

Colorado Industrial Hemp Program



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COLORADO
Department of Agriculture
Division of Plant Industry



All industrial hemp grown in Colorado must be grown under an active registration certificate which authorizes an individual to cultivate industrial hemp on a designated land area.

Commercial registrations are issued for the purpose of engaging in commerce, market development and market research by any person or legal entity other than an institution of higher education or those under a pilot program directed by the Colorado Department of Agriculture (CDA). R&D applications are granted to institutions of higher education or programs controlled directly by the CDA.

There is no deadline for submitting an application although allow at least 30 days for processing. There is no minimum or maximum acreage which can be permitted. Application fee is \$500 plus \$5 per each acre and/or 33 cents per 1000 sq. ft. for indoor grow sites. Incomplete applications will be denied and all associated fees will not be refunded.

Certificates expire 365 days from the date of issue and registrants must reapply with a new application each year. Certificates cannot be transferred or assigned. You may register as a business entity or sole proprietor; however, all businesses must have a registration in good standing with the Colorado Secretary of State.

Registration

- COMMERCIAL vs R&D
- DEADLINE
- FEE STRUCTURE
- INCOMPLETE APPLICATIONS
- EXPIRATION
- TRANSFER OF CERTIFICATE
- NO MARIJUANA
- BUSINESS ENTITY OR SOLE PROPRIETOR
- DETERMINING GPS
- CONTACT INFORMATION

Before you apply

Check with your specific county, city, and homeowner association for any industrial hemp zoning restrictions they may have.

Understand participation in federally sponsored programs; i.e., crop insurance, USDA certification, conservation reserve might be in jeopardy.

Be aware. **No marijuana** can be grown on any of the registered land area covered by your certificate. That includes any recreational or medicinal MJ. No hemp plant can be covered under more than one registration certificate simultaneously.

What You'll Need to Include

- Center GPS coordinates. Decimal degrees only! Yes—39.917769/-105.112502. No—39 55' 3.96"/105 6" 45"
- Township, section, and range. Find at www.earthpoint.us.
- Clear satellite view map. Prefer Google Earth.
- Variety names, if available.
- Initials and signature in all appropriate sections.
- Payment.



REPORTS

Stay compliant– Meet your deadline.

Don't risk unnecessary compliance violation and sanctions.

Planting and Harvest forms can be downloaded at:

www.colorado.gov/pacific/agplants/industrial-hemp

Statement of Verification

Deadline: Included with registration application.

Includes: Statement that all hemp to be planted will produce a THC concentration of no more than 0.3% on a dry weight basis. Lists varieties and accompanying map.



Planting Report

Deadline: Due within 10 days after planting.

Includes: Confirmation of varieties, location of each variety, actual acreage or sq. footage planted, and date planted.



Hemp Harvest Notification

Deadline: Due 30 days **PRIOR** to harvest.

Includes: Confirms varieties, declares actual acreage or sq. footage to be harvested, GPS, and date of harvest.



Acknowledgement of Inspection

Deadline: Contact due within 10 days of notification of selection for inspection.

Purpose: For coordination and scheduling of inspection.



Change of Contact Information

Deadline: Within 10 days of said change.

Includes: Updated contact information, including mail address, phone, and email. Accurate contact information is CRITICAL.

Inspection and Testing

All registrations are subject to sampling to verify the THC concentration within a registered land area does not exceed 0.3% on a dry weight basis. Up to 100% of the registrants may be selected.

How do I know I'm selected?

You will receive notification from the CDA. That's why we ask you keep contact info current.

What's next?

A CDA inspector will contact you to schedule. Remember you or your authorized agent must be present during the inspection. Inspector should be allowed full unrestricted access.

What are the fees?

The fee is currently set at \$150 per sample, \$35 per hour for drive time and sample time, plus 25 cents per mile.

Will the CDA's lab test my crop if I'm not selected?

No. The CDA's laboratory does not provide private testing.



What type of sample is collected?

To ensure the highest THC levels are measured material is collected from the flower, foliage leaf material from top 2 inches, and buds. Male plants are not included. Stems and seeds may be collected during sampling process however are removed and discarded prior to testing. Samples can be of individual varieties or a composite. Specimens are sealed and transported to the lab for processing. The lab then divides the material into two samples; one for testing and one held for retesting. Testing is only for THC; we do not test for CBDs.

How long does it take for test results to return?

Results typically are available within 2-3 weeks.

What is considered a failing test result?

A result greater than 0.3% THC is evidence that at least one plant or part of plants contains THC on a dry weight basis of more than 0.3% THC and, therefore, not in compliance. A result of greater than 1.0% THC may be provided to law enforcement.

What are my options?

If a test is above 0.3% but less than 1% THC, a registrant shall not be subject to revocation or suspension of their registration if the crop is destroyed or utilized in a manner approved of by the Commissioner. This waiver only protects against civil penalty. CDA has no authority over material above 0.3% and technically becomes an illegal marijuana grow with potential for criminal penalties.

- CDA does not mandate destruction.
- CDA wants you to be aware of potential for criminal penalties if not destroyed.
- CDA wants to assist you in documenting disposition/destruction if elected.
- Seed from plants testing high cannot be sold.
- No consumption of plants testing high even for personal use.
- Plants should not enter stream of commerce.
- Plants should not leave the site.



Currently there is no state certified hemp seed for Colorado. The available viable seed bank is very limited and is not certified to produce a plant with a THC content below 0.3%. Industrial hemp registrants seeking seed should be aware of this challenge and additional risk.

Availability of Seed



There is a small amount of hemp seed being produced in Colorado after the passage of the Hemp Act in 2013. The variability of this seed is high and the THC levels can be uncertain. A list of those registered to sell industrial hemp seed in Colorado, either seed they grew themselves or seed obtained from others, can be obtained through a Colorado Open Records Act (CORA) request made in writing to the seed program.

Any individual registered to cultivate industrial hemp who wishes to also sell the seed stock must obtain a seed registration for the seed label through the CDA. This application is available at www.colorado.gov/pacific/agplants/seed.

If you register with the CDA to sell your hemp seed, remember that your seed label must include:

- Name, kind of seed, variety if known
- Lot number
- Origin
- Purity
- Name and address of labeler
- Net weight

| WATER-LESS TURF MIX | | LOT: M147-14-WL182 | |
|---------------------------|-----------|--------------------|--------|
| VARIETY | PURE SEED | GERM | ORIGIN |
| ESCALANTE TALL FESCUE | 33.33% | 90.00% | OREGON |
| MARRAKECH TALL FESCUE | 32.98% | 90.00% | OREGON |
| PATAGONIA TALL FESCUE | 32.89% | 90.00% | OREGON |
| OTHER CROP SEED: 0.37% | | | |
| INERT MATTER: 0.42% | | | |
| WEED SEED: 0.01% | | | |
| NOXIOUS WEEDS: NONE FOUND | | | |
| NET WEIGHT: 50LB/22.68KG | | | |
| TEST DATE: 2/14 | | | |
| POUDRE VALLEY COOP | | | |
| 225 NW FRONTAGE RD. | | | |
| FORT COLLINS, CO 80524 | | | |
| AMS 4804 | | | |

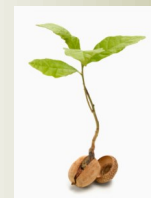
- % of germination
- % by weight of inert matter
- % by weight of weed seeds
- % of hard or dormant seeds
- Noxious weeds
- Month and year test completed

THC level is not required by seed rules and regulations to be included on the label although many seed labelers are voluntarily electing to do so.

Importation of industrial hemp seed requires a Drug Enforcement Administration (DEA) registration and import permit. The most recent Farm Bill contains a provision under SEC. 7606 which provides for state departments of agriculture and institutions of higher education to obtain a registration and import permit for industrial hemp seed for research purposes as long as all definitions outlined in the provision are met. SEC 7606, however, does not provide a provision for the DEA to issue registration and import permits for individual farmers to import the seed.

Certified Seed Program

Certified seed is not just a variety; it is a controlled production environment that ensures farmers are getting varieties that produce mature plants below 0.3% THC and are free of pests, diseases, and noxious weeds. To ensure Colorado farmers have varieties that meet the THC standard the CDA will test mature plants in a broad range of cultural and geographical regions for THC levels. Varieties that consistently produce low THC levels will then be grown under conditions that allow for certification. Only seed produced under these guidelines may be sold as Certified seed in Colorado.



The Colorado Pesticide Applicator Act prohibits use of a pesticide in a manner inconsistent with the product labeling. 35-10-117(1)(i) C.R.S.: unless otherwise authorized by law, it is unlawful and a violation of this article for any person to use, store or dispose of pesticides, pesticide containers, rinsates, or other related materials, or to supervise or recommend such acts, in a manner inconsistent with labeling directions or requirements, unless otherwise provided by law, or in an unsafe, negligent, or fraudulent manner.



PESTICIDES



VISIT:

www.colorado.gov/pacific/agplants/pesticides



The CDA is currently reviewing pesticide labels upon request and also maintaining a list of products whose labels have been reviewed and which are believed to be able to be used on industrial hemp and/or marijuana without violating the Colorado Pesticide Applicator Act 35-10-117(1)(i). Review has been concentrated on insecticides, fungicides, and miticides. Visit our website for the most current list. Here you can also find the products which have been removed from the list.

Commercial producers of industrial hemp who hire employees also must adhere to the requirements of the Federal Pesticide Worker Protection Standard. If you hire workers who are working in an area where plants have been treated with pesticides and/or who mix or apply pesticides, then specific WPS requirements should be followed. These standards are established by the federal EPA. The CDA holds period Worker Protection Standards training seminars aimed at the marijuana and industrial hemp industry. Visit our website to learn of planned upcoming seminars.

Frequently asked questions...

Are there any in-state processors?

Yes. However, because the CDA is not the regulatory agency for processing our list of in-state processors is limited and primarily through anecdotal acquisition from other registrants.

Does the CDA regulate processing?

The CDA is not the regulatory agency for the processing of hemp. We regulate the cultivation and registration of industrial hemp (IH). Our jurisdiction stops at the "farm gate." If you are interested in processing, reach out to the regulatory agency specific to your type of processing. For example, Colorado Department of Public Health and Environment (CDPHE) regulates edibles, CBD extraction, biofuels.

Can I sell my hemp plants out of state?

No. IH is still considered a controlled substance federally. CDA does not have jurisdiction over the interstate transport of material into or out of the state other than what is required under phytosanitary provisions that would apply to any other crop. Jurisdiction for interstate transport remains solely with the federal government. We instruct our registrants not to ship viable IH or processed hemp products via the US postal service, FEDEX, UPS, or any other transport service who ships interstate or internationally. Since "processed" hemp falls into such a grey area we want registrants to be aware of the risk and potential for criminal charges.



What information does CDA share?

Under a Colorado Open Records Act request, CDA will share name, mail address, phone, email, and county information with a requestor. We do not release grow site locations or size unless subpoenaed to do so by law enforcement. We also share contact information for hemp seed labelers and farmer seed labelers.

Can my hemp be certified organic, and, if so, will CDA certify it?

Hemp can be certified organic through the National Organic Program (NOP). A complete list of certifying agencies is available at the USDA National Organic Program website, <http://www.ams.usda.gov/resources/organic-certifying-agents>. Not all agencies certify all products.

Remember to...

- **Register**
- **Report**
- **Communicate**
- **Test**
- **Document**
- **Comply**
- **Succeed**





Contacts

Industrial Hemp Program

Duane Sinning, Assistant Director
303-869-9068
duane.sinning@state.co.us

Industrial Hemp Registration

Sharon Farr, Administrative Assistant
303-869-9055
sharon.farr@state.co.us

Industrial Hemp Seed Program

Terry Moran, Seed Certification Specialist
303-869-9000
terry.moran@state.co.us

Seed Registration

Brian Allen, Administrative Assistant
303-869-9071
brian.allen@state.co.us

Pesticide Product Enforcement/Worker Protection

Mike Rigozzi, Pesticide Applicator Compliance and Enforcement
303-869-9059
michael.rigozzi@state.co.us

Pesticide Product Label Review Requests

Tori Gillott, Administrative Assistant
303-869-9062
tori.gillott@state.co.us



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VISIT us at:

www.colorado.gov/pacific/agplants/industrial-hemp

305 Interlocken Parkway
Broomfield, CO 80022
303.869.9000 ph
303.466.2860 fax