

Annual Hemp Commercial Research Production Application, 2020

Agricultural and Environmental Services Division



Updated February 28, 2020

Dear Annual Hemp Commercial Research Production Applicant:

This application is directed at those entities planting an annual hemp crop.

Under a single annual hemp license, there is no acreage limit for a single contiguous growing area. For the purposes of this license, contiguous growing areas are defined as touching along a boundary or at a point. Boundaries such as private roads and irrigation ditches do not divide a contiguous growing area. Growing areas divided by public roads and property owned by entities other than applicant would be considered non-contiguous. Applicants may register multiple growing areas (non-contiguous fields) on a single license under the following restrictions: all growing areas are within a 2.5 mile radius, all growing areas shall be planted within a three week period, and total number of acres under a single application is less than 10.

If you are planning on maintaining viable hemp plants throughout the year (e.g. mother plants, breeding purposes, seed production) other licenses that may be required include the following:

- Continuous Hemp Commercial Research Production License: Year-round greenhouse production.
- Nursery Plant License: Required by state law for any business selling live plants, including hemp clones.

License applications, including nursery, can be found at www.nmda.nmsu.edu. Questions regarding hemp applications, nursery applications, and licenses can be addressed at 575-646-3207. After your application has been approved, New Mexico Department of Agriculture will FedEx your Annual Commercial Research Production Hemp License to the physical address provided. Understand that the license is proof that you have registered with the state as a hemp producer with the intent of producing hemp.

IMPLEMENTATION OF USDA HEMP RULES

On October 31, 2019, USDA published their two-year interim rule that will apply to the regulation of hemp production throughout the nation. Although the rule became effective October 31, 2019, states are provided the option to continue under the 2014 Farm Bill (research pilot program) rules until October 31, 2020. **On or before October 31, 2020, New Mexico's current rule and policy will be replaced by a new rule and policies developed under the requirements of USDA, OR become administered directly through USDA. New Mexico Department of Agriculture understands that this change in regulations, halfway through the harvest season for outdoor grows, may be problematic.** We will keep you posted on anticipated changes in New Mexico hemp rules and policies as we work with USDA and the hemp industry on the New Mexico commercial hemp production plan.

BACKGROUND CHECK

A criminal background check is required to process your application. Although you may have submitted one for the 2019 growing season, an updated background check is necessary for 2020. Hemp commercial research production licenses cannot be issued to individuals with felony convictions related to controlled substances within the last ten years. New Mexico Department of Agriculture will conduct the national background check with **applicants required to obtain state background records from the Department of Public Safety. The state background report/stamp from the Department of Public Safety must be included with your Annual Hemp Commercial Research Production application.** For your convenience, the Department of Public Safety's Records Request form is located at the end of this application. Reports or a no-records stamp can be obtained from the Department of Public Safety either in person (Santa Fe) or through the mail with your notarized signature. A \$15.00 charge is required by the Department of Public Safety. Applicants are required to comply with New Mexico's Child Support Enforcement Act. Failure to meet child support obligations will result in the denial or revocation of a hemp commercial research production license.

If you have questions or comments, feel free to call us at (575) 646-3207.

Respectfully,

Brad Lewis
Division Director

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Annual Hemp Commercial Research Production License is intended for growers that will be planting only for annual production of hemp. The Annual Hemp Commercial Research Production License is not intended for growers maintaining viable hemp plants throughout the year as part of a greenhouse or plant nursery operation. Forms can be filled electronically before printing or printed and filled by hand before mailing. Ensure fees are submitted with a complete application. Applications that contain errors or are illegible will be returned for corrections. **License expires 240 after date of issuance, please ensure you will be harvesting within the 240 day period.** Federal law precludes the state from issuing a hemp commercial research production license to an applicant that has been convicted of a felony related to controlled substances within the last ten years. Applicants are required to fill out the Annual Hemp Commercial Research Production License application, calculate fees, sign the acknowledgment form, and return a completed application (including state background information, check or money order) to:

Physical Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
3190 S. Espina
Las Cruces, NM 88003

Mailing Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
MSC 3BA
New Mexico State University
P.O. Box 30005
Las Cruces, NM 88003

Applicant Information:

_____	_____	_____
Legal Last Name	Legal First Name	Middle
_____	_____	_____
Email address	Cell Tele #	
_____	_____	_____
Additional Contact Person (i.e. Farm Manager)	Cell Tele #	
_____	_____	_____
Email address	Business name to include on license (if applicable)	

Business Mailing Address

Business Physical Address:

<p><u>For Office Use only:</u></p> <p>Previous license holder? _____ OR new applicant? _____</p> <p>Background check _____ Background check approved _____</p> <p>Name on check: _____ Check #: _____ \$ _____</p>
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Growing Area 1:

There is no acreage limit for a single contiguous growing area. Multiple growing areas (non-contiguous) can be included in one license under the following conditions: each growing area is within a 2.5 mile radius of a central point, the total acreage for all locations does not exceed 10 acres under one license, and all acres shall be planted within a three week period. Growing areas covered under one license must be owned or leased by a single licensee. Growing areas outside a 2.5 mile radius or in excess of 10 non-contiguous acres are required to be registered under a separate license.

- Growing area location: Latitude (Decimal Degrees i.e., 32.86312): _____
 Longitude (Decimal Degrees i.e., -106.294074): _____
 County: _____ Nearest Town/City: _____

(Open Google Maps in your internet browser, navigate to growing location and click the mouse. White box will appear at bottom of screen with decimal degree coordinates in gray text.)

- Are you the owner of the property? Yes No

If the answer is no, you are required to complete the Hemp Cultivation Landowner Affidavit document and include it with this application. This document is available on the NMDA website.

- Township/Range/Section data:

Go to www.earthpoint.us/TownshipsSearchByLatLon.aspx and enter GPS coordinates from line 1 above to get your Township, Section, and Range. If results for this growing area are a part of a land grant and survey data does not exist, please enter N/A below and fill in name of land grant: _____

Township (T) _____ (Ex: T17S)	Range (R) _____ (Ex: R6E)	Section (S) _____ (Ex: S2)
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- Total number of acres (Single decimal accuracy, e.g. 4.1) designated for hemp production at this growing area _____ acres. Estimated planting date: _____ Estimated harvest date: _____

- Description of operation, check all that apply:

- Bio fuels CBD extraction Clonal production Cosmetic/beauty products Dietary supplement
 Genetic development Fiber Food/drink additives Grain Hempcrete Seed production
 Smokable flower/pre-rolls Other: _____

- Provide hemp varieties to be maintained at this growing area. Amendments to your variety list can be made by submitting changes, in writing, to New Mexico Department of Agriculture. Additional varietal fee may apply.

	Variety Name/Identifier	Estimated number of acres		Variety Name/Identifier	Estimated number of acres
1			6		
2			7		
3			8		
4			9		
5			10		

Additional growing area forms are available on the NMDA website. Fill out additional growing area forms as needed and include them with this application. If number of varieties exceed 10 for this growing area (#1), include additional varieties on a separate sheet of paper (include growing area number, i.e., 1, 2, 3...).

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Growing Area Map/Sketch:

In the space provided below, provide a sketch of the field **including dimensions** (in feet) and **areas planted to specific hemp varieties** for growing area #1. Alternatively, you may attach a printed map or satellite imagery with dimensions and hemp varieties listed in this application.

A large, empty rectangular box with a thin black border, intended for the applicant to draw a sketch of the growing area, including dimensions and planted hemp varieties.

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Fees: (auto-fill not available to calculate fees, enter manually)

- 1. Base registration/Inspection fee \$650.00
- 2. Total acres for all growing areas=_____ (acres) X \$6.00 / acre =\$_____ (minimum \$6.00)
- 3. Total number of hemp varieties=_____ X \$10.00 =\$_____ (minimum \$10.00)
- 4. Total fee enclosed with application (sum of dollar amounts in 1, 2, and 3 above)\$ _____

Ensure fee payment, in the form of check or money order, is included with your application. Fees based on: \$650.00 registration fee + \$6.00 / acre of hemp production + \$10.00 per variety. Once payment is processed, refunds are not available or transferable to another license.

Acknowledgments:

- 1. Terms of this application and license are subject to change during the 2020 growing season in order to meet United States Department of Agriculture (USDA) requirements per USDA Agricultural Market Service (AMS) Domestic Hemp Production Program interim final rule published on October 31, 2019. Interim final rule full text can be found at: <https://www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program>
- 2. Licensee understands hemp produced under the terms of this license is part of a research pilot program and data on hemp production may be requested of the license holder.
- 3. Understand that possession of viable hemp plants without a valid Annual or Continuous Hemp Commercial Research Production License is a violation of state law. Annual or Continuous Commercial Research Hemp Production License cannot be transferred to another individual, business, or entity.
- 4. Licensee has reviewed all local laws and ordinances for any provisions prohibiting production of hemp at the growing location specified in this application. E.g., water sources, agricultural limitations, zoning.
- 5. Understand that possession of an NMDA Annual Hemp Commercial Research Production License does **NOT** imply or constitute ownership of a given hemp crop.
- 6. Understand hemp, covered under this license, cannot be harvested without New Mexico Department of Agriculture issued documents authorizing harvest of specific varieties listed.
- 7. Agree to complete harvest of compliant hemp varieties within specific dates provided by New Mexico Department of Agriculture. Understand hemp varieties, not harvested by the required harvest date; may be subject to additional sampling to determine THC values; or may be subject to destruction or disposed of in a manner approved by the New Mexico Department of Agriculture.
- 8. Agree to complete post-harvest crop destruction within specific dates provided by New Mexico Department of Agriculture.
- 9. Accept financial responsibility for expenses associated with destruction or disposition of non-compliant cannabis varieties (i.e., in excess of .3% THC) and for post-harvest crop destruction or disposition.
- 10. Understand licensees involved in the production of clones or seed for the purpose of marketing shall maintain records including variety, quantity, buyer, and destination for each transaction for a period of three years.

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Acknowledgments continued:

11. Allow New Mexico Department of Agriculture staff access to all hemp growing areas and relevant documents as determined by the department.
12. Understand licensee is required to remove plant/tissue samples, under the oversight of New Mexico Department of Agriculture staff, and licensee is responsible for the delivery of samples to a New Mexico Department of Agriculture approved laboratory for the purpose of determining THC levels (post decarboxylation) prior to harvest.
13. Understand licensee shall be responsible for additional charges associated with addressing noncompliant issues incurred by New Mexico Department of Agriculture.
14. Understand specific data contained within this application may be subject to release under the Inspection of Public Records Act and may be shared with other state or federal agencies, including law enforcement. Applicants will be screened for compliance to New Mexico's Child Support Enforcement requirements and federal background check requirements.
15. Understand copies of any information related to the production of hemp at this location may be provided to the landowner upon request.
16. Licensee has reviewed and understands regulations contained within the Hemp Cultivation Rule and violations of regulations or policies may result in crop destruction, license suspension, or license revocation.
17. Licensee shall check with their local Farm Service Agency (FSA) office for hemp crop reporting requirements.

Signature below acknowledges the following: applicant has provided accurate and complete information; has reviewed and agrees to statements contained under the Acknowledgments section; provides New Mexico Department of Agriculture authorization to conduct or obtain information related to background checks regarding possible criminal convictions that may preclude the issuance of a Annual Hemp Commercial Research Production License.

• APPLICATION CHECK LIST

- GPS Coordinates are in decimal degree format. Make sure coordinates line up with exact growing area location.
- Growing area sketch/map completed on provided page or attached to application.
- Completed landowner affidavit form attached (if needed).
- Completed New Mexico Department of Public Safety background check attached.
- Check or money order for correct fee total attached. Double check your fee calculations, payment for too little OR too much will not be processed.
- Note: If also applying for nursery license, please submit a separate check or money order with nursery application with appropriate fees.

Signature:

Date:

- Do not utilize electronic signature; print, sign, date, and mail
- Incomplete applications, including incorrect fee, will be returned
- Ensure appropriate fee is enclosed with your application

Background Check

Applicant is responsible for completing this form and for obtaining a New Mexico Background report in person or through a designated agent. This official New Mexico background report must be included with your Annual Hemp Commercial Research Production license application. If you have questions regarding this form or process, please contact New Mexico Department of Public Safety at (505) 827-9297.

DEPARTMENT OF PUBLIC SAFETY / P.O. BOX 1628 / SANTA FE, NM 87504-1628 ATTN: RECORDS \$15.00 PER RECORD CHECK

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____
NAME (MUST BE PRINTED-LEGIBLY) (SSN#) (DOB)

PURSUANT TO NMSA 1978, SECTION 29-10-6(A) (Repl. Pamp. 1990), OF THE NEW MEXICO ARREST RECORD INFORMATION ACT, HEREBY APPOINT:

NAME (MUST BE PRINTED) (IF NO AGENT, PRINT "SELF")

ADDRESS: _____

AS AN AUTHORIZED AGENT FOR ME FOR THE PURPOSE OF INSPECTING (AND /OR OBTAINING COPIES OF) ANY NEW MEXICO ARREST FINGERPRINT CARD SUPPORTED ARREST RECORD INFORMATION MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING INFORMATION CONCERNING FELONY OR MISDEMEANOR ARRESTS AND INFORMATION OBTAINED FROM RELEVANT FINGERPRINT DATABASES.

TO THE CUSTODIAN OF THE RECORDS IN QUESTION, I HEREBY DIRECT YOU TO RELEASE SUCH INFORMATION TO THE AUTHORIZED AGENT AS DESCRIBED ABOVE.

I HEREBY RELEASE THE CUSTODIAN OR CUSTODIANS OF SUCH RECORDS AND THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ANY OF THEIR AGENTS, EMPLOYEES, OR REPRESENTATIVES IN ANY CAPACITY, FROM ANY AND ALL CLAIMS OF LIABILITY OR DAMAGE OF WHATEVER KIND OR NATURE, WHICH AT ANY TIME COULD RESULT TO ME, MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE BECAUSE OF COMPLIANCE BY SAID CUSTODIAN OR CUSTODIANS WITH THIS "AUTHORIZATION FOR RELEASE OF INFORMATION" AND MY REQUEST CONTAINED HEREIN FOR THIS RELEASE OR BECAUSE OF ANY USE OF THESE RECORDS. THIS RELEASE IS BINDING, NOW AND IN THE FUTURE AND IS VALID FOR A PERIOD OF UP TO 120 DAYS FROM THE DATE SIGNED, ON MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE.

APPLICANT SIGNATURE: _____

DATE: _____

(*ATTN: NOTARY-ENSURE DOCUMENT IS SIGNED BY BOTH APPLICANT AND PARENT (GUARDIAN) IN YOUR PRESENCE AND NAME, DOB, SOC INFO IS VERIFIED WITH A VALID ID)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 20____.

(SEAL) _____
(SIGNATURE OF NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____.

For Department of Public Safety Use Only