

Instructions for Cultivator License Applicants

The Nebraska Department of Agriculture (NDA) is now accepting applications for 2023 hemp cultivator licenses. The information contained within this packet will assist you in submitting a complete application for the cultivation of hemp in 2023. In order to qualify for a cultivator license, you must submit a complete application, including all of the required attachments, along with a check, money order, or credit card information for the \$150 nonrefundable application fee and \$600 per site listed on the application to NDA. If you have any questions about your 2023 Hemp Cultivator License Application, please call 402-471-2351 prior to submission.

Contents of Application Guidance

- Instructions for application submission
- Fee Schedule
- Glossary of terms relating to the Nebraska Hemp Farming Act
- Guidance on obtaining an [FBI Identity History Summary Check](#)
- Instructions for creating relevant maps and GPS coordinates

Application Timeline

Due to limited staff please allow at least one week before inquiring about the status of your submitted application. We will review applications in the order that they are received. NDA recommends using a delivery option with tracking capabilities for mailed applications. NDA is not responsible for applications lost in the mail or not received. Emailed applications will not be accepted.

Complete Applications

Prior to submission, make sure your application is complete, including all required attachments. Please, do not submit the guidelines or instructions with your application. If an application is incomplete, NDA will request additional information via the email provided on the application form. The applicant will then have 30 days to submit a revised application. If corrections are not made within 30 days, the application will be denied and the \$150 application fee will be forfeit. Keep in mind, applications requiring revision will be reconsidered after all applications ahead of them are reviewed.

Fee Schedule

- Application fee: \$150 nonrefundable, due at time of application.
- Cultivator site registration fee
 - \$600 per site due at time of application
- Site modification fee
 - \$75 due upon approval of site modification
 - Additional site registration fees due if you are adding a site rather than modifying an existing site (see [Site Modification Request Form](#) and [Site Addition Request Form](#))
- Delinquent fees for renewals will be assessed at 25% of the base fee rate per month on or after:
 - February 1; delinquent fee is \$187.50
 - March 1; delinquent fee is \$375
 - April 1; delinquent fee is \$562.50
 - May 1; delinquent fee is \$750

Glossary of Terms

A full list of legal definitions can be found in the [Nebraska Hemp Farming Act](#).

Cultivate or cultivating means planting, watering, growing, and harvesting a hemp plant or crop. The presence of plants of the plant *Cannabis sativa* L. growing as uncultivated, naturalized plants in the environment is not cultivating hemp for the purposes of the Nebraska Hemp Farming Act.

Hemp means the plant *Cannabis sativa* L. and any part of such plant, including the viable seeds of such plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Hemp shall be considered an agricultural commodity. Notwithstanding any other provision of law, hemp shall not be considered a controlled substance under the Uniform Controlled Substances Act.

Key participant is a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer. This does not include such management as farm, field or shift managers.

Location ID means the unique identifier established by a licensee for each unique set of GPS coordinates where hemp is cultivated, handled, or processed.

Note: The applicant designates a Location ID for each field, building, greenhouse, etc. within a site. Keep it simple, yet descriptive. A site number and location ID will be used to identify specific areas for sampling and will be tied to the lot numbers issued by the Farm Service Agency (FSA). Examples include: “East Greenhouse”, “South Field”, “Drying Building 1”, etc.

Lot means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of hemp throughout the area.

Process or processing means converting hemp plants or plant parts into a marketable form.

Site means an area *defined by the same legal description* in a field, greenhouse, or other outdoor area or indoor structure, or for a mobile processor, such processor’s primary place of business.

Instructions for Obtaining an FBI Identity History Summary Check

A copy of the [FBI Identity History Summary Check](#) for the applicant and all key participants_(see definition above) **must be included with the application**. No felony drug convictions in the last 10 years allowed. The [FBI Identity History Summary Check](#) must be completed within 60 days of the application submission. No applications will be approved until NDA receives an Identity History Summary Check for each key participant listed on the application. Please refer to the FBI [website](#) for instructions on obtaining your Identity History Summary Check. NDA recommends choosing Option 1 or Option 3 under “How to Submit a Request” to avoid significant delay in obtaining your FBI Identity History Summary Check.

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

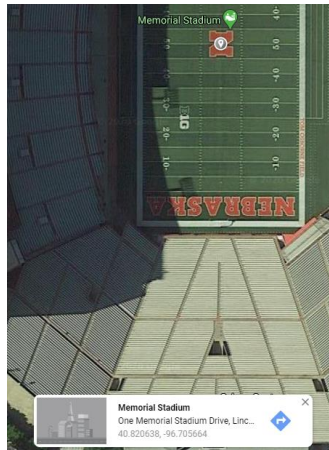
The following instructions outline required site map contents and basic instructions for obtaining a map. You are required to provide to NDA a photographic aerial map of all growing, handling, and storage locations. This requirement applies to all applicants and license holders and will assist with NDA’s reporting to law enforcement and the USDA.

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

- Only one site (defined by a single legal description) per map.
- The applicant’s full name printed on the page.

- Site number in top right hand corner (corresponds to number listed on application form).
- The map location's street address, city, state and zip code printed on the page. List the nearest intersection if no address is assigned.
- "E" marking the primary farm/site entrance on the map. "E2" marking any secondary entrances.
- Zoom out to show the site location, a public roadway, and the road name.
- Field location. This includes the:
 - Outline of each separate field, building or greenhouse; and
 - Location ID for each separate field, building, or greenhouse;

Note: Any field division (fence line, tree line, road, creek, etc.) shall be seen as two or more separate fields and require separate location IDs.
- GPS coordinates for each field or building. GPS coordinates should be provided in DECIMAL DEGREES (example: 40.820607, -96.705626 OR N 40.820607, W 96.705626) with a pinpoint showing where the GPS coordinate was taken. There should always be 6 digits after the decimal.
 - The simplest way to get accurate coordinates is to zoom in on the location in [Google Maps](#), click on the center of the field, building, or greenhouse, and then the coordinates will appear in the bottom of the page(see image below).



Mapping options include, but are not limited 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 MapQuest at <http://www.mapquest.com/>. Locate the address on your screen, then click in the upper right corner "Satellite" for an aerial view of the location.
- Using the County Assessor search at <https://revenue.nebraska.gov/PAD/county-assessors-and-parcel-search>. Find your county, search by address, and select the "Aerial View".

If you are unable to use a computer program (Google Earth, Paint, Word, etc.) to draw boundaries or add information, print out the map (in color) when you are satisfied with the level of zoom, then finish it by handwriting the required information.

Farms Service Agency (FSA) Information Release

Applicants must complete the "Information Release Request" form that is included as page 6 of the application. This will allow NDA to verify that all hemp plantings have been appropriately reported to the FSA. The only document that NDA will request access to is the FSA-578 which has been pre-selected on the form included with the application.

Timeline of Events

Event	Detail
Apply for license	At least 30 days prior to anticipated planting date
Plant hemp crop	After cultivator license is received by mail
Certify hemp crop acreage to USDA Farm Service Agency (FSA)	Must include street address and geospatial information for each variety as well as a copy of your Hemp Cultivator License. <u>Make sure to report each variety separately.</u> This process takes time, so start working with your local FSA as soon as possible and provide all of the documentation they require. You can find your local FSA at: offices.sc.egov.usda.gov/locator/app
Submit Post-Planting Site Report to NDA within 10 days of receiving lot number(s)	Use the Farm, Tract, and Field/Subfield numbers issued by FSA to fill out the Post-Planting Site Report . If a lot tests out of compliance and is not clearly defined and visibly identifiable on site, all lots within the site registration may be subject to destruction.
Random NDA site inspection	May occur at any time. Inspections may include record audits, site inspections, sampling, and testing.
Submit Harvest Notification Report 30 days prior to harvest	30 days prior to anticipated harvest date to allow time to schedule sampling within required 15-day window
Pre-harvest inspection and sampling	No more than 15 days before harvest
Total THC testing by approved testing facility	Samples collected during the pre-harvest inspection will be tested for total THC content on a dry weight basis. Cultivator may harvest after NDA takes a sample, but no lots may be commingled or moved off a site until certificate of analysis is received showing compliance with .3% THC concentration threshold.
Certificate of analysis and lot release	Lab will send certificate of analysis (COA) to NDA. NDA will release the COA to the cultivator once the sampling and testing fees are paid. The COA will indicate whether the sample passed or failed. If the COA indicates the sample passed, the lot associated with that sample is cleared for commerce. Keep a copy of the COA with the lot during transport and sale.