



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

860-713-2501
CTGrown.gov

December 17, 2021

Via Email: farmbill.hemp@usda.gov

Ms. Sonia Jimenez
Deputy Administrator
Specialty Crops Program
USDA Agricultural Marketing Service
1400 Independence Avenue SW
Room 2077-S, Stop 0235
Washington, D.C. 20250-0235

Re: Submission of the Connecticut Hemp State Plan for USDA Approval

Dear Deputy Administrator Jimenez:

Please accept this as the State of Connecticut Hemp Plan as required in Subtitle G of the Agriculture Improvement Act of 2018.

The State of Connecticut, Department of Agriculture has been preparing for the growing and harvesting of Hemp in our state for the past several years. Connecticut General Statutes ("C.G.S.") 22-611 ("CT hemp law", attachment A) incorporated by reference the United States Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) as amended from time to time, to include the federal Agriculture Improvement Act of 2018 (the "Act"). The CT hemp law provides the Department with the necessary authority to enforce the Act as written by Congress. Several amendments to the CT hemp law have incorporated changes need to comply with the Hemp Interim Final Rules published by USDA on January 15, 2021, effective March 22, 2021.

Connecticut Department of Agriculture State Hemp Plan

The Connecticut Department of Agriculture, headed by the Commissioner of Agriculture, is a cabinet level agency within the executive branch of the State of Connecticut. The CT hemp law, and other existing statutory authority, provide the Commissioner of Agriculture with the authority to conduct inspections and investigations, issue penalties, promulgate regulations, issue cease and desist orders, issue hold and destroy orders, and other broad powers that enable the Department to effectively regulate a Hemp industry in our state.

The CT hemp law provides authority to the Commissioner of Agriculture to regulate all phases of producing hemp in the state of Connecticut. Additionally, C.G.S. § 22-4a permits the Commissioner to delegate their authority to "...any deputy commissioner or any employee, assistant or agent employed

by the Department of Agriculture to exercise such authority of the Commissioner of Agriculture as the commissioner delegates for the administration or enforcement of any applicable statute, regulation, permit or order...”

As set forth below, the CT hemp law, along with Department guidance documents, meet each of the requirements forth in section 297B(a)(2)(A) of the federal Agriculture Improvement Act of 2018, namely:

- Subsections (b), (c) and (d) of the CT hemp law fully incorporate by reference the United States Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) as amended from time to time, which includes federal Agriculture Improvement Act of 2018.
- Subsection (c) of the CT hemp law and Guidance Document Hemp Producer License Application Instructions (information collected electronically through license application) Consent to Criminal History Records Check, Data Sharing Protocol, Due Date Overview, Fee Schedule, Greenhouse Indoor Planting Report, Harvest Request, Lot Modification Application, Outdoor Field Planting Report, Producer Reporting to FSA, Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application, and Sample Legal Description provide for the following:

Plan to maintain relevant producer and land information

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp and Laboratory Testing Procedures provide for the following:

Plan for accurate and effective sampling and testing using post-decarboxylation or similarly reliable methods [990.3 (a) (2)]

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp and Performance-Based Sampling Procedures provide for the following:

Procedures to either sample all lots or do performance-based sampling

- Subsection (c) of the CT hemp law and Guidance Documents Sampling Procedures for Hemp, and Performance-Based Sampling Procedures, provide for the following:

Procedures for sampling agents (currently only Department employees are authorized under state law)

- Subsection (c) of the CT hemp law and Guidance Document Laboratory Testing Procedures provide for the following:

Procedures on testing

- Subsection (c) of the CT hemp law and Guidance Documents Destruction Request and Remediation and Disposal Procedures provide for the following:

Plan for disposal procedures

- Subsection (c) of the CT hemp law and Guidance Documents Destruction Request and Remediation and Disposal Procedures provide for the following:

Plan for remediation procedures

- Subsections (c) and (r) of the CT hemp law provide for

Plan for inspection procedures

Subsections (c), (g) and (s) of the CT hemp law and Guidance Documents Consent to Criminal History Records Check, Data Sharing Protocol, Due Date Overview, Fee Schedule, Greenhouse Indoor Planting Report, Harvest Request, Lot Modification Application, Outdoor Field Planting Report, Producer Application Checklist, Producer Reporting to FSA, Sample Legal Description, and Transporting Hemp Samples in CT provide for the following:

Plan for collection of information

- Subsections (c), (d), and (k) through (p) of the CT hemp law and Guidance Document Hemp Producer Enforcement Procedures, and Consent to Criminal History Records Check provide for the following:

Plan to comply with enforcement procedures

- Hemp Producer Enforcement Procedures

The following guidance documents, included as Attachment B (also referenced above) are key components of our State Plan, and address the following topics:

Consent to Criminal History Records Check
Data Sharing Protocol
Destruction Request
Due Date Overview
Fee Schedule
Greenhouse Indoor Planting Report
Harvest Request
Hemp Producer Enforcement Procedures
Hemp Producer License Application Instructions
Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application
Laboratory Testing Procedures
Lot Modification Application
Outdoor Field Planting Report
Performance-Based Sampling Procedures
Producer Reporting to FSA
Remediation and Disposal Procedures
Sample Legal Description
Sampling Procedures for Hemp
Transporting Hemp Samples Hemp in CT

In addition, our website contains additional guidance on completing a license application, obtaining a background check, reporting to FSA, and our state's reporting forms for producers.

<https://portal.ct.gov/DOAG/Regulatory/Regulatory/Hemp-Home-Page> (This link currently reflects the pilot program, updated language is attached as Attachment C and will go live on January 1, 2022.)

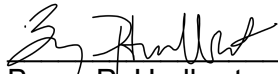
The Connecticut Department of Agriculture will follow the federal law for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received.

Finally, the undersigned Connecticut Commissioner of Agriculture hereby certifies that the State has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi) of sec. 297B(a)(2)(A) of the Act.

I believe that this letter provides all of the information that is necessary for you to approve Connecticut's State Hemp Plan within the 60-day period prescribed by law.

If you have any questions about Connecticut's State Hemp Plan, or would like to request additional information about Connecticut's Hemp program, please contact our staff attorney, Carole Briggs at carole.briggs@ct.gov or 860.883.8765.

Sincerely,



Bryan Pl. Hurlburt,
Commissioner of Agriculture

Encs. Letters from the Governor, CT state's attorney, and Attorney General
Attachment A CT Hemp law
Attachment B Connecticut Guidance documents
Attachment C 2022 CT Hemp Web page

Cc: The Honorable N. Lamont w/encs.
CT State's Attorney w/encs.
CT Attorney General w/encs.



STATE OF CONNECTICUT

GOVERNOR NED LAMONT

December 16, 2021

To Whom It May Concern:

I write to commend to you and the U.S. Department of Agriculture the Connecticut State Plan for Hemp Production as prepared by the Connecticut Department of Agriculture led by Commissioner Bryan Hurlburt. I affirm both that the Office of the Governor has been consulted on it, and that I support the Plan.

Sec. 297B of the Agriculture Improvement Act of 2018 requires that: "A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State Department of Agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production." The Connecticut Department of Agriculture has met those requirements and I have approved the proposed Hemp State Plan.

Thank you for your consideration and review of Connecticut Department of Agriculture's plan. On behalf of the citizens of Connecticut, we look forward to operating the State's hemp program.

Sincerely,

Ned Lamont Governor

A handwritten signature in blue ink that reads "Ned Lamont".

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Governor.Lamont@ct.gov



State of Connecticut
DIVISION OF CRIMINAL JUSTICE
OFFICE OF THE CHIEF STATE'S ATTORNEY

RICHARD J. COLANGELO, JR.
CHIEF STATE'S ATTORNEY

300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
(860) 258 5800

December 13, 2021

Bryan P. Hurlburt
Commissioner of Agriculture
State of Connecticut
Department of Agriculture
450 Columbus Boulevard
Hartford, Connecticut 06103

Attn: Attorney Carole Briggs
Carole.Briggs@ct.gov

Re: Connecticut Hemp Plan

Dear Commissioner:

My name is Richard J. Colangelo, Jr., and I am the Chief State's Attorney for the State of Connecticut. As Connecticut's chief law enforcement officer, I have been consulted on the State Plan for Hemp Production, as presented by counsel for your department. Upon review of the plan, prepared in accordance with the federal act and 7 CFR 990.3, the Division of Criminal Justice stands ready to prosecute any such violation that fall within the lawful jurisdiction of the Office of the Chief State's Attorney and its thirteen judicial districts.

Should you require any additional information, please do not hesitate to contact me.

Very truly yours,

RICHARD J. COLANGELO, JR.
CHIEF STATE'S ATTORNEY



OFFICE OF THE ATTORNEY GENERAL
CONNECTICUT

December 13, 2021

Ms. Sonia Jimenez
Deputy Administrator
Specialty Crops Program
USDA Agricultural Marketing Service
1400 Independence Avenue SW
Room 2077-S, Stop 0235
Washington, D.C. 20250-0235

Re: Connecticut State Plan for Hemp Production

Dear Deputy Administrator Jimenez:

I am writing regarding the Connecticut State Plan for Hemp Production, as presented by Commissioner of Agriculture Bryan Hurlburt, specifically the requirement of § 297B of the 2018 federal Farm Bill that:

A State . . . desiring to have primary regulatory authority over the production of hemp in the State . . . shall submit to the Secretary, through the State Department of Agriculture (in consultation with the Governor and chief law enforcement officer of the State) . . . a plan under which the State . . . monitors and regulates that production.

I confirm that the Office of the Attorney General has consulted with the Department of Agriculture in the development of the Connecticut State Plan for Hemp Production.

I thank Commissioner Hurlburt and his staff for their work in developing Connecticut's plan and look forward to facilitating the productive implementation of Connecticut's program.

Very sincerely yours,

William Tong
Connecticut Attorney General

cc: Commissioner Bryan Hurlburt

165 Capitol Avenue
Hartford, Connecticut 06106
An Affirmative Action/Equal Opportunity Employer

Attachment A

Conn. Gen. Stat. § 22-61I

Current through all Acts from the 2021 Regular and June Special Sessions.

Sec. 22-61I Definitions. Hemp research. Pilot program. State plan. Licensure requirements. Fees. Violations. Penalties. Inspection and testing program. Records. Regulations. Indian tribe pilot program.

(a) For the purpose of this section and section 22-61m, the following terms have the same meaning as provided in 7 CFR 990.1, as amended from time to time: “Acceptable hemp THC level”, “Agricultural marketing service”, “Audit”, “Cannabis”, “Conviction”, “Corrective action plan”, “Culpable mental state greater than negligence”, “Decarboxylated”, “Decarboxylation”, “Disposal”, “Dry weight basis”, “Gas chromatography”, “Geospatial location”, “Handle”, Liquid chromatography”, “Immature plants”, “Information sharing system”, “Measurement of uncertainty”, “Negligence”, “Phytocannabinoid”, “Postdecarboxylation”, Remediation, “Reverse distributor and “Total THC”. In addition, for the purpose of this section and section 22-61m:

- (1) “Cannabidiol” or “CBD” means the nonpsychotropic compound by the same name;
- (2) “Certificate of analysis” means a certificate from a laboratory describing the results of the laboratory’s testing of a sample;
- (3) “Commissioner” means the Commissioner of Agriculture, or the commissioner’s designated agent;
- (4) “Cultivate” means to plant, grow, harvest, handle and store a plant or crop;
- (5) “Federal act” means the United States Agricultural Marketing Act of 1946, 7 USC 1639o et seq., as amended from time to time;
- (6) “Department” means the Department of Agriculture;
- (7) “Hemp” has the same meaning as provided in the federal act;
- (8) “Hemp products” means all manufacturer hemp products and producer hemp products;
- (9) “Independent testing laboratory” means a facility:
 - (A) For which no person who has any direct or indirect financial or managerial interest in the laboratory and also has any direct or indirect interest in a facility that:
 - (i) Produces, distributes, manufactures or sells hemp or hemp products, or marijuana in any state or territory of the United States; or
 - (ii) Cultivates, processes, distributes, dispenses or sells marijuana; and
 - (B) That is accredited as a laboratory in compliance with section 21a-408-59 of the regulations of Connecticut state agencies;
- (10) “Laboratory” means a laboratory that meets the requirements of 7 CFR 990.3 and that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third-party accrediting body such as the American Association for Laboratory Accreditation or the Assured Calibration and Laboratory Accreditation Select Services;
- (11) “Law enforcement agency” means the Connecticut State Police, the United States Drug Enforcement Administration, the Department of Agriculture, the Department of Consumer Protection Drug Control Division or any other federal, state or local law enforcement agency or drug suppression unit;
- (12) “Licensee” means an individual or entity that possesses a license to produce or manufacture hemp or hemp products in this state;

- (13) "Manufacture" means the conversion of the hemp plant into a by-product by means of adding heat, solvents or any method of extraction that modifies the original composition of the plant for the purpose of creating a manufacturer hemp product for commercial or research purposes;
- (14) "Manufacturer" means a person in the state licensed by the Commissioner of Consumer Protection to manufacture, handle, store and market manufacturer hemp products pursuant to the provisions of section 22-61m and any regulation adopted pursuant to section 22-61m;
- (15) "Marijuana" has the same meaning as provided in section 21a-240;
- (16) "Market" or "marketing" means promoting, distributing or selling a hemp product within the state, in another state or outside of the United States and includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers;
- (17) "On-site manager" means the individual designated by the producer license applicant or producer responsible for on-site management and operations of a licensed producer;
- (18) "Pesticide" has the same meaning as "pesticide chemical" as provided in section 21a-92;
- (19) "Lot" means a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of hemp throughout the area;
- (20) "Post-harvest sample" means a representative sample of the form of hemp taken from the harvested hemp from a particular lot's harvest that is collected in accordance with the procedures established by the commissioner;
- (21) "Pre-harvest sample" means a composite, representative portion from plants in a hemp lot, that is collected in accordance with the procedures established by the commissioner;
- (22) "Produce" means to cultivate hemp or create any producer hemp product;
- (23) "State plan" means a state plan, as described in the federal act and as authorized pursuant to this section;
- (24) "THC" means delta-9-tetrahydrocannabinol;
- (25) "Controlled Substances Act" or "CSA" means the Controlled Substances Act as codified in 21 USC 801 et seq.;
- (26) "Criminal history report" means the fingerprint-based state and national criminal history record information obtained in accordance with section 29-17a;
- (27) "Drug Enforcement Administration" or "DEA" means the United States Drug Enforcement Administration;
- (28) "Farm service agency" or "FSA" means an agency of the United States Department of Agriculture;
- (29) "Key participant" means a sole proprietor, a partner in partnership or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer;
- (30) "Manufacturer hemp product" means a commodity manufactured from the hemp plant, for commercial or research purposes, that is intended for human ingestion, inhalation, absorption or other internal consumption, that contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of such manufacturer hemp product;
- (31) "Producer" means an individual or entity licensed by the commissioner to produce and market producer hemp products pursuant to the federal act, the state plan, the provisions of this section and the regulations adopted pursuant to this section;
- (32) "Producer hemp product" means any of the following produced in this state: Raw hemp product, fiber-based hemp product or animal hemp food product, and each of which contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of such producer hemp product;
- (33) "USDA" means the United States Department of Agriculture;
- (34) "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization or other similar organization, including any such organization participating in the hemp production as

a partner in a general partnership, a participant in a joint venture or a participant in a similar organization; and

(35) "Homogenize" means to blend hemp into a mixture that has a uniform quality and content throughout such mixture.

(b) The Commissioner of Agriculture shall establish and operate an agricultural pilot program, as defined in 7 USC 5940, as amended from time to time, for hemp research to enable the department, and its licensees, to study methods of producing and marketing hemp. All producer licensees licensed pursuant to this section shall be participants in the state agricultural pilot program for hemp research. Until such time as said commissioner adopts regulations, in accordance with the provisions of chapter 54, the Department of Agriculture shall utilize procedures and guidance policies that the commissioner deems to be consistent with the provisions of 7 USC 5940, as amended from time to time, provided such procedures and guidance policies shall, at a minimum, require: (1) The commissioner to certify and register any lot used to grow hemp, (2) any person who produces hemp to produce plants that meet the definition of hemp and verify such, (3) the maintenance of records by any person who grows hemp and the availability of inspection of such records by the commissioner, and (4) verification of compliance with the definition of hemp by a laboratory, at the expense of any licensee. The provisions of this section shall take precedence over any such procedure or guidance policy. Participants in the state agricultural pilot program for hemp research shall be licensed in accordance with the provisions of this section. Such pilot program shall operate until the earlier of the date of a fully approved state plan under the federal act, as described in this section, or the date of repeal of the federal law permitting the state's agricultural pilot program for hemp research.

(c)

(1) The commissioner shall prepare a state plan in accordance with the federal act and 7 CFR 990.3, for approval by the Governor, in consultation with the office of the Chief State's Attorney and the Attorney General. The state plan, once approved by the Governor and the Attorney General, shall be submitted by the commissioner to the United States Secretary of Agriculture for his or her approval. The commissioner shall have the authority to amend the state plan, in consultation with the Governor, the Attorney General and the office of the Chief State's Attorney, as necessary to comply with the federal act.

(2) The commissioner shall operate the state plan, which shall include, at a minimum, the following requirements:

(A) The sampling of hemp shall comply, at a minimum, with 7 CFR 990.3 and be performed by an authorized sampling agent;

(B) The testing of hemp shall comply, at a minimum, with 7 CFR 990.3;

(C) The control, remediation and disposal of noncompliant cannabis plants shall comply with 7 CFR 990.27 and 7 CFR 990.3;

(D) The department shall comply with all recordkeeping and reporting requirements in the federal act, and 7 CFR 990.1 to 7 CFR 990.71, inclusive;

(E) The department shall comply with enforcement procedures in 7 CFR 990.6;

(F) The department shall conduct annual inspections of, at a minimum, a random sample of producers to verify that hemp is not produced in violation of the federal act, the state plan and the provisions of this section, and shall enforce any violation as provided for in the federal act and as defined in 7 CFR 990.6;

(G) Producers shall report their required license, lot and hemp crop acreage information to FSA, in accordance with the requirements in 7 CFR 990.7; and

(H) Producers shall report to the commissioner the total acreage of hemp planted, harvested and, if applicable, disposed of or remediated, and such other information as the commissioner may require.

(3) All sampling and testing of hemp shall be done using protocols that are at least as statistically valid as the USDA's published protocols for sampling and testing of hemp, which protocols shall

be posted on the department's Internet web site. During a scheduled sample collection, the producer, or an authorized representative of the producer, shall be present at the lot. A producer shall not harvest the cannabis crop prior to the taking of samples. Samples of hemp plant material from one lot shall not be commingled with hemp plant material from other lots. Lots tested and not certified by a laboratory at or below the acceptable hemp THC level shall be handled, remediated and disposed of in accordance with the federal act, the provisions of this section and the state plan, as applicable.

(4) The commissioner shall collect, maintain and provide to the USDA, on a timely basis, and not less than once per month, license status of each hemp producer, contact information for each hemp producer licensed in the state, including lot legal descriptions and locations, and any changes to such information. The commissioner shall also report to the USDA, on a timely basis, and not less than once per month, all required hemp test results and disposal information for all nonconforming hemp plants and plant material. Such information shall not include state and federal fingerprint-based records pursuant to section 29-17a.

(d) The commissioner shall have the authority to enforce the federal act, as amended from time to time, the state plan, this section and any regulations adopted in accordance with the federal act and chapter 54 for hemp production in the state. The commissioner shall have the authority to enforce the applicable standards for producer hemp products. The commissioner may consult, collaborate and enter into cooperative agreements with any federal or state agency, municipality or political subdivision of the state concerning application of the provisions of the federal act and the regulations adopted pursuant to the federal act, as may be necessary to carry out the provisions of this section.

(e) Any person who produces hemp shall: (1) Be licensed by the commissioner; (2) comply with the federal act, the state plan, the provisions of this section and any regulation adopted pursuant to this section; and (3) transport hemp and hemp samples in a manner and with such documentation as required by the commissioner.

(f) Any person who sells hemp products shall not be required to be licensed provided such person only engages in: (1) The retail or wholesale sale of hemp or hemp products in which no further producing or manufacturing of the hemp products occurs and the hemp products are acquired from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity to possess and sell such hemp products; (2) the acquisition of hemp or hemp products for the sole purpose of product distribution for resale; or (3) the retail sale of hemp products that are otherwise authorized under federal or state law.

(g) Any applicant for a license pursuant to this section shall meet each of the following requirements, as applicable:

(1) Each applicant, whether an individual or an entity, shall submit an application for a license that consists, at a minimum, of the following: (A) The name, telephone number, electronic mail address, business address and address of any individual who is the applicant, the full name of any entity that is the applicant, including any applicable principal business location and the full name, title and electronic mail address of each key participant; (B) the name and address of each lot for the hemp cultivation or producing location; (C) the geospatial location of each lot by means of global positioning system coordinates and legal description of each lot used for the hemp cultivation; (D) the acreage size of each lot where the hemp will be cultivated; (E) written consent allowing the commissioner to conduct both scheduled and random inspections of and around the premises on which the hemp is to be cultivated, harvested, stored and produced; (F) the applicant's employer identification number or the applicant's Social Security number if an employer identification number is not available; and (G) any other information as may be required by the commissioner;

- (2) Each individual who is an applicant and each key participant of any entity applying for a producer license, or renewal thereof, shall submit to state and national fingerprint-based criminal history records checks conducted in accordance with section 29-17a, at his or her own expense;
- (3) No individual, including any key participant of any entity, who has been convicted of any state or federal felony, related to a controlled substance, shall be eligible to obtain or hold a producer license for ten years from the date of the conviction, provided such restriction shall not apply to any individual who lawfully grew hemp with a license, registration or authorization under any state pilot program authorized by section 7606 of the Agricultural Act of 2014 before December 20, 2018. Any individual or entity that materially falsifies any information in an application pursuant to this section shall be ineligible to obtain a producer license; and
- (4) Each individual or entity who is required by this section to obtain a producer license shall pay for all costs of sampling, testing, retesting and resampling any samples at a laboratory for the purpose of determining the THC concentration level of any cannabis under their control, or in their possession. Each individual or entity who is required by this section to obtain a producer license shall pay for all costs of disposal of all noncompliant cannabis plants under their control, or in their possession.
- (h) Any producer license issued by the commissioner shall expire on the third following December thirty-first and may be renewed during the preceding month of October. Such licenses shall not be transferable.
- (i) The following fees shall apply for each producer license and inspection:
- (1) A nonrefundable license application fee of fifty dollars, provided any constituent unit of higher education, state agency or department shall be exempt from such application fee if such production is for research purposes;
- (2) A nonrefundable triennial producer license fee of four hundred fifty dollars for up to one acre of planned hemp plantings and thirty dollars per each additional acre of planned hemp plantings rounded to the nearest acre, except no license fee charged shall exceed three thousand dollars, provided any constituent unit of higher education, state agency or department shall be exempt from such license fee if such production is for research purposes; and
- (3) In the event that resampling by the commissioner is required due to a test result that shows a violation of any provision of this section or any regulation adopted pursuant to this section, the licensee shall pay an inspection fee of fifty dollars. Such fee shall be paid prior to the inspection and collection of the sample to be used for resampling.
- (j) After receipt and review of an application for producer licensure, the commissioner may grant a triennial license upon a finding that the applicant meets the applicable requirements. Each producer licensee shall notify the commissioner of any changes to their application information, not later than fifteen days after such change. While the pilot program is in effect, the commissioner may grant a conditional approval of a producer license, pending receipt of the criminal history records check required by this section. The commissioner shall assign each producer with a license or authorization identifier in a format consistent with 7 CFR 990.3.
- (k) Whenever an inspection or investigation conducted by the commissioner pursuant to this title reveals any violation of the state plan, this section or any regulation adopted thereunder, the producer license applicant or respondent, as applicable, shall be notified, in writing, of such violation and any corrective action to be taken and the time period within which such corrective action shall be taken. Any such producer license applicant or respondent may request a hearing, conducted in accordance with chapter 54, on any such notification. Any notification issued pursuant to this section shall be made by certified mail, return receipt requested to the producer license applicant or respondent's last known address, by in-hand service by the commissioner or designated agent of the commissioner, electronic mail service with the consent of the recipient, or by service in accordance with chapter 896. The commissioner shall report all producer violations made with a culpable mental state greater than negligence to the United States Attorney General and the State's Attorney for the judicial district in which the producer violation occurred.

(l) Nothing in this section shall be construed to limit the commissioner's authority to issue a cease and desist order pursuant to section 22-4d, or an emergency order, in order to respond to a condition that may present a public health hazard, or issue orders necessary to effectuate the purposes of this section, including, but not limited to, orders for the embargo, partial destruction, destruction and release of hemp or hemp products. Any cease and desist order or an emergency order shall become effective upon service of such order by the commissioner. Following service of any such order, subsequent proceedings shall proceed in accordance with the provisions of section 22-4d and the rules of practice for such agency. Any embargo, partial destruction, destruction or release order issued pursuant to this section shall be served by certified mail, return receipt requested to the respondent's last known address, by in-hand service by the commissioner or designated agent of the commissioner, or by service in accordance with chapter 896.

(m) Following a hearing conducted in accordance with chapter 54, the commissioner may impose an administrative civil penalty, not to exceed two thousand five hundred dollars per violation, and suspend, revoke or place conditions upon any producer licensee who violates the provisions of this section or any regulation adopted pursuant to this section.

(n)

(1) Any individual who produces hemp in this state without obtaining a license pursuant to this section, or who produces hemp in this state after having a license suspended or revoked shall have committed an infraction.

(2) Any entity that produces hemp in this state without obtaining a license pursuant to this section, produces hemp in violation of this section or produces hemp in this state after having a license suspended or revoked may be fined not more than two thousand five hundred dollars per violation, after a hearing conducted in accordance with chapter 54.

(o)

(1) Any negligent violation, as described in the federal act, of this section or the state plan shall be subject to enforcement in accordance with the federal act, and the state plan for negligent violations.

(2) For any negligent violation, a producer shall be required to correct such negligent violation, by means of a corrective action plan approved by the commissioner. Each corrective action plan shall include, at a minimum, a reasonable completion deadline for correction of the negligent violation, periodic reporting to the commissioner for at least two years and compliance with the state plan.

(3) Any producer that negligently violates the state plan shall not, as a result of such negligent violation, be referred by the commissioner for any criminal enforcement action by the federal, state or local government.

(4) Any producer that negligently violates the state plan three times during any five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) The commissioner shall conduct an inspection to determine if the corrective action plan for a producer who commits any such negligent violation was properly implemented.

(p) Any person aggrieved by an order issued pursuant to this section may appeal to the commissioner in accordance with the provisions of chapter 54. Such appeal shall be made in writing to the commissioner and received not later than fifteen days after the date of the order. If no appeal is made pursuant to this subsection the order shall be final.

(q)

(1) All documents submitted under this section shall be subject to disclosure in accordance with chapter 14, except: (A) Information depicting or describing (i) the test results of any producer, (ii) the location of any hemp growing, harvesting, processing or storage location, or (iii) hemp producer location security schematics; and (B) the results of any criminal history records check.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, all documents and records submitted or maintained pursuant to this section shall be disclosed to any law enforcement agency upon request of such law enforcement agency.

(r) The commissioner may inspect and shall have access to the buildings, equipment, supplies, vehicles, records, real property and other information that the commissioner deems necessary to carry out the commissioner's duties pursuant to this section from any person participating in producing, handling, storing marketing or researching hemp.

(s) Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f.

(t) All licensees pursuant to this section shall maintain records required by the federal act, the state plan, this section and any regulation adopted pursuant to this section. Each licensee shall make such records available to the department immediately upon request of the commissioner and in electronic format, if available.

(u) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section including, but not limited to, the labeling of producer hemp products.

(v) Notwithstanding any provision of the general statutes: (1) Marijuana does not include hemp or hemp products; (2) THC that does not exceed 0.3 per cent by dry weight and that is found in hemp shall not be considered to be THC that constitutes a controlled substance; (3) hemp-derived cannabidiols, including CBD, shall not constitute controlled substances or adulterants solely on the basis of containing CBD; and (4) hemp products that contain one or more hemp-derived cannabidiols, such as CBD, intended for ingestion shall be considered foods, not controlled substances or adulterated products solely on the basis of the containing hemp-derived cannabidiols.

(w) Whenever the commissioner believes or has reasonable cause to believe that the actions of a licensee or any employee of a producer licensee are in violation of the federal act, the state plan, or any state law concerning the growing, cultivation, handling, transporting or possession of marijuana, the commissioner shall notify the Department of Emergency Services and Public Protection and the State Police.

Attachment B
Connecticut Guidance documents



**STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE**

Bureau of Regulatory Services
450 Columbus Blvd, Suite 702 Hartford, CT 06103
Phone: 860-713-2502 Email: AGR.Hemp@ct.gov

Bryan P. Hurlburt
Commissioner



***Consent to Conduct Criminal History Records Check
For the
Connecticut Department of Agriculture
Hemp Producer License Application
450 Columbus Boulevard, Suite 702
Harford, CT 06103
Phone: 860.713.2502 Email: Agr.Hemp@ct.gov
(rev. 12.2.21)***

You have received this form because you have applied for a hemp producer license for which a fingerprint-based criminal history records check is required pursuant to CGS 22-611. No key participant listed in the application **shall have any felony conviction for a controlled substance now or in the 10 years prior to the date of the application.**

As a condition of being considered for licensing for the growing of Hemp:

- I hereby consent to and authorize the Connecticut Department of Agriculture (the Department) through the Department of Emergency Services and Public Protection, Division of State Police to conduct a criminal history records check that includes a fingerprint-based search of state and federal registries and databases. I hereby release the Department and the Connecticut State Police from any and all liabilities, claims or lawsuits in regards to the use of information obtained from any and all sources used.
- I understand the Department, pending the results of the state and federal criminal history record search, may issue a conditional license for the growing of Hemp. I understand and agree that if the criminal history records check reveals a disqualifying conviction, the conditional license will be revoked.
- I agree to provide all the information necessary to conduct the required criminal history records check.
- I understand that the Department may receive additional and ongoing criminal history information related to me subsequent to the initial fingerprint-based criminal history record check.

Applicant Information

Applicant Type:

Individual Applicant (Key Participant) for Producer License Yes ___ No ___

Key Participant for Applicant for Producer License Yes ___ No ___

“Key participant” means a sole proprietor, a partner in partnership or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer;

Last Name	
First Name	
Date of Birth	
Business Name	
Complete Address	

Agency Privacy Requirements

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

Requesting Entity: _____

FBI Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/30/2018

Note: This privacy act statement is located on the back of the FD-258 fingerprint card.

SIGNATURE	DATE
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This document must be retained by the Entity.

Noncriminal Justice Applicant's Privacy Rights

Requesting Entity: _____

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. **All notices must be provided to you in writing.** ¹ These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later), by the agency that will receive your criminal history results, when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained. ²
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³

Updated 11/6/2019

If you need additional information or assistance, please contact:

Connecticut Records: Department of Emergency Services and Public Protection State Police Bureau of Identification (SPBI) 1111 Country Club Road Middletown, CT 06457 860-685-8480	Out-of-State Records: Agency of Record OR FBI CJIS Division-Summary Request 1000 Custer Hollow Road Clarksburg, West Virginia 26306
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SIGNATURE	DATE
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This document must be retained by the Entity.

¹ Written notification includes electronic notification, but excludes oral notification.

² See <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Confirmation of Consent

I affirm that I have not committed a disqualifying offense, and acknowledge that a disqualifying offense reported in the criminal history records check, required by CGS 22-611, shall constitute good cause for rejection of the application to grow Hemp or revocation of a conditional license to grow Hemp.

I acknowledge that I have received a copy of the Federal Bureau of Investigation United States Department of Justice Privacy Act Statement and Notice of Noncriminal Justice Applicant's Privacy Rights.

I certify that the above information is true and correct, under penalty of false statement, punishable under Section 53a-157b of the Connecticut general Statutes.

Applicant's Name (please print): _____

Signature of Applicant: _____ **Date:** _____



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Bryan P. Hurlburt
Commissioner



Data Sharing Protocol (rev. 12.2.21)

This protocol specifies the data that the Connecticut Department of Agriculture (DOAG) collects during the licensing, inspection, and sampling process for the Hemp Program, and indicates the procedure by which DOAG will report such data to the U.S. Department of Agriculture (USDA).

Data Collection

DOAG collects data from Hemp Program applicants during the application process. The data is entered by the applicant into an online application form and the collected data is stored in a State License System. The following data is collected from each Applicant during the license application process and maintained by DOAG:

1. Full name of each Applicant
2. Federal Employer Identification Number (EIN) of Entity Applicant if available
3. Physical address of individual Applicant
4. Physical address of principal business location of Entity Applicant
5. Mailing address, if different from physical address
6. Telephone Number
7. Email address
8. Full name, title, and email address (if applicable) of Key Participants
9. Criminal History Report of each individual Applicant or Key Participants
10. Date of application and Date of licensing
11. Legal description of each registered land area where hemp will be grown or processed.
12. Geospatial location data on land area where hemp will be grown or processed.

DOAG creates or assigns the following data for each licensee at the time of application:

1. License Number
2. License Status (i.e. Active, Inactive, etc.)

DOAG inspects and samples a random subset of registered grow locations and submits samples to a Department- approved lab for THC analysis. Samples collected by all entities will follow procedures as outlined in the Department's Sampling Procedures. The lab reports the test results to DOAG. DOAG hemp program staff makes the determination of whether a specific hemp Lot conforms to the legal definition of hemp based on the test results. The data collected during this process are listed below.

This data will be maintained by DOAG and shared with the USDA to the extent necessary to comply with 7 C.F.R. Part 990:

1. Sample number
2. Hemp variety sampled
3. Name of the producer/license holder
4. FSA Lot Number (Farm, Tract, CLU/Field number)
5. Producer's license number
6. Geospatial location of the land area where the sample was collected
7. Date of sampling
8. Date of lab submission
9. THC test results for the sample
10. Legal determination of sample (Pass/Fail)

Data Retention

The Hemp Program will maintain application, licensing, and testing information for a minimum of three years.

DOAG Data Reporting

Producer Report: As required by 7 C.F.R. § 990.70(a), DOAG will share a Producer Report with the USDA. DOAG will upload the data to USDA using the online H.eM.P. system by the first of each month. DOAG will only send data on *new* licenses issued and *changes* to licenses in the 30 days since the last report was sent

Disposal and Remediation Report: In accordance with 7 C.F.R. § 990.70(b), DOAG will notify the USDA of any occurrence of cannabis plants or plant material that do not meet the definition of hemp, and attach records demonstrating the appropriate Disposal or Remediation of all of those plants and materials from the Lot from which their representative samples were taken. DOAG will provide USDA a Hemp Disposal and Remediation Report using the online H.eM.P. system every month with the information required by that subpart, including:

1. Name and address of the producer
2. Producer license number
3. Location information, such as Lot number, location type, and geospatial data, or other location descriptor for the production area subject to Disposal or Remediation, Disposal or Remediation completion date
4. Total acreage

Annual Report: DOAG will provide USDA with an Annual Report using the online H.eM.P. system by December 15 of each year, as required by 7 C.F.R. § 990.70(c), with the following information:

1. Total planted acreage.
2. Total harvested acreage.
3. Total acreage Disposed or Remediated



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Destruction Request

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense within 15 days prior to destruction. No destruction is authorized until you receive approval in writing from the Department. Note: An inspector from the Department may be present at the growing lot during the producer's scheduled hemp crop destruction.

Producers must email DoAg in writing at AGR.Hemp@ct.gov before submitting a Destruction Request. You must include the following information for the Destruction Request in your email.

- Why the crop is being destroyed
- When it is expected to be destroyed
- Method of destruction or remediation plan (for biomass only) for the crop

Once you have received a reply from DOAG authorizing you to file a Destruction Request, you must include the following information for the Destruction Request in eLicense.

- FSA Lot ID, as soon as available
- Planned Date of Destruction
- CT DoAg Embargo # (if under embargo)
- Destruction Acres
- Destruction Square Feet
- Destruction Reason
- Planned Destruction Method
- Remediation Plan for biomass only
- Date of Report
- Attestation



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Due Date Overview (rev. 12.2.2021)

Event	Due Date
Application	May be filed at any time. Producer licenses expire on the third anniversary of the license, and do not automatically renew.
Hemp Planting	Producers plant on their own schedule
Planting Report Forms- required for every lot ID	Due dates: <ul style="list-style-type: none"> • Field Planting Report - DUE within 15 days following the first day of each planting. • Greenhouse/ Indoor Growing Report - DUE within 15 days following the first day of each planting in an empty structure.
CT Department of Agriculture Site Inspection	Verification inspections by the Department can take place at any time with or without notice.
Pre-Harvest Sample Collection by Authorized Sampling Agent	Producer will contact authorized sampling agent (currently DOAG staff only) to take the official sample to an approved laboratory for each lot to be tested within 30 days prior to harvest. Authorized sampling agents will follow the Hemp Sampling Protocol.
THC Testing	The laboratory will report THC test results to the Department, licensee and the USDA.
Sample Results	Pass: Once the Department receives notification from the lab of a passed sample, the Department will notify the producer IN WRITING to proceed with the harvest. Fail: Contact the Department to determine whether to resample the plot or destroy the crop.
Harvest/ Destruction Report Form	DUE within 30 days prior to harvest or 15 days prior to destruction of a crop. Destruction requests must be accompanied by required information stated in request form.
Harvest	Harvest must be completed within 30 days of sample collection, and approval to harvest. Lots should not be commingled until a test result showing an acceptable hemp THC level is received for each lot.
Post-Harvest Report	DUE within 15 days post-harvest



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Hemp Research Program Fee Schedule (rev. 12.2.2021)

Producer

Fee Type	Program Fees	Fee Due Date
License Application Fee *nonrefundable	\$50 (academia, state agency or department research projects exempt)	At time of application
Licensing Fee	\$450 for the first acre (43,560 sq. ft.) of planned hemp plantings \$30 an acre for each additional acre Max license fee \$3,000 (academia, state agency or department research projects exempt)	At time of application. Triennial License. License expires 3 years from date of issuance.
Post-Harvest Inspection by the Department	\$50 inspection fee per instance These tests are only required if warranted by initial test results, or at the Department's discretion if a producer fails to harvest within 30 days of the pre-harvest sample.	Prior to the inspection and collection of the sample
Lot Modification Fee	\$30 per added acre (above the first acre)	At time of request



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Greenhouse/ Indoor Planting Report

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense within 15 days of first planting.

You must include the following information in the Greenhouse/Indoor Planting Report in eLicense.

- FSA Lot ID
- Date Planted
- Hemp Variety Planted
- Seed (Y/N)
- Transplants (Y/N)
- Square Feet planted



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Harvest Request (rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following reporting requirements must be entered in eLicense for every lot (indoor or outdoor) you are requesting to harvest. This report is due no more than 30 days prior to the intended harvest date. (*note*: if harvest must be expedited due to an urgent situation, e.g. mold, weather, contact the Department. Harvest shall occur no more than 30 days from the date of the sample. No harvest is authorized until you receive approval from the Department.

Provide the following harvest request information in eLicense.

- FSA Lot ID
- Sample Date
- Complete Harvest (Y/N)
- How many acres/square feet will be harvested?
- Date when Harvest will be Completed
- Hemp Variety
- Where you will be Drying/Storing Hemp

Lots should not be commingled until a test result showing an acceptable hemp THC level is received for each lot.



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Hemp Producer Enforcement Procedures (rev. 12.2.2021)

Per 7 CFR 990.6 and CGS 22-611(k) through (p) violations of the State Plan shall be addressed as follows:

Producer Violations

Producer violations of the Connecticut state plan shall be subject to enforcement in accordance with 7 CFR 990.6 and CGS 22-611(k) through (p).

Negligent Violations

Negligent violations are:

1. Failure to provide a legal description of land on which the producer produces hemp
2. Failure to obtain a license or other required authorization from the Connecticut Department of Agriculture
3. Production of cannabis with a delta-9 THC concentration exceeding the acceptable hemp THC level.
Hemp producers do not commit a negligent violation under this section if they make reasonable efforts to grow hemp and the cannabis(marijuana) does not have a delta-9THC concentration of more than 1% on a dry weight basis

If the producer commits more than three negligent violations in a five-year period, the producer may be subject to additional civil and or criminal penalties.

The Department shall require a Corrective Action for Negligent Violations

Each correction action plan for negligent violations shall include, at a minimum, the following terms:

1. A reasonable date by which the producer shall correct the negligent violation.
2. A requirement that the producer shall periodically report to the Connecticut Department of Agriculture on their compliance with State plan for a period of not less than the next 2 years from the date of the negligent violation.
3. A producer that negligently violates the Connecticut State Plan shall not as a result of that violation be subject to any criminal enforcement action by the Federal, State, Tribal, or local government.
4. A producer that negligently violates the Connecticut State Plan three times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.
5. The Connecticut Department of Agriculture shall conduct an inspection to determine if the corrective action plan has been implemented as submitted.

Culpable Violations

Culpable violations are producer violations made with a culpable mental state greater than negligence, and shall be addressed by the Department as follows:

If the Connecticut Department of Agriculture determines that a producer has violated the plan with a culpable mental state greater than negligence, the Connecticut Department of Agriculture shall immediately report the producer to the U.S. Attorney General and the applicable chief law enforcement officer in Connecticut, and take such additional action as permitted by 7 CFR 990.6 and CGS 22-611(k) through (p).

Restrictions on Licensing due to certain Felony Convictions

1. Any person with at State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the plan and producing hemp under the Connecticut State Plan from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.
2. Any producer growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 before October 31, 2019 shall be exempted from (1) of this section.
3. Business entities shall identify to the Connecticut Department of Agriculture which participants are considered to be “key,” or have executive managerial control and subject to the felony conviction restriction for purposes of (1) of the section, which shall be subject to Department verification of accuracy.

False Statements By Applicants and Licensees

Any person who materially falsifies any information contained in an application to participate in this program shall be ineligible to participate in the program.



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860-713-2501
CTGrown.gov

Hemp Producer License Application Instructions (rev. 12.2.2021)

Important definitions you need to understand:

"Key participant" means a sole proprietor, a partner in partnership, or a person with executive managerial control in an entity, including persons such as a chief executive officer, chief operating officer and chief financial officer.

"Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Are you applying for a Hemp Producer license as a business entity or as individual sole proprietor?

Please note: If you registered with E-License as an individual and are planning to operate your hemp business as a separate business entity (defined above), then you must log out and create a registration under the entity's name, before applying for your hemp producer license.

You must be logged into this application under your personal ID, business ID or organization ID that you intend to use for this license application. Using your personal ID and attempting to enter information for your business or organization information may affect other personal licenses or permits you hold in the E-License system.

Required Documents to complete this application

You must have available electronic copies of the several documents available for uploading when requested. Full instructions and required forms can be found by following this [hyperlink](#).

All supporting documents must be uploaded through this system. These include:

- Site location documentation to include:
- Latitude and Longitude coordinates in decimal degrees to the thousandth place
- A map showing boundaries
- A Legal description of each lot.

You will also need to provide the following information:

- Personal Information for the individual applicant and the key participants for any business entity applicant (key participants are the officers of the entity)
- SSN or FEIN for entities
- Date of Birth for individual applicant and the key participants
- Business Address for applicant
- Home Address for individual applicants and key participants, and other contact information

Criminal History Records check:

At the present time, the federal and state criminal history records check program for the State Department of Agriculture has not been approved by the FBI, and background checks cannot be completed at this time. The commissioner has the discretion to issue conditional grower licenses without the completion of this records check. Once the state and federal criminal history records check program has been approved and the required background checks can be completed, you will be notified, and have 30 days to complete the background checks for the individual applicants and all key participants. The Commissioner shall revoke or terminate any conditional grower license upon expiration of the 30 day period, if the applicant's or conditional licensee's, (including all key participants) results do not meet the requirements of the federal act, and CGS 22-611.

Once background checks are authorized, you must authorize the release of the results to DOAG for each individual applicant and key participant of an application, on the Consent to Criminal History Records Check form.

DOAG will not accept criminal history reports completed more than 60 days before the submission of an application.

Research Institutions, Microgreens Producers, Greens Producers and Transplant Producers:

Research Institutions, Microgreens Producers, Greens Producers and Transplant Producers must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that research of hemp, hemp breeding, or growing of immature hemp for sale is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to the

alternative method will not test above the acceptable hemp THC level. Sampling plans must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide a disposal and/or remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level.

Next Steps after application is approved and conditional license is issued:

If your application is approved, remember to bring your license certificate with you when you visit your local Farm Service Agency field office to report your hemp crop acreage. Click this [hyperlink](#) to find you county FSA office. You will need to provide DOAG with the lot numbers issued by FSA for each of your lots. Your license is not complete until this step is completed.

You must inform the DOAG of the FSA lot numbers by using the eLicense system. Log back in and select the Online Service and select the Address and General Maintenance tab. Then select the start button with your HEMP Producer number. Use the down menu to select FSA lot updates. Remember to page all the way through the update screens using the "NEXT" button --- This transaction is not completed until you select the "Finish" Button on the last screen and information is processed

Term of License:

Once DOAG approves an application, DOAG will issue a conditional producer license. Licenses are valid until for three (3) years from the date issued and do not automatically renew. Licenses must be renewed every three years and will be required to include an updated criminal history report. If any of the information on your license application changes, you must notify the department within 15 days, in writing, and receive approval of the changes, in writing, before the changes are effective.



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CTGrown.gov

Instructions for Creating Maps and Obtaining GPS Coordinates for Submission with the Application

(rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

The following instructions outline required lot map contents and basic instructions for obtaining a map. If you need more information after reading these instructions, contact us at (860) 713-2502 or AGR.Hemp@ct.gov.

You are required to provide to DoAg a photographic aerial map of all growing, handling, and storage locations. This requirement applies to all applicants and License Holders, and will assist with the DoAg's required reporting to law enforcement.

Each map should be **in color** and contain the following:

- Contain only one address per map and all locations for that address on a single map
- The applicant's full name printed on the page
- If applicable, the full name of the business entity
- The map location's street address, city, state and zip code printed on the page
- The map should show the lot location, a public roadway, and the road name.
- Field location. This includes:
 - Outline of each separate field to be used for planting
 - Lot ID/name for each separate field; and
 - Indicate the acreage for that field intended for planting
- Greenhouses, indoor growing structures, storage buildings, or handling facilities and the lot ID/name of each structure.
- GPS coordinates for each field or building. GPS coordinates should be provided in DECIMAL DEGREES (to four decimal places) with a pinpoint showing exactly where the GPS coordinate was taken. The Google Earth instructions on the DoAg's website (link at top of this page) gives specific instructions for obtaining the coordinates in the correct format. Other websites like, Map Quest, Google Maps etc. can also be used to obtain GPS Coordinates. There are also apps on some smart phones that can be used to obtain GPS coordinates.

The DoAg prefers maps created with Google Earth. You can download Google Earth Pro for free by visiting <https://www.google.com/earth/versions/#earth-pro> . Electronic USDA Farm Service Agency (FSA) maps or USDA Natural Resources Conservation Service maps with **legible** handwritten information will also be acceptable.

To obtain a map online:

- You can go to Google Maps online at <http://maps.google.com/> . When you have the address on your screen, you can click the button in the lower left corner that says “Earth” or “Satellite” for an aerial view of the location.
- On Map Quest at <http://www.mapquest.com/> , locate the address on your screen, then click in the upper right corner on “Satellite” for an aerial view of the location.

Print out the map when you are satisfied with the level of zoom (i.e. should show at least one nearby road, the entrance to the lot, and the location of the hemp locations), then finish by **legibly** handwriting the required information. The map must be named with the lot id and in pdf format for uploading.



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Connecticut Laboratory Testing Guidelines (rev. 12.2.2021)

Purpose:

1. Standard testing procedures are specified for samples taken in accordance with the Connecticut Sampling Procedures for the Connecticut Hemp Production Program to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of samples on a dry weight basis.
2. The results are intended to measure the total THC concentration of composite hemp samples collected from a “lot” of hemp crop acreage designated by a hemp producer and as reported to Connecticut Department of Agriculture as required under the Connecticut Hemp Program. The purpose of the measurements is to determine whether the total THC concentration of the tested material is within the acceptable hemp THC level.
3. Acceptable Hemp THC Level definition: When a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. For the purpose of compliance with the requirements of the CT Hemp Plan, the acceptable hemp THC level is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less.

Scope:

1. Hemp grown under the CT Hemp Plan is subject to sampling and compliance testing for THC concentration. Certain producers, including research institutions and facilities growing immature plants may have different testing requirements.
2. Tests shall measure the total THC concentration in a sample submitted to a laboratory for analysis. The laboratory will perform chemical analysis on the sample using postdecarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC. See Summary of Practice section 1.8 and Testing Guidelines item 2 for currently approved testing methodologies.
3. The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.
4. Laboratories shall calculate and include the Measurement of Uncertainty (MU) when they report THC concentration test results. “Measurement of uncertainty” is defined as “the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.” USDA does not establish or standardize an upper or lower boundary for general use by laboratories to calculate a measurement of uncertainty. MU is typically not standardized, but rather is controlled using test methods controlled by performance standards (e.g., AOAC Standard Method Performance Requirements 2019.003 that can be found at <https://www.aoac.org/resources/smpr-2019003/>).
5. Hemp testing laboratories are required to be ISO 17025 accredited.

6. It is the responsibility of the licensed producer to pay any fees associated with testing or retesting.

Summary of Practice:

1. As required under USDA Hemp Production Program regulations, laboratories that analyze hemp to determine total delta-9 tetrahydrocannabinol (THC) should meet the following standards:

1.1. Laboratory quality assurance protocols must ensure the validity and reliability of test results;

1.2. Analytical method selection, validation, and verification protocols must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

1.3. Protocols for demonstrating testing validity must ensure consistent, accurate analytical performance;

1.4. Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this part; and

1.5. Testing protocols must include an effective disposal procedure, in accordance with USDA guidelines, for non-compliant samples that do not meet the requirements of this part.

1.6. Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

1.7. Sample preparation of pre- or post-harvest sample shall require grinding of the sample to ensure homogeneity of plant material prior to testing.

1.8 At a minimum, analytical testing of samples for total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary in writing. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC), and the test result must reflect the total available THC derived from the sum of the THC and THCA content. Current testing methodologies meeting these requirements include gas chromatography and liquid chromatography. Other methods may be approved if they meet the regulatory requirements.

1.9 The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

2. Laboratories should create an internal SOP specific to testing and retesting hemp and should have the SOP available upon request for inspection.

3. After December 31, 2022, laboratories approved for THC testing must also be registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

General Guidelines:

General Sample Preparation and Testing Procedures should be conducted as follows:

1. Laboratory receives sample.
2. Sample may be dried prior to analysis, or results may be corrected for moisture content.

3. Grind entire sample including leaves, seeds, twigs, and stems.
4. Separate sample into “Test” and “Retain” specimens.
5. Package and store the “Retain” specimen(s) until needed.
6. Analyze the “Test” specimen.
7. Determine moisture content or dry to a consistent weight.
8. Perform chemical analysis.
9. Calculate total THC concentration on a dry weight basis. Test results should be reported on a dry weight basis.

Sample Preparation Guidelines:

Samples should be prepared for testing as follows:

1. Laboratories must receive and store items according to procedures that prevent deterioration of the test item. Samples must be clearly labeled and identified.
2. Once the composite sample is received by the laboratory, the laboratory should dry the composite sample until brittle in a manner that maintains the THC level of sample. If it is not possible to dry the composite sample within 24 hours from the time of sample arrival, the sample should be held in a freezer at approximate -20°C or lower until the sample is dried.
3. After the initial drying step, the laboratory should grind the entire sample including leaves, seeds, twigs, and stems using centrifugal rotor mill or other method as appropriate. All samples received should be ground, regardless of whether they consist of the initial intact material or “remediated” (shredded or blended) material, as allowed under USDA regulations.
4. The laboratory should create both a “Test Specimen” and a “Retain Specimen for reanalysis and/or confirmation as needed.” One sample part should be selected for analysis and labeled "Test Specimen." The other sample part should be marked "Retain Specimen" and should be packaged and stored in a secured place. The testing laboratory internal SOP should define the sample size and distribution of “Test Specimen” and “Retain Specimen.”
5. Samples should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).
6. The laboratory should then either determine moisture content or dry the test specimen to a consistent weight. Samples should be dried to a consistent loss (typically 5- 12% moisture content) so that the test can be performed on a dry weight basis, meaning the percentage of THC by weight, after excluding moisture from the sample. The moisture content is expressed as the ratio of the amount of moisture in the sample to the amount of dry solid in the sample.
 - 6.1 The sample can be dried to a consistent weight to remove all water and then be tested on a dry weight basis. If the sample is not to be extracted immediately after drying, it should be stored in a desiccator.
 - 6.2. Alternatively, the sample can be analyzed for moisture content and this moisture content can be factored into the total THC result to give a dry weight basis.
7. Extraction of the sample should occur as soon as possible from the time of sample arrival. Extracts should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).

Testing Guidelines:

1. The laboratory will perform chemical analysis on the sample using post- decarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC.
2. Testing methodologies meeting these requirements are those using gas chromatography and liquid chromatography.
3. The laboratory will then calculate total THC concentration on a dry weight basis.

Testing Methods:

1. The total available THC, derived from the sum of the THC and THCA content, shall be determined and reported on a dry weight basis.
2. Laboratories shall use appropriate, validated methods and procedures for all testing activities and shall evaluate measurement of uncertainty.
3. Laboratories should meet the AOAC International standard method performance requirements for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.) (SMPR 2019.003) for selecting an appropriate method.
4. The range of estimated uncertainty is reported as a \pm value and is the same unit as the hemp THC threshold (e.g., +/- 0.05), following best practices for significant figures and rounding.
5. There are resources available for defining, guiding, and calculating measurement uncertainty. They include the GUM, ISO, and Eurachem. Once the expanded measurement uncertainty (MU) is determined, then the confidence interval can be calculated around a designated threshold. (i.e., the hemp threshold of 0.3% THC.)

Test Results Exceeding 0.3% THC Concentration:

1. If the results of a test conclude that the THC concentration levels of a sample are higher than the acceptable hemp THC level, the laboratory will promptly notify the producer and the CT Department of Agriculture via Agr.hemp@ct.gov.
 - 1.1 If the results of a test conclude that the THC concentration levels of a sample are higher than the acceptable hemp THC level, the producer is prohibited from handling, processing, or permitting the entry into the stream of commerce of any hemp grown in a lot. CT Department of Agriculture shall issue an Embargo pursuant to section 22-61 l(l) of the general statutes. The laboratory will state "Fail" on the test results.
2. Retest Procedures
 - 2.1. Any hemp program licensee may request that the laboratory retest samples if it is believed the original THC concentration level test results were in error.
 - 2.2. If this occurs, the laboratory shall follow the same procedures as used to conduct the initial test.
 - 2.3. The licensee requesting the retest of the second sample will pay the cost of the test.
 - 2.4. The retest results shall be issued to the licensee requesting the retest, and a copy shall be provided to Connecticut Department of Agriculture at AGR.hemp@ct.gov and USDA.

Information Sharing:

1. Laboratories performing THC testing for compliance purposes of this program are required to share test results with the licensed producer, the CT Department of Agriculture via Agr.hemp@ct.gov and USDA. If necessary, laboratories shall report all test results, whether passing or failing, to USDA using AMS Form 22 found here: <https://www.ams.usda.gov/rules-regulations/hemp/information-laboratories>
2. Laboratories shall indicate that a test result is for “official compliance” purposes on lab testing results for compliance purposes. Laboratories shall not mark test results for monitoring of THC levels throughout the growing season as for “official compliance” purposes. Official compliance samples shall specify “pass” or “fail” on the test results based on the laboratory analysis. Laboratories shall retain a legible copy for inspection upon request of all test results for official compliance purposes for a period of three (3) years from date of analysis.
3. Laboratories may provide test results to licensed producers in whatever manner best aligns with their business practices, but producers must be able to produce a legible copy of test results upon request for inspection purposes. For this reason, providing test results to producers through a web portal or through electronic mail, so the producer will have ready access to print the results when needed, is preferred.
4. Results of testing conducted throughout the growing season for the purposes of monitoring THC concentration should not be submitted to USDA. Only the official test result for compliance testing purposes shall be submitted to the USDA.

Testing Remediated Hemp Samples:

1. Licensees can “remediate” hemp following an initial failed test by shredding plant material in a product called “biomass.” In this instance, laboratories will receive samples of remediated biomass material for retesting.
2. For remediated testing, the laboratory shall follow the same testing procedures as described in this document for samples of remediated Hemp.
3. For remediated testing, the laboratory shall follow the same reporting procedures as described in this document. A licensee must maintain a legible copy of the remediated test results, available for inspection, for a period of three years from receipt of the testing results provided by the laboratory. Therefore, laboratories are required to provide such documentation to licensees.



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Lot Modification Application

(rev. 12.2.2021)

You are receiving this form due to a deficiency in your application. Please enter the new or corrected lot information below. You must also upload a map including lot boundaries and GPS Coordinates for those lots into the eLicense portal. Upload this document and the maps into the eLicense system.

Paper applications will not be accepted.

Application Name:	Date:
Key Participant:	
Email:	Phone#:

LOT MODIFICATION

Enter the MODIFIED lot information in the cells below.

Location 1 Lot(s)	Planting Address 1	City	State	Zip	Own/Rent*
	GPS Latitude (Decimal Degrees**)	GPS Longitude (Decimal Degrees**)	Acres/SqFt	Location (Outdoor, Greenhouse/Indoor, Drying/Storage)	
Lot 1					
Lot 2					
Lot 3					
Lot 4					
Lot 5					
Location 2 Lot(s)	Planting Address 2	City	State	Zip	Own/Rent*
	GPS Latitude (Decimal Degrees**)	GPS Longitude (Decimal Degrees**)	Acres/SqFt	Location (Outdoor, Greenhouse/Indoor, Drying/Storage)	
Lot 1					
Lot 2					
Lot 3					
Lot 4					

Lot 5				
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By accurate and complete. I understand that giving a false statement is punishable by law under section 53a-157b of the Connecticut General Statutes.

_____ signing my name below, I attest that I am a key participant for the license, and that this information is

Date: _____

Signature of Key Participant



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Outdoor Field Planting Report (rev. 12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper Application will not be accepted.

The following reporting requirements must be entered in eLicense for every licensed lot on your application and any subsequent Lot Modification Requests. This form is due within 15 days following the first day of each planting. If you will NOT plant at a licensed lot, report of a “NO Planting” is due by July 31st.

You must include the following information in the Outdoor Field Planting Report in eLicense.

- FSA Lot ID
- Date Planted
- Hemp Variety Planted
- Seed (Y/N)
- Transplants (Y/N)
- Acres planted



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Performance-Based Sampling Procedures

(rev. 12.2.21)

Applicability: The sampling procedures in this document apply to research institutions and hemp producers of non-flowering hemp plants such as: hemp microgreen producers, hemp green producers or hemp transplant producers who sell, offer for sale or transfer immature non-flowering hemp plants.

I. Definitions:

- 1. Research Institution:** an accredited institution of higher learning, or a research facility that conducts scientific research on hemp, or any licensee growing hemp for research purposes, and when none of the hemp is intended for commerce.
- 2. Hemp Microgreens:** immature hemp seedlings for human consumption that are cut-off above the soil or substrate line and harvested prior to flowering and not more than 14 days after germination. Hemp microgreens are typically between two (2) and three (3) inches in height, but not taller than five (5) inches.
- 3. Hemp Greens:** hemp leaves from immature plants germinated from seed and the plants are no more than ten (10) inches tall and are not flowering.
- 4. Hemp Transplants:** hemp seedlings, rooted cuttings (clones), immature plants produced from tissue culture, or other means of reproduction, which are not harvested but transplanted into a large container or field to mature for harvest.

II. General Requirements for all Performance Based Sampling

- 1.** A lot of hemp shall only be eligible for performance-based sampling consideration if the licensee maintains records documenting the subject cultivar's compliance with the acceptable hemp THC level.
- 2.** All licensees shall ensure that the seeds, clones and starts used to produce hemp are from cannabis varieties that meet the definition of hemp.
- 3.** A licensee's sampling program accepted under this protocol that demonstrates, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to this alternative method will not test above the acceptable hemp THC level. Sampling plans must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide

a disposal plan for any cannabis plants that are found to exceed the acceptable hemp THC level. The department reserves the right to sample, and test any hemp lot at any time to ensure compliance with the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. The department shall conduct random inspections, including records review of licensees, regardless of whether or not all licensees are subject to the sampling and testing requirement.

III. **Research Institution Requirements:**

1. **Licensing:** Research institutions must hold a producer license.
2. **Not for Commercial Use:** Hemp produced by a research institution shall not enter the stream of commerce, or be transferred to any third party.
3. **Application Procedure:** In addition to the Producer License application requirements, research institutions must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that research of hemp is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa L.* that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.
4. **Testing Data:** Research institutions must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department.
5. **Reporting Requirements:** Research institutions shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.
6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials:** Any non-compliant lots of hemp produced by a research institution shall be disposed of and reported to the Connecticut Department of Agriculture.
7. **Inspection:** Research institutions shall be subject to a facility and records inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of any inspection.
8. **Negligent Violations:** Research institutions shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.

9. **Labeling and Sale of Seed and Transplants:** Any seed sold as a product of hemp breeding, must comply with the Connecticut and Federal Seed Law. Any transplant sold as a product of hemp breeding must be accompanied with a seed label for that variety.

IV. Hemp Microgreens, Greens, and Transplants

1. **Licensing:** Hemp producers of Microgreens, Greens, and Transplants must hold a producer license.
2. **Commercial Use:** Licensees are permitted to allow their hemp to enter the stream of commerce, and transferred to third parties, provided they have met the requirements of the state plan, any other applicable state and federal laws, and these sampling and testing requirements for growing Microgreens, Greens, and Transplants. Hemp Microgreen and Green producers may be subject to the Connecticut Produce Safety Rule.
3. **Application:** In addition to the Producer License application requirements, hemp producers of Microgreens, Greens, and Transplants must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that growing Microgreens, Greens, and Transplants is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.
4. **Testing Data:** Hemp producers of Microgreens, Greens, and Transplants must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department. When hemp transplants move from the greenhouse/indoor facility to either larger pots or the field, this is not considered a harvest, and therefore would not require sampling because the final crop shall be sampled prior to harvest. The mature crop produced from hemp transplants is subject to sampling and testing.
5. **Reporting Requirements:** Hemp producers of Microgreens, Greens, and Transplants shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.
6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials:** Any non-compliant lots of hemp produced by hemp producers of Microgreens, Greens, and Transplants shall be disposed of and/or remediated, and reported to the Connecticut Department of Agriculture.
7. **Inspection:** Hemp producers of Microgreens, Greens, and Transplants shall be subject to inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of the inspection.

- 8. Negligent Violations:** Hemp producers of Microgreens, Greens, and Transplants shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.
- 9. Labeling and Sale of Seed:** Any transplant sold by producer of Transplants must be accompanied by a seed label for that variety of hemp which complies with the Connecticut and Federal Seed Law.



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Producer Reporting to FSA (12.2.2021)

Applications, supporting documents and payments will only be accepted through the DOAG E-License portal. Paper applications will not be accepted.

Producers are required to establish farm records with the Farm Service Agency. Producers will be asked for the following information.

- Name
- Business type – Individual/entity
- Members (if applicable)
- Address
- Contact Information
- Participation Interest
- Tax ID number (if participating in FSA programs for payment)
- Land Documentation
 - Owned: Proof of landowner by deed, assessor card or town’s assessor website.
 - Leased: a written lease, letter from the landowner of record.

Contact your local FSA office farmers.gov/service-center-locator

Producers planting hemp are required to file acreage reports with FSA by July 15th. The acreage report must include the following information:

- Producer’s License or authorization number
- Street address
- License holders must designate the location and number of lots intended to be planted. For FSA purposes, the term “lots” refers to the specific subfield located within the field on the tract.
- Producers must report each variety or strain as a separate “lot”.
- Hemp crop acreage
 - Reporting total acreage of hemp planted, harvested, and disposed.
 - Acreage of greenhouse or indoor square footage dedicated to the production of hemp.
- Geospatial location(s) of each lot or greenhouse where hemp will be produced.

FSA Crop Acreage Reporting Fact Sheet [crop-acreage-reporting-20.pdf \(usda.gov\)](https://www.usda.gov/~/media/Files/FSA/crop-acreage-reporting-20.pdf)



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Remediation and Disposal Procedures (rev. 12.2.21)

Purpose:

1. Standard Remediation and Disposal guidelines are specified for commercial indoor and outdoor production of hemp as well as the production of hemp for research purposes.
2. Remediation refers to any process by which non-compliant hemp (THC concentration $> 0.3\%$) is rendered compliant (THC concentration $\leq 0.3\%$). Remediation can be achieved by separating and destroying non-compliant flowers while retaining stalks, leaves, and seeds; or by shredding the entire hemp plant to create a homogenous “biomass” that can be retested for THC compliance.
3. Disposal means destroying non-compliant hemp or hemp for research purposes using one of the approved on-farm methods. Approved methods include plowing under, mulching / composting, disking, bush mowing, and deep burial.

Scope:

1. Lots shall be subject to remediation or disposal when a sample tests over the acceptable hemp THC level according to laboratory results obtained through Connecticut sampling and testing protocols.
2. Lots that test above the acceptable hemp THC level shall be subject to either remediation or disposal.
3. All remediation samples must be collected by the Connecticut Department of Agriculture.
4. All remediated hemp lots must be retested to verify acceptable THC level before the material may enter the stream of commerce.
5. It is the responsibility of the licensed producer or researcher to pay any fees associated with resampling, remediation, and/or disposal.
6. Producers must verify disposal or remediation by submitting required documentation in accordance with 7 CFR §990.27. All records regarding disposal and remediation of all cannabis plants that do not meet the definition of hemp shall be made available for inspection by Connecticut Department of Agriculture inspectors, auditors, or their representatives during reasonable business hours in accordance with the Connecticut State Plan.
7. Laboratories should have an effective disposal procedure as part of an internal SOP for noncompliant samples.

Summary of Practice:

1. This practice provides procedures for ensuring the disposal or remediation of non-compliant hemp. When a cannabis sample tests over the acceptable THC concentration level, all cannabis plants in the lot shall be embargoed by the Connecticut Department of Agriculture and then either be remediated to bring the lot under the acceptable THC concentration level, or all cannabis plants shall be disposed of. Both remediation and disposal may be performed by the producer, researcher or an approved representative of the Connecticut Department of Agriculture. Hemp produced for research must be disposed of using acceptable disposal procedures outlined in this document.

2. Non-compliant hemp plants may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves and seeds.

3. Non-compliant hemp plants may be remediated by shredding the entire hemp plant to create “biomass.” All flowers, buds, trichomes, leaves, stalks, seed, and all plant parts from a lot should be chopped or shredded in such a way as to create a homogenous, uniform blend of the lot called “biomass.” Lots should be kept separate and not be combined during this process. This biomass shall be resampled and retested by the Connecticut Department of Agriculture to ensure the biomass material tests within an acceptable THC concentration level before it may enter the stream of commerce in accordance with §990.3(d) and §990.27(c). If the biomass tests above the acceptable THC concentration level is non-compliant hemp and must be destroyed through one of the disposal options provided herein.

4. Disposal means destroying non-compliant hemp by performing any one or combination of the following on-farm activities: plowing under, mulching / composting, disking, bush mowing, and deep burial. Prior to the disposal of a hemp crop, the licensee must submit a Destruction Report to the Connecticut Department of Agriculture.

Equipment and Supplies:

1. Equipment for Remediation

1.2. Gloves

1.3 Shears, clippers, scissors, shredding equipment (to remove non-compliant flowers from stalks)

1.4 Striping, shredding, or mulching equipment

1.5 Large plastic bags or other containers to store shredded biomass

1.6 The bags and containers should be made from material known to be free from THC

1.7 Marking and labeling equipment (to mark and label hemp lots for remediation from other lots)

2. Equipment for Disposal

2.1. Plow or tractor (for plowing, mulching, composting, disking, bush mowing, deep burial)

2.2. Composter (for composting)

3. Equipment for Resampling for the Connecticut Department of Agriculture

3.1. Disposable gloves – Nitrile

3.2. Scoop with long handle (cleaned prior to and following each sample)

3.3 Bag to store resample

- 3.4. Permanent markers
- 3.5. The bags should be made from material known to be free from THC
- 3.6. A 750 mL or similar measuring instrument (cleaned prior to and following each sample)

Remediation Guidelines:

1. The licensee or designated employee; or an approved representative of the Connecticut Department of Agriculture shall remediate or destroy non-compliant hemp in accordance with §990.3(d) and §990.27(c). The non-compliant hemp shall be properly destroyed and rendered unusable. A Connecticut Department of Agriculture inspector may be present during the remediation or disposal process.

2. Upon notification that a lot has tested above the acceptable hemp THC level, the licensee should notify the Connecticut Department of Agriculture of the licensee's decision to either destroy or remediate the non-compliant lot in accordance with the Connecticut State Plan. Additionally, the licensee should notify the Connecticut Department of Agriculture of the remediation or disposal method set forth in §990.70 and §990.71.

3. If the licensee chooses to remediate the non-compliant lot, the licensee should select either to separate and remove all flowers from stalks, leaves and seeds of the lot or to shred the entire lot into "biomass."

4. Separation and removal of the flowers from stalks, leaves and seeds:

4.1 The flowers, including buds, trichomes, "trim," and "kief," should be removed from the lot and destroyed. Methods for removal of the flowers may include, but are not limited to, the removal, by hand, of non-compliant flowers and floral materials and the mechanical removal of non-compliant flowers and floral materials.

4.2 Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds should be separated from the non-compliant floral material and clearly labeled and demarcated as "hemp for remediation purposes."

4.3 Seeds removed from non-compliant hemp during remediation should not be used for propagative purposes.

5. Creation of Biomass

5.1 The entire lot, as reported to the FSA, should be shredded to create a homogenous, uniform biomass. Methods for the creation of biomass may include, but are not limited to, the shredding of hemp plants through shredders, composters, or specialty mechanical equipment.

5.2 The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). The Connecticut Department of Agriculture will conduct the resampling and retesting of the biomass. Biomass that fails the retesting is non-compliant hemp and shall be destroyed.

5.3. Remediated biomass should be separated from any compliant hemp stored in the area and clearly labeled and demarcated as "hemp for remediation purposes." All lots subject to remediation should be stored, labeled and demarcated apart from each other and from other compliant hemp lots stored or held nearby.

5.4. Remediated biomass should not leave the labeled and demarcated area until a test result showing compliance with the acceptable hemp THC level is received or until the biomass will be destroyed.

Re-sampling Remediated Biomass:

1. Remediated biomass shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). The Connecticut Department of Agriculture will conduct the resampling and retesting of the biomass. Biomass that fails the retesting shall be destroyed.
2. The resample shall be taken by a Connecticut Department of Agriculture sampling agent as described in the “Sampling Guidelines.”
3. A representative sample of the biomass should be taken for compliance purposes. When taking the resample, the sampling agent should take biomass material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, ~750 mL or three (3) standard measuring cups of biomass material should be collected. Sampling agents may collect more biomass material based on the requirements of the testing laboratory. If ~750 mL of material is not available, the sampling agent should collect enough biomass material for a representative sample.
4. An original copy of the resample test results, or a legible copy, should be retained by the producer or an authorized representative and available for inspection for a period of three (3) years from the date of receipt.
5. Laboratories testing a resample should utilize the same testing protocols as when testing a standard sample as described in the “Laboratory Testing Guidelines.”

Disposal Guidelines:











Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	<p>Plowing Under</p> <ul style="list-style-type: none"> • Curved plow blades rotate subsoil to surface and bury crop below 	<p>Plowing Under</p> <ul style="list-style-type: none"> • “Green Manure” • Amends soil directly from crop 	
	<p>Mulching / Composting</p> <ul style="list-style-type: none"> • Fields crops cut and blended with manure or other biomass material 	<p>Mulching / Composting</p> <ul style="list-style-type: none"> • “Green Manure” • Mulch mixed with manure or other biomass 	
	<p>Disking</p> <ul style="list-style-type: none"> • Leveling of field using tow-behind disk implement 	<p>Disking</p> <ul style="list-style-type: none"> • “Green Manure” • Amends soil directly from crop while leveling field 	

Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	<p>Bush Mower / Chopper</p> <ul style="list-style-type: none"> Commercial lawn mower used to shred and mix thick vegetation 	<p>Bush Mower / Chopper</p> <ul style="list-style-type: none"> “Green Manure” Shredded biomass decomposes into soil 	
	<p>Deep Burial</p> <ul style="list-style-type: none"> Fields are trenched, surface soil is buried at depth of at least 12” 	<p>Deep Burial</p> <ul style="list-style-type: none"> Field biomass buried in trenches and covered with soil 	

Note: In accordance with 7 CFR 1.901(e), the contents of this document does not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.



Bryan P. Hurlburt
Commissioner

STATE OF CONNECTICUT DEPARTMENT OF AGRICULTURE

Bureau of Regulatory Services
450 Columbus Blvd, Suite 702 Hartford, CT 06103
Phone: 860-713-2502 Email: AGR.Hemp@ct.gov



860-713-2501
CTGrown.gov

Sample legal description

FIRST PIECE:

Northeasterly on Aviation Road, Nine Hundred Nineteen and Thirty-eight one-hundredths (919.38) feet, more or less;
Southeasterly on land now or formerly of the Metropolitan District, Six Hundred Eleven and Thirty-three one-hundredths (611.33) feet, more or less;
Southerly on land now or formerly of the Hartford Electric Light Company, Seven Hundred Thirty-Six and Four One-hundredths (736.04) feet, more or less; and
Westerly and Northwesterly along land now or formerly of State of Connecticut, known as Hartford by-pass, Fourteen Hundred Eighty-six and Ninety-one one-hundredths (1486.91) feet, more or less.

Sampling Procedures for Hemp (rev. 12.2.2021)

Purpose:

1. Establish hemp sampling procedures in accordance with 7 CFR 990.3
2. Samples are taken to obtain specimens for the measurement of total tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the total THC content in a “lot” of hemp crop acreage as identified by the producer. Hemp producers may not harvest hemp prior to the hemp being sampled for THC concentration. Testing procedures are provided in a separate guidance document.

Scope:

1. Samples collected under this procedure are acceptable for submission to a qualified testing laboratory for determination of total THC concentration in hemp. After December 31, 2022, all laboratories testing hemp under the U.S. Domestic Hemp Production Program must be registered with the DEA in accordance with §990.3(a)(3)(iii)(H) and §990.25(g)(iii).
2. Harvest shall be completed within 30 days from sample collection.
3. Samples shall be collected only by an authorized trained sampling agent, currently only Department of Agriculture employees. Authorized sampling agents must be trained under Connecticut Hemp sampling training procedures. Connecticut Department of Agriculture must maintain information, available to producers, about authorized trained sampling agents. Hemp producers may not act as sampling agents. Representatives of the sampling agency shall have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, and building, used for cultivation and/or handling, except private residences.
4. It is the responsibility of the licensed producer to pay any fees associated with sampling.

Summary of Practice:

A “lot” is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, “lot” refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. The size of the “Lot” is determined by the producer in terms of farm location and field acreage and is to be reported as such to the FSA. The terminology used by FSA to denote land areas include terms like “farm,” “tract,” “field,” and “subfield,” which are equivalent to AMS’s term “lot.”

1. This practice provides procedures for entering a growing area and collecting the minimum number of plant specimens necessary to represent a homogeneous composition of the “lot” that is to be sampled. A trained sampling agent enters a growing area, strategically examines the growing area, establishes an

approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.

2. Cuttings from each “lot” of hemp crop acreage, as identified by the producer, and submitted to and uniquely identified by the Farm Service Agency (FSA) per the requirements of the USDA hemp production program, shall be organized as composite samples.

Standard Sampling Protocols:

1. The Connecticut Department of Agriculture standard sampling method must be used by all sampling agents.
2. The standard sampling protocol ensures, at a confidence level of 95 percent, that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level and ensures that a collected sample represents a homogeneous composition of the lot.
3. Every lot of every producer must be sampled and tested.
4. All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches from the “main stem” (that includes the leaves and flowers), “terminal bud” (that occurs at the end of a stem), ”or “central cola” (cut stem that could develop into a bud) of the flowering top of the plant.

Equipment and Supplies:

1. Garden pruners/shears (Cleaned prior to and following each composite sample. Some examples of appropriate cleaning agents and supplies to use on garden pruners/shears are bleach, rubbing alcohol, steel wool, and/or sandpaper.)
2. Sample bags.
 - 2.1. The size of the bags will depend upon the number of clippings collected per lot.
 - 2.2 The bags should be made from material known to be free from THC.
3. Security tape
4. Permanent markers
5. Sample collection forms
6. GPS Unit of lot being sampled
7. Disposable gloves – Nitrile
8. Ladder (if necessary)

Sampling Guidelines:

1. The licensee or designated employee should be present throughout the sampling process, if possible.
2. Surveillance of the growing area.

- 2.1. The sampling agent should estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers/buds).
- 2.2. The sampling agent should visually establish the homogeneity of the stand to establish that the growing area is of like variety.
- 2.3. The sampling agent should verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to the Connecticut Department of Agriculture.

3. Time of Sampling:

- 3.1. Within 30 days prior to the anticipated harvest of a designated hemp lot, an authorized sampling agent shall collect representative samples from such cannabis plants for THC concentration level testing.

4. Lot Sampling:

- 4.1 For purposes of determining the number of individual plants to select for sampling, the size of the growing area should be considered. For sampling purposes, samples from separate lots must be kept separate and not be comingled.
- 4.2 When sampling use the tables (below) to determine the sample size.

Number of acres	Sample Size
Less than 1	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

Number of acres	Sample Size	Number of acres	Sample Size
11	11	40	36
12	12	41-42	37
13	13	43	38
14	14	44	39
15	15	45-46	40
16	16	47	41
17	17	48	42
18-19	18	49-50	43
20	19	51	44
21	20	52	45
22	21	53-54	46
23	22	55	47
24	23	56	48
25-26	24	57-58	49
27	25	59	50
28	26	60-61	51
29	27	62	52
30	28	63-64	53
31-32	29	65	54
33	30	66-67	55
34	31	68	56
35	32	69-70	57
36	33	71	58
37-38	34	72-73	59
39	35	74	60

- 4.3 Sampling agents should always walk at right angles to the rows of plants if possible, beginning at one point of the lot and walking towards another point on the opposite side of the lot. If the lot is too dense for this to be possible, the sampling agent should take all reasonable steps to ensure that a sample is collected that represents a homogeneous composition of the lot by avoiding edges and thoroughfares. The sampling agent may also follow the sawtooth survey pattern (below).

4.4 While walking through the growing area, the sampling agent should cut at least “n” (n is the number of samples from the charts in 4.2) inflorescences (the flower or bud of a plant), at random but convenient distances. Avoid collecting sample specimens from the borders of the field/greenhouse.

4.5 The cut should be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length from the “main stem” (that includes the leaves and flowers), or “terminal bud” (that occurs at the end of a stem), or “central cola” (cut stem that develops into a bud) of the flowering top of the plant.



4.6. Utilize bag(s) for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, n, as calculated by 4.2. If one bag cannot accommodate the minimum number of cuttings due to lot size, the sample may be divided into multiple bags, but must be clearly labeled in such a way that each bag is appropriately matched with the corresponding lot. (i.e. For lot 101 with three corresponding sample bags: 101 1 of 3, 101 2 of 3, 101 3 of 3.)

4.7. Seal each bag and label as described in Section 5.1 of this document.

5. Sample identification:

5.1 The sampling agent should seal each bag and record the sample identification number. The sample should also be identified with the following information: Sampling collector contact information; name and contact information of the producer; producer hemp license; date of sample; time of sampling; address where sample was collected and lot identification.

Transporting Hemp Samples in Connecticut

(rev. 12.2.2021)

Transporting Hemp Samples to the Laboratory for Analysis

Hemp Samples for official sample results can only be taken and transported by authorized sampling agents.

Producers who transport unofficial hemp samples to laboratories shall keep them in sealed tamper proof packages. A copy of the Producer license must also be present. Each hemp sample label shall contain at a minimum:

- The date and time the sample was collected
- Licensee name and contact information
- Hemp Producer license number
- Sample collector contact information
- Lot Identification number
- Address where sample was collected
- A sample identification number or laboratory accession number

Hemp samples delivered to a laboratory via a delivery service such as FedEx, UPS or USPS must contain the above information and forms with the sample(s), and comply with any special labeling/packaging requirements the service requires.

See Sampling Procedures for more details on taking an unofficial hemp sample for laboratory analysis

Attachment C

Connecticut Hemp Program

Connecticut has an approved state plan by the United States Department of Agriculture (USDA) for hemp producers. Under the state plan, the Connecticut Department of Agriculture is authorized to issue producer licenses, conduct inspections and investigations, issue penalties, promulgate regulations, issue cease and desist orders, issue hold and destroy orders, and other broad powers that enable the Department to effectively regulate the Hemp industry in Connecticut.

If you are interested in obtaining a hemp producer license, please go to the following page where you will find all of our application instructions and producer guidance documents. For more information you can also email AGR.Hemp@ct.gov or call (860) 713-2502.

Hemp Producer Application Information and Guidance Documents

The current Hemp Licensing Fee schedule is:

Fee Type:	Program Fees:	Fee Due Date:
License Application Fee *nonrefundable	\$50 (Academia, State Agency, or Department Research Projects are exempt)	At time of application
Licensing Fee	\$450 for 1 st acre (43,560 sq. ft. \$30/acre for each additional acre Max License Fee: \$3,000 (Academia, State Agency, or Department Research Projects are exempt)	At time of application. Triennial license. License expires 3 years from date of issuance.
Post-Harvest Inspection by the Department of Agriculture	\$50 inspection fee per instance. Inspections only required when warranted by initial test result, or at the Department's discretion if a grower fails to harvest within 30 days of the pre-harvest sample.	Prior to the inspection and collection of the sample.
Site Modification Fee	\$30 per additional acre (Above initial acreage)	At time of request.

Connecticut Hemp Production Data

	2019	2020
Number of Licensed Growers	109	140
Number of Licensed Lots	218	384
Acres Planted	172	156
Acres Harvested	120	134
Average Lot Size	1.44 Acres	1.03 Acres

Manufactured Hemp Products Information

The **Connecticut Department of Consumer Protection (DCP)** regulates products intended for human ingestion, inhalation, absorption or other internal consumption or external use manufactured from Hemp or Hemp derived ingredients including CBD products for human use. For more information, please see the Department of Consumer Protection's website [here](#).

Information Resources about Hemp Production

The federal USDA Hemp Program information [can be found here](#).

Below, find links to academic sites that provide information concerning growing and harvesting of Hemp:

- [University of Connecticut](#)
- [Cornell University](#)
- [Purdue University](#)
- [University of Kentucky](#)

Promoting Connecticut's Hemp Industry

Organizations involved in the promotion of Hemp include, but are not limited to:

- [Connecticut Farm Bureau Association](#)
- [Connecticut Hemp Industry Association](#)
- [Hemp Industries Association](#)
- [National Hemp Association](#)
- [U.S. Hemp Authority™](#)

- **U.S. Hemp Round Table**

Note: This is not an endorsement any of the above listed organizations.

For more information email AGR.Hemp@ct.gov or call (860) 713-2502.