

2020 Hemp Permit Application Instructions

The following instructions are provided to help you avoid rejection of your application for a permit to grow or process hemp in the Commonwealth under the terms of the General Permit issued by the Department under the authority of the Act relating to Controlled Plants and Noxious Weeds (3 Pa.C.S.A. § 1501 et seq.).

By applying for this permit, you are agreeing to grow or process hemp under the terms and conditions as required by the Act relating to Controlled Plants and Noxious Weeds and the Hemp General Permit. Failure to follow the terms and conditions of the Act and General Permit may result in a violation notice, crop destruction and may affect the ability to apply for permits in the future.

It is very important to first review the “Hemp General Permit”, “Hemp Permit Application & Responsibilities Checklist” and “Frequently Asked Questions” on the Department’s website at agriculture.pa.gov/hemp or request a copy from the Bureau. The information in these documents will be very helpful in your planning and in understanding the limits for planting or processing hemp that are set by federal and state laws and the General Permit.

Submit your application as soon as you have all your documentation in place. Should the review of your application disclose missing information and result in its return, you may still have time to correct the deficiency and resubmit the application prior to the April 1, 2020 deadline. **Incomplete applications will be returned, and any applications received after 12:00 noon on April 1, 2020 will not be accepted.**

Please ensure that all information is legible. It is recommended that you use the PDF fillable form or type the information. Be sure to keep a copy of your application and all supporting documents for your records.

2020 Application/Permitting Timeline:

- **Application period for all of calendar year 2020 closes at noon on April 1, 2020. This includes any plantings planned for the late summer or fall. Application for Processors will be accepted throughout the year, however application by April 1st is strongly recommended.**
- **We expect to process applications in the order they are received.**
- **Hemp permits for 2020 will expire on December 31, 2020.**

Online Application Submission:

- The online application submission option through the Department’s PA Plants website will be available at the end of January 2020. Applicants will be able to upload their application(s) and accompanying documents for submission on PA Plants and pay by credit card.
- The first step is to complete the PDF application and save (or scan and save) to your computer or device. Then scan and save the additional documents needed for the application [IdentoGO Receipts; property map, land/facility lease (if renting) and signed access agreement (if renting)] to your computer or device.
- Next, visit <https://www.paplants.pa.gov/SecurityLogin.aspx>.
- If you are a new user to PA Plants, you can sign-up by clicking on the New License or Registration button and follow the instructions.
- Those with an existing PA Plants ID, can either log on with their existing user name (if you’ve registered to use the website before) at the top of the page, or can register for online access with their PA Plants ID and existing pin by clicking the Register button and following instructions.

Section Instructions:

Section 1 – Contact Information: *Information that will appear on your permit and the Hemp Program’s way to reach you. This information will also be available publicly on the PDA website.*

- **Business name** - If the application is being made by a corporation, LLC, or other legal partnership, list the registered name on the first line. Include your EIN number. *(New for 2020)*
 - If you are applying as an individual, just give your name. (No EIN number is required.)

- The “*Applicant*” is the person in control of the cultivation or processing of the hemp and will be the main contact person for the department to correspond with.
- If you are a previous hemp permit holder, please list your old hemp permit ID number.
- *Mailing Address* - Can be different than the growing location.
- More than one *Email address* can be entered and is one way the department can quickly reach out to growers, but an email is not required.
- *Secondary Phone number* - This may be a cell phone or number of an alternate contact. It is highly suggested but is not required

Section 2 – Disclosure of Criminal Convictions: Changes for 2020.

- FBI criminal background check for the applicant listed in Section 1 and,
- **(New for 2020)** If you meet the definition of a business, a background check is required for all additional Key Participants you identify and list here in Section 2.
- *Key Participants* are defined by the USDA Interim Rule on Hemp as a person or persons who have a direct or indirect financial interest in the entity producing or processing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer.
- At the time of the application, you must submit a receipt from Identogo attached to the application for every key participant named on the application showing the background check has been completed or scheduled.
- **(New for 2020) Per USDA’s Interim Rule, the background check must be done no more than 60 days prior to the application date.**
- The only FBI background clearance reports accepted by the Department are provided directly to the department by Identogo using the following directions:

Applicants must use the Identogo Fingerprint Service (managed by IDEMIA). Appointments can be scheduled at <https://uenroll.identogo.com> or by phone at 844-321-2101. A listing of Identogo service locations by zip code can be found at <https://uenroll.identogo.com/workflows/1KG8NN/locator/location> . Because of unpredictable wait times, it is highly recommended to schedule an appointment rather than walking in to service centers.

Registration will require the following service information unique for the Industrial Hemp Program (not to be used for other purposes):

Service Code: 1KG8NN
Service Name: Hemp Grower

- Background checks which were done for other programs’ requirements, such as a child abuse clearance, cannot be accepted.
- You will not receive a report; the results are transmitted directly to only limited Hemp Program staff.
- Persons will be classified as “Qualified” or “Not Qualified” for program participation. Persons who are “not qualified” must be removed from the project and may not participate at any level.
 - *Note: Federal privacy restrictions do not allow PDA to release any information received from the FBI, even to the applicant.*
 - The 2018 U.S. Farm Bill and USDA Interim Rule state that key participants cannot have a felony drug charge within the past 10 years.
- It can take some time for background checks to be completed and for reports made available to PDA. To avoid having your application rejected because of reports being received after the deadline, go early (but not more than 60 days prior to submitting your application) and attach a copy of your receipt or scheduled appointment with your application for all persons listed.
- Before final approval of an application and issuance of a permit, PDA must have received an acceptable response to the FBI criminal history background check.

- Key Participants can be requested to be added to the project after the application is submitted. If qualified, they can be added to the project at any time.
- **Who may not need an FBI background clearance?** Examples: Family members of the landowner or permit holder, paid laborers, neighbors helping out, outside repair contractors called to fix an irrigation pump, or persons working at the location that have no financial benefit from the sale of the hemp.

Section 3 – Property Information: Changes for 2020.

- For the application, you will need to know at what physical address you intend to plant or process hemp and provide a GPS point for that address.
- **(New for 2020)** Each separate physical property address will require an individual permit. Meaning, if you own a facility at one address and own or lease a facility down the road and plan to grow hemp at fields or greenhouses at both locations, you will need to submit two separate applications and obtain 2 permits.
 - Note: The permit is directly tied to a specific address. There can still be multiple fields or grow sites at the same address covered under one permit.
- If the ground or facilities are not owned by the applicant or business listed in Section 1, mark the “Leased Check box” and you must attach 2 documents to the application:
 - **(New for 2020)** Attach a copy of the fully executed lease, signed by the property owner and issued to the business or applicant listed in Section 1, and
 - A completed signed agreement granting the Department access to the property for 3-years following the termination of the permit. The Access Agreement template is available on Page 5 of these instructions or also available online at agriculture.pa.gov/hemp.
- **GPS Point** – If you need help finding the GPS point, you can use the directions on Page 6 of these instructions. The decimal degree format for the GPS point must be used. *Example: 40.1234567 -77.543321.*
- **FOR A GROWING LOCATION:**
 - **(New for 2020)** There are minimum plot sizes and plant numbers for 2020 at each permit site.
 - For outdoor planting you must **plant and maintain** a minimum of ¼ acre and 300 plants during the growing season, unless prior written approval is provided by the Department [*Refer to Page 7*].
 - For indoor plantings you must **plant and maintain** a minimum of 2,000 square feet and 200 plants during the growing season, unless prior written approval is provided by the Department [*Refer to Page 7*].
 - **(New for 2020)** Hemp may not be grown, cultivated, propagated or planted in or within 200 feet of any structure that is used for residential purposes, unless prior written approval is provided by the Department [*Refer to Page 7*].
 - **(New for 2020)** Hemp may not be grown, planted, cultivated or propagated within 1,000 feet of a pre-kindergarten through 12th grade school property or a public recreational area.
 - **(New for 2020)** Hemp shall be physically segregated from other crops unless prior written approval is provided by the Department [*Refer to Page 7*].
 - No hemp growing location found within 3 miles of a PA Department of Health Medical Marijuana Grower/Processor will be approved. Links to the Phase 1 and Phase 2 Grower/Processor Location listings can be found at agriculture.pa.gov/hemp.
 - Note: Applicants concerned about their crop being affected by pollen from other hemp varieties grown by permit holders located near their property can reference the interactive PA Hemp Map of 2019 permittees, available online at agriculture.pa.gov/hemp, which is searchable by zip code and includes Permit Holder contact information. Distance limits between hemp permit holders are not set by the Department, but may be a matter of discussion among neighbors.
 - **Outdoor Growing** –
 - 1) List the total tillable (or plantable) acreage of the property;
 - 2) Estimate the size of your proposed hemp planting. We realize that this is an estimate and your planting may be smaller or larger than the amount listed on your application.

- *Indoor Growing* –
 - 1) List the total square footage of the facility.
 - 2) Estimate the square footage of your proposed hemp planting. We realize that this is an estimate and your planting may be smaller or larger than the amount listed on your application.
 - 3) Select the type of building used for your indoor growing.
 - 4) Select the type of planting which will be done in the facility. Check all that apply.
- Use the Check box(s) to indicate the type of hemp you are planting.
- If you are planting for seedling, cloning, or growing for seed list the appropriate PDA licenses you hold.
- Note: Securing a processor contract is not a requirement for permit approval, but is strongly advised.
- FOR A PROCESSING LOCATION:
 - If more than one type of processing will occur at your facility, check all that apply.
 - Hemp may not be processed in or within 200 feet of any structure that is used for residential purposes, unless prior written approval is provided by the Department [*Refer to Page 7*].

Section 4 – Varieties:

- List only true variety names; farm codes or abbreviations will not be accepted.
- Be sure to check the list of Prohibited Varieties and Varieties of Concern, as these varieties have led to crop destruction in previous years. Applications listing a “Prohibited Variety” will not be approved and any planting of a Prohibited Variety will be considered a violation.
- Please include a company name as the source of the seed. Please note: Any company (whether out of state or in-state) selling seed into Pennsylvania, must have a PA Seed Dealers license.
- The anticipated acreage is an estimate.
- Following planting you are required to submit specific planting locations for all planting sites for each permit.
- The more varieties, fields, lots or locations you plant, the more THC testing will be required at harvest.

Section 5 – Storage Locations:

- Please list the complete information for storage locations which you are aware of at this time. Permit information can be amended after a permit is issued to add storage locations by submission of a storage location addition form.

Section 6 – Attestations:

- Read each of these carefully, they are very important. If you are unable to check each box, indicating your acceptance of each statement, and abide by the conditions, which are the terms of the Hemp General Permit, you need not submit your application. An incomplete Attestation section will cause a permit application to be rejected.
- Even if you are not Growing Hemp, selecting the box next to a “I attest that if growing hemp...” statement indicates your understanding of the terms of the General Permit and is expected. The same applies to someone not Processing Hemp, who should still be selecting the “I attest that if processing hemp...” statements.

General Information:

- If information provided on the application is illegible, your application will be returned.
- If a check or money order payable to the “Commonwealth of PA” for the \$150 new permit application is not attached, your application will not be reviewed and will be returned.
- You are encouraged to submit additional pages if necessary.
- We expect to process applications in the order they are received.
- Your signature on the application attests that you will follow the requirements and provisions of Pennsylvania’s Hemp General Permit.
- If you have any questions that have not been addressed in General Permit or Frequently Asked Questions, please contact our office by calling 717-787-4843 or emailing RA-plant@pa.gov.

LEASED PROPERTY ACCESS AGREEMENT
FOR THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE

Land leasing/rental agreement addendum.

I _____, owner of the property located at _____

_____, hereby grant employees of the Pennsylvania Department of Agriculture access to my property/facilities during normal business hours to inspect for the presence of hemp plants or plant parts grown on lands/facilities rented/leased to _____

_____, holder of a Permit issued by the Department of Agriculture, to grow Hemp.

The purpose of these inspections will be to determine the presence of any hemp plants or parts thereof at this location. I understand that the department employees may inspect these lands/facilities when they are covered by the lease/rental agreement and for a period of three (3) years following the termination of the use of these lands/facilities as a growing location for hemp.

I understand that any hemp plants found growing on my property following the end of the permitted project, must be destroyed prior to flowering. That allowing hemp plants to grow in areas not covered by a current valid Permit issued by the Department of Agriculture is a violation of the Controlled Plants and Noxious Weeds Act (3 Pa. C.S.A. § 1501 et seq.). I also understand, the cost of destruction of any industrial hemp plants found will be the responsibility and at the expense of the lease holder or the land owner.

The terms of this lease addendum must be conveyed in any future leases or sales of this property/facility for a period of three (3) years from the termination of the permit issued by the Department of Agriculture allowing hemp to be grown at this location.

_____, _____ / ____/20____
(Signature of Land/Facility Owner) (Title) (Date)

(Printed Name of Land/Facility Owner)

_____, _____ / ____/20____
(Signature of Land/Facility Leaser) (Title) (Date)

(Printed Name of Land/Facility Leaser)

How to use Google maps for Hemp Permit Application Requirements:

To locate a GPS coordinate for the main farm/facility entrance:

Open Google maps: <https://www.google.com>, enter an address you are looking for in the Search box and click on the search icon. Click on the map image. Change the view of the map to "Satellite" view by clicking on the small box labelled "Satellite" in the lower left corner of the map. To find the GPS for the main entrance of the farm or facility, right click on the screen at the point considered the main entrance. From the menu that appears, select "What's here?". The GPS coordinate for that spot will appear in the box at the bottom of the screen. Record these coordinates.

To obtain GPS coordinates for the corners of the field:

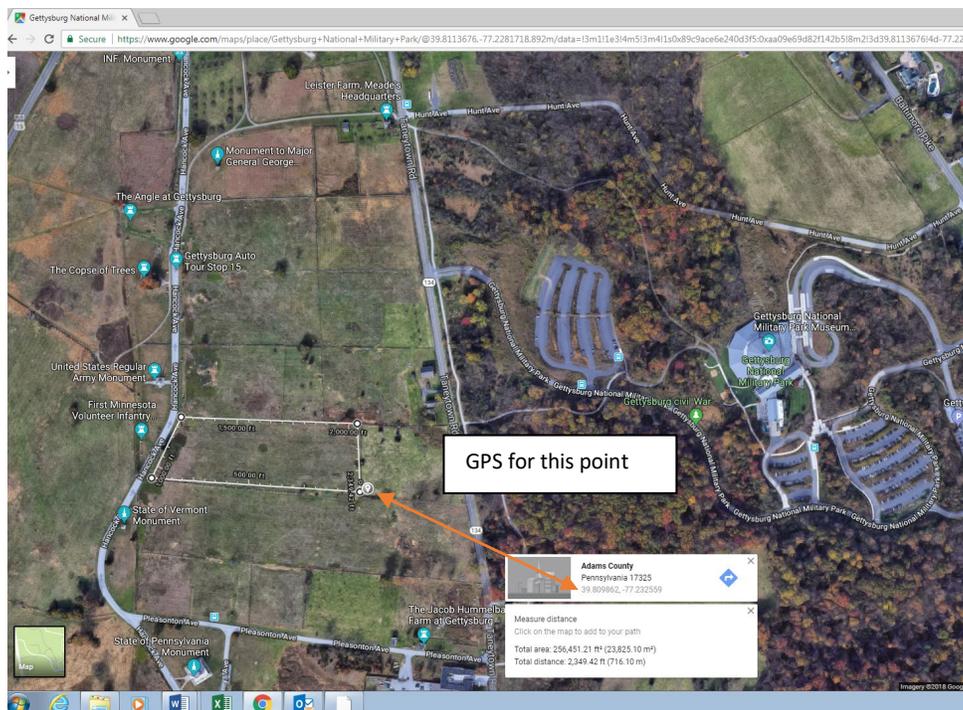
Locate the field you are planning to plant Industrial hemp in and Right click on the corner of the field. Select "What's here?" from the Google menu. The GPS coordinate for that spot will appear in the box at the bottom of the screen – Record them and then move to the next corner and repeat the process for all relevant points around the field. You can use the Print Screen (by pressing the Control and Print Screen keys at the same time) option on your compute to save a picture of the map and then paste it in to a word document to add more information and outline the field.

To calculate the area of the field:

Right click on the corner on the field and then select the "Measure Distance" tool from the box that appears. Following that, left click on the next corner of the field, then left click on the next corner and so on, around the perimeter of the field. This is a good time for a Print Screen as the field is now outlined for you. You can calculate the acreage by dividing the total area shown in the box at the bottom by 43,560 or use the Square Feet to Acreage conversion tool located at:

https://www.google.com/search?q=square+feet+to+acres&rlz=1C1GCEA_enUS766US766&oq=square+fee&aqs=chrome.1.0l2j69i57j0l3.17663j0j7&sourceid=chrome&ie=UTF-8.

When printing the map, leave enough information surrounding the field on the map you print to provide reference points to the field, such as bordering roads and landmarks. See the example below. This information is required by the Controlled Plant and Noxious Weed Act and will be used to locate your fields.



Guidelines for Departmental approval of written requests for location exceptions:

(If requesting exemption, please submit a copy of this form as an attachment to your application.)

NOTE: The program is intended for commercial hemp production. Exceptions will not be granted if hemp is being grown strictly for personal use.

Please check which exemption is requested and provide details:

- 1. Exceptions may be granted for properly secured or controlled research or demonstration projects, being done by or in partnership with an educational institution or organization.

- 2. Exception may be granted for a commercial planting near a residence, if within an area zoned agricultural, or if the area has a history of agricultural use. Example: An isolated farmstead may be within 200 ft of a field – an exception could be granted for growing hemp in that field.

- 3. No exception will be made for a planting at a site within a neighborhood where multiple residences are within 200 feet of the planting, unless there is a compelling agricultural reason for using that site. Example: If hemp is being used for soil remediation, an exception for an industrial or residential property may be granted.

- 4. Exceptions may be granted for highly secured areas, such as indoor planting or processing facilities, if environmental controls are sufficient to prevent malodor or other conditions of concern to the community.
