from the registered land area at the Department's discretion. Sample test results that are greater than 1% THC concentration may be provided to appropriate law enforcement.

_____ *Initials*
- To pay for any inspection and laboratory analysis costs that CDA deems necessary within 30 days from date of invoice.

_____ *Initials*
- That the THC concentration of all industrial hemp crops planted in areas under commercial registration are believed to be 0.3% THC or below on a dry weight basis.

_____ *Initials*
- To submit all required reports as published in Part 3, 8 CCR 1203-23 by the applicable due dates specified by the Commissioner and I have read, understand, and will comply with the registrant responsibilities and reporting schedule outlined above in this application.

_____ *Initials*
- That any information provided to CDA may be publicly disclosed and be provided to law enforcement agencies without further notice to the registrant in accordance to *the Colorado Open Records Act §§ 24-72-201-206 C.R.S.*

_____ *Initials*
- I understand that growing Industrial Hemp (*Cannabis spp.*) is illegal under the Federal Controlled Substance Act, except by an institution of higher education pursuant to section 7606 of the 2014 Farm Bill or grown or cultivated for purposes of research conducted under an agricultural pilot program administered and directed by the Department.

## Signature:

| _____ | _____ |
|---|---|
| *Print Name* | *Signature* |
| _____ | _____ |
| *Title* | *Date* |

**Fees:**

*Commercial* $500.00 application fee + plus $5.00 per acre (outdoor) and/or 0.33 per 1000 sq ft (indoor) if applicable. Round up to nearest acre. Round up to nearest 1000 sq ft.

| | | |
|---|---|---|
| $500.00 + $5.00 x<br>*Outdoor* | _____<br>*# acres* | $ _____<br>Total Amount Due |
| $500.00 + 0.33 x<br>*Indoor* | _____<br># sq feet | $ _____<br>Total Amount Due |

- Any incomplete registrations will be denied.
- All registrations are valid for one year from date of issuance.
- Registration fees are non-refundable.
- Registrations are non-transferable and cannot be assigned.

**Return completed application to:**

**Colorado Department of Agriculture**
**Industrial Hemp Program**
**305 Interlocken Parkway**
**Broomfield, CO 80021**

# 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 by the 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. Importation of viable industrial hemp seed across State lines and Country boundaries is illegal under the Federal Controlled Substances Act.

- ***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 not any 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 is putting together 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 will be extremely limited.

- ***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.

- ***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*** - Industrial hemp must be processed prior to shipment out of Colorado. 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.

# 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 to the Colorado Department of Agriculture.
- The new rules, published as 8 CCR 1203-23, set forth the requirements of registration and inspection. The program was activated March 1, 2014 and amended February 11, 2015.
- 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.
- Two types of registration will be allowed: Research and Development (R&D) and Commercial.
  - R&D registrants are not limited in size of acreage and will be charged a registration fee of $500 plus $5/acre and/or $0.33/1000 sq ft. R&D registrants will be limited to institutions of higher education or those approved by the Department to participate in a pilot program administered by the Department for the purposes of agricultural or academic research in the development of growing Industrial Hemp.
  - Commercial registrants are not limited in size of acreage and will be charged a registration fee of $500 plus $5/acre or $0.33/1000 sq ft.
- When registering, applicants must provide:
  - contact information
  - maps that include GPS location of registered land area, growing locations, and varieties planted
  - affidavits or lab tests showing that the crop planted will produce a THC content of 0.3% or less
- 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, the commercial registrant will not be subject to suspension or revocation of their registration if the crop is destroyed or used in a manner approved by the Commissioner. If an Industrial Hemp sample tests higher than 0.3% but less than 1% THC content the R&D registrant shall not be subject to penalty if the sampled Industrial Hemp was grown solely for R&D purposes by an individual or entity holding a Research and Development registration and the crop is destroyed or utilized on site in a manner approved of and verified by the Commissioner. Test results from a R&D registrant may, at the Commissioner's discretion, be accepted in lieu of Department sampling. Sample test results for Industrial Hemp registrations that are greater than 1.0% 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.