# Hemp in Nevada



Audrey Blondfield Nevada Department of Agriculture Agriculturist II – Hemp Program February 17<sup>th</sup>, 2021

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# **Hemp - Defined**



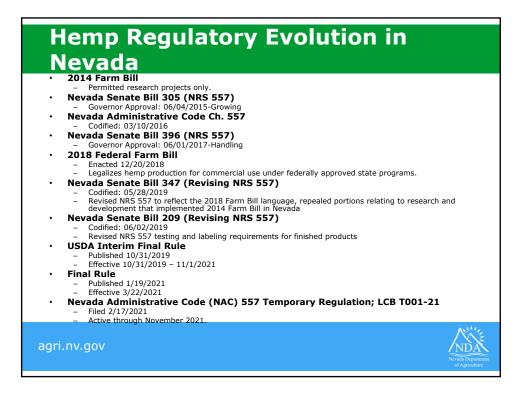
#### • Industrial Hemp (Cannabis sativa L.)

- Defined within the 2018 Federal Farm Bill, Sec 297A
  - "(1) HEMP.—The term 'hemp' means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis."
- Hemp and marijuana differ on a chemical basis.

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#### **Nevada Hemp Regulation** December 2018 October 2019 February 2014 The 2018 Farm Bill fully legalized the USDA published the Interim The 2014 Federal Farm 2016 production of hemp for states that Final Rule, which governs the Bill legalized the research SB 305 production of hemp under the and development of hemp have USDA approved hemp programs 2018 Farm Bill and required state regulations under state department of and established a national regulatory plans to be submitted to USDA. codified. framework for hemp production. agriculture supervision. October 31, 2020 June 2015 June 2019 June 2017 - First SB 347 and SB 209 signed State plans must be Hemp production growing season into law, revising statutes approved by USDA was approved through Hemp approved for to reflect the 2019 Federal when the 2014 SB 305. Farm Bill expires on Farm Bill and establish limited processing through SB 396. October 31, 2020. retesting opportunities. January 19th, 2021: USDA released the Final Rule -March 22<sup>nd</sup>, 2021: Final Rule effective date



# **Federal Regulations/Involvement**

#### 2014 Federal Farm Bill

- Section 7606: "an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if:
  - ustrial hemp if: (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State
  - higher education or State department of agriculture is located and such research occurs."



#### 2018 Federal Farm Bill

- Hemp Farming Act of 2018: A State...desiring for have primary regulatory authority over the production...shall submit to the Secretary, through the State department of agriculture, as applicable, a plan under which the State monitors and regulates that monitors and regulates that production...
- A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe...
- The term 'marihuana' does not include hemp, as defined in section 297A of the Agricultural Marketing Act of 1946

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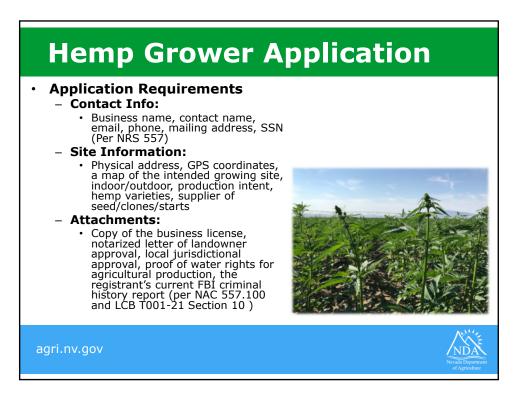
#### **NDA Approach to Hemp Three Certification Categories:** Hemp Grower: A producer of hemp crops in Nevada Application Fees: \$500.00\* Flat Fee & \$5.00/acre and/or; \$0.33/1,000 Square Feet \*Application flat fees will be increasing with the Nevada Administrative Code (NAC) 557 Temporary Regulation; LCB T001-21 to \$900.00. Hemp Seed Producer: A certified grower that intentionally produces agricultural hemp seed for distribution. Application Fees: . – \$100.00 Flat Fee & \$5.00/acre and/or; \$0.33/1,000 Square Feet Hemp Handler: An entity that receives raw material hemp for agricultural processing into commodities. Approved Handlers: Grinding, pressing, seed cleaning, or various forms of oil extraction. Hemp Hander certificates do not apply to businesses in-taking processed hemp commodities such as CBD oil, isolate, or distillate and are processing further into final products. Application Fees: \$1,000.00 Flat Fee NDÀ

# **Industrial Hemp: Grower**

#### Regulatory Protocol:

- Step 1: File an Application
- <u>Step 2</u>: Application is reviewed by Department staff for eligibility
- <u>Step 3</u>: Certificate is issued
   Certificates are valid from date of issuance through December 31 of the issued year.
- <u>Step 4</u>: NDA Compliance inspection conducted to test hemp varieties for THC.
   Sampling must occur 30 days prior to harvest as of 3/22/2021 per the Final Rule.
- <u>Step 5</u>: Chemical analysis is completed and Report of Analysis (ROA) is issued to the certificate holder.

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### **Grower Application Attachments**

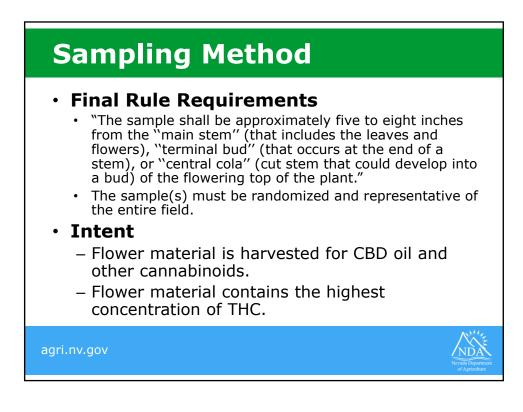
- Business License
  - If applying under a business registered with the Secretary of State.
- Local Jurisdictional Approval
  - Zoning verification, letter from the county, permitted activities described in the business license, etc.
- Notarized Letter of Landowner Approval
  - If the applicant is the legal landowner NDA staff verify through County Assessor Website.
  - If applicant is not the legal landowner, a notarized authorization letter is required.

- Criminal History Report:
  - Must be current and requested from the FBI.
  - Required per LCB T001-21
     Section 10 and the USDA Final Rule
  - No drug related felony charges within the last 10 years.
- Proof of Water Rights
  - Water must be appropriately sourced and permissible for agriculture use.

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# **Non-Compliant Hemp Crop**

# What happens in the event that a hemp variety tests above the 0.36% Total THC threshold?

#### **Retest and Option for Resample** 1.

- The NDA chemistry staff will re-analyze the sample to validate the non-compliance.
- Submitting a second Harvest Report, a grower can request a resample of the hemp variety. Only one resample per variety permitted.

#### **Disposal or Remediation** 2.

- Non-compliant hemp crops must be disposed or remediated in a method approved by the USDA as written in the Final Rule. Hemp Remediation and Disposal Guidelines Issued January 15, 2021

  - **Disposals:** Plowing under, mulching/composting, disking, bush mower/chopper, deep burial, and burning.
  - Remediation: Disposing all hemp flower material and retaining stalks, leaves, and seeds <u>or</u> shredding the entire hemp plant to create "biomass" that is then retested for compliance.
- The grower must submit a Crop Disposal or Remediation  $\ensuremath{\mathsf{Plan}}$  to the NDA for review and approval.
- Disposals and remediation must be overseen by NDA staff.



# **Questions?**



#### **Audrey Blondfield**

Nevada Department of Agriculture Email: ablondfield@agri.nv.gov Office Phone: (775) 353-3675 Work Cell: (775) 221-9653 Website: NDA Hemp Program

