Instructions for Cultivator License Applicants

The Nebraska Department of Agriculture (NDA) is now accepting applications for 2020 hemp cultivator licenses. The information contained within this packet will assist you in submitting a complete application for the cultivation of hemp in 2020. 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 $100 nonrefundable application fee to NDA.

Contents of Application Guidance

- Instructions for application submission
- 2020 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 and a high number of anticipated applications, please allow one month 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. Keep in mind, applications requiring revision will be reconsidered after all applications ahead of them are reviewed.

2020 Fee Schedule

Application fee: $100 nonrefundable, due at time of application.

Once an application is approved, an invoice will be emailed to the applicant to collect the appropriate site registration fees:

- Cultivator site registration fee
  - $400 per site due upon application approval
- Processor-handler (separate application required) site registration fee
  - $800 per site due upon application approval
- Site modification fee
  - $50 due with site modification request form
  - Additional site registration fees due if you are adding a site rather than modifying an existing site
Any fee remaining unpaid for more than one month shall be considered delinquent and the person owing the fee shall pay an additional administrative fee of 25% of the delinquent amount for each month it remains unpaid, not to exceed 100% of the original amount.

**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.

**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: Site 1 East Greenhouse, Site 3 South Field, Site 6 Drying Building 1, etc.*

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

**Process or processing** means converting hemp 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.

**Instructions for Obtaining an FBI Identity History Summary Check**

A certified copy of the report for the applicant, each owner in excess of 10%, and all key participants (see definition above) must be sent to the Nebraska Department of Agriculture. 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.

- The cost is $18 per sealed copy.
- The Nebraska Department of Agriculture requires one sealed copy.
- When applying on their website, the applicant must fill in all required fields. Specifically under the following tabs, the applicant should respond:
  - Personal Information Tab, the Reason for Needing a Background Check: “Personal Review”
  - Mailing Address Tab: Fill in the In Care of Section, In Care of: “Nebraska Department of Agriculture, 301 Centennial Mall S, Lincoln, NE 68509-4756.”
  - Preferences Tab: Date of Birth Included with Results: “Yes”.
  - When the application is filled out, click “Complete.”
• Following the completion of the online application, the FBI will send a confirmation email that they have received the cultivator’s application for an Identity History Summary Check. A copy of the email must be printed out and submitted along with the cultivator’s application for the applicant, each owner in excess of 10%, and all key participants. Applications will not be approved until the official copy is received by NDA.

Due to delays in receiving sealed copies of the FBI Identity History Summary Checks, NDA will now accept digital copies. Please forward the access e-mail or PDF copy of the document received from the FBI for the applicant as well as each key participant/owner to trevor.t.johnson@nebraska.gov. Please include the name of the applicant in the subject line. If NDA suspects the Identity History Summary Check has been altered in any way, a sealed copy from the FBI will be required.

Here is an example of what the FBI access e-mail looks like:

---------- Forwarded message ----------
From: Criminal Justice Information Services <edo@services.fbi.gov>
Date: Monday, February 3, 2020
Subject: Identity History Summary Request
To: trevor.t.johnson@nebraska.gov

Click here to access your request.
PIN: #######

Please keep this e-mail to check the status of your request in the future, and to obtain your results once your request is completed. This is the only time you will be provided your link/pin.

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 required reporting to law enforcement and the USDA.

Each map should be in color and contain the following:

• Only one site (defined by 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.
• “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:
  o Outline of each separate field;
  o Location ID for each separate field, building, or greenhouse; and
  o The acreage/square feet for each 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.
• Greenhouses, indoor growing structures, storage buildings, or handling facilities and the location ID/name of each structure.
• GPS coordinates for each field or building. GPS coordinates should be provided in DEGREES DECIMAL MINUTES (dd° mm.mmm'; example: lat: 38° 9.919'N, long: 84° 49.267'W) with a pinpoint showing exactly where the GPS coordinate was taken.
  o Use Google Earth or another web-based mapping program, or obtain GPS coordinates off your smartphone. If you are unable to get the required coordinates this way, please visit www.geoplaner.com.

NDA prefers maps created with Google Earth. You can download Google Earth Pro for free by visiting https://www.google.com/earth/download/gep/agree.html. If asked for a registration key, enter “GEPFREE”. Google Maps, MapQuest maps or another similar program; Property Valuation Administration (PVA) maps; or Soil Conservation maps with legible handwritten information, will suffice. To obtain 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 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.

Print out the map when you are satisfied with the level of zoom (i.e, should show at least one nearby road, the entrance site, and the location of the hemp locations), then finish by handwriting the required information.
<table>
<thead>
<tr>
<th>Event</th>
<th>Detail</th>
</tr>
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<tbody>
<tr>
<td>Apply for license</td>
<td>At least 30 days prior to anticipated planting date</td>
</tr>
<tr>
<td>Plant hemp crop</td>
<td>After site registration fees have been paid and cultivator license is received by mail</td>
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<tr>
<td>Certify hemp crop acreage to USDA Farm Service Agency (FSA)</td>
<td>Must include street address and geospatial information for each lot</td>
</tr>
<tr>
<td>Submit <strong>Post-Planting Report</strong> to NDA within 10 days of receiving lot number(s)</td>
<td>Submit required report that includes lot numbers issued by FSA. The geospatial information for the lot numbers must match what was listed on your original site registration. It is imperative that this information is accurate. <strong>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.</strong></td>
</tr>
<tr>
<td>Random NDA site inspection</td>
<td>May occur at any time. Inspections may include record audits, site inspections, sampling, and testing.</td>
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<tr>
<td>Submit <strong>Harvest Notification Report</strong></td>
<td>30 days prior to anticipated harvest date to allow time to schedule sampling within required 15-day window</td>
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<tr>
<td>Pre-harvest inspection and sampling</td>
<td>No more than 15 days before harvest</td>
</tr>
<tr>
<td>Total THC testing by approved testing facility</td>
<td>Samples collected during the pre-harvest inspection will be tested for total THC content on a dry weight basis. Cultivator may harvest, but no lots may be commingled or moved off site until certificate of analysis is received showing compliance with .3% THC concentration threshold.</td>
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<tr>
<td>Certificate of analysis and lot release</td>
<td>Lab will send certificate of analysis (COA) to the cultivator and NDA. The COA will indicate whether the sample passed or failed. If the COA indicates the sample passed, the sample is cleared for commerce. Keep a copy of the COA with the lot during transport and sale.</td>
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