

INDUSTRIAL HEMP

USDA's Interim Final Rule

VDACS is currently reviewing USDA's Interim Final Rule and drafting a Virginia hemp production plan for USDA review and approval. As required by the 2018 federal Farm Bill, VDACS will consult with the Governor's Office and the Superintendent of the Virginia State Police on the Virginia hemp production plan before submitting the plan to USDA for review. We expect to have a plan ready for submission to USDA by the end of 2019. USDA has 60 days to respond to the hemp production plan submitted by a state desiring primary regulatory authority over hemp production.

At this time, VDACS continues to administer the Virginia Industrial Hemp Grower, Dealer, and Processor Registration Programs in accordance with the Virginia Industrial Hemp Law. VDACS will notify Registered Industrial Hemp Growers, Dealers, and Processors of all changes to Virginia's Industrial Hemp Program that are made in response to USDA's Interim Final Rule when USDA has approved Virginia's hemp production plan.

We will post updates on Virginia's hemp production plan on this webpage as they become available.

Virginia's Industrial Hemp Law

The amendments to the Virginia Industrial Hemp Law that became effective on March 21, 2019, eliminate the requirement that hemp be grown for research purposes and permit the commercial production of industrial hemp.

To legally possess hemp plants, viable hemp seed, hemp microgreens, hemp leaves, or hemp flowers in Virginia, you must be a registered Industrial Hemp Grower, Dealer, or Processor or an agent of one of these registrants for the purpose of growing, dealing or processing.

These are annual registrations that expire one year from the date of issuance. Please make sure to review the [Registration Guide](#) prior to submitting an application.

Industrial Hemp Grower Registration

"Grower" means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to plant, cultivate, or harvest industrial hemp.

To apply for an Industrial Hemp Grower Registration or to renew your Industrial Hemp Grower Registration, complete the application below. The application fee is \$50.

- [Industrial Hemp Grower Registration Application](#) (pdf)

Please [click here](#) for more information regarding the Industrial Hemp Grower Registration.

For information regarding how to obtain the coordinates for your production field(s), please [click here](#).

Production Field Updates

To change or add a production field to your registration or to change the name or contact information associated with your registration, complete the form below.

- [Industrial Hemp Registration Change Form](#) (pdf)

Planting Report

A Registered Industrial Hemp Grower must submit a planting report within 14 calendar days of planting seeds, clones, or cuttings. If you plant multiple times throughout the growing season, you will need to submit multiple

planting reports.

If you do not plant industrial hemp on a production field stated on your registration, you must submit a planting report for that field by July 31.

- [Industrial Hemp Planting and Propagation Report](#) (pdf)

Agent

A Registered Industrial Hemp Grower may wish to provide an “Agent Documentation” form to each person you intend to serve as your agent for the limited purpose of growing industrial hemp. You do not need to submit this form to VDACS.

- [Agent Documentation Grower](#) (pdf)

Research Report

The annual research report, previously required by the Virginia Industrial Hemp Law, is no longer required as of March 21, 2019.

Industrial Hemp Dealer Registration

“Dealer” means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to deal in industrial hemp. “Dealer” does not include (i) a registered grower, (ii) a registered processor, or (iii) any person who buys industrial hemp for personal use or retail sale in Virginia. The Industrial Hemp Dealer Registration is not intended for a retail establishment selling a hemp product.

“Deal” means to buy industrial hemp grown in compliance with state or federal law and to sell such industrial hemp to a person who (i) processes industrial hemp in compliance with state or federal law or (ii) sells industrial hemp to a person who processes industrial hemp in compliance with state or federal law.

To apply for an Industrial Hemp Dealer Registration or to renew your Industrial Hemp Dealer Registration, complete the application below. The application fee is \$50.

- [Industrial Hemp Dealer Registration Application](#) (pdf)

Please [click here](#) for more information regarding the Industrial Hemp Dealer Registration.

For information regarding how to obtain the coordinates for your dealership location(s), please [click here](#).

Dealership Updates

To change or add a dealership to your registration or to change the name or contact information associated with your registration, complete the form below.

- [Industrial Hemp Registration Change Form](#) (pdf)

Agent

A Registered Industrial Hemp Dealer may wish to provide an “Agent Documentation” form to each person you intend to serve as your agent for the limited purpose of dealing industrial hemp. You do not need to submit this form to VDACS.

- [Agent Documentation Dealer](#) (pdf)

Industrial Hemp Processor Registration

“Processor” means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to convert industrial hemp into a hemp product. “Hemp product” means any finished product that contains industrial hemp, including rope, building materials, automobile parts, animal bedding, animal feed, cosmetics, oil containing an industrial hemp extract, or food or food additives for human consumption.

To apply for an Industrial Hemp Processor Registration or to renew your Industrial Hemp Processor Registration, complete the application below. The application fee is \$50.

- [Industrial Hemp Processor Registration Application](#) (pdf)

Please [click here](#) for more information regarding the Industrial Hemp Processor Registration.

For information regarding how to obtain the coordinates for your process site(s), please [click here](#).

Process Site Updates

To change or add a process site to your registration or to change the name or contact information associated with your registration, complete the form below.

- [Industrial Hemp Registration Change Form](#) (pdf)

Agent

A Registered Industrial Hemp Processor may wish to provide an "Agent Documentation" form to each person you intend to serve as your agent for the limited purpose of processing industrial hemp. You do not need to submit this form to VDACS.

- [Agent Documentation Processor](#) (pdf)

Finding a Registered Industrial Hemp Dealer or Processor

[Section 3.2-4115\(D\)](#) of the Virginia Industrial Hemp Law provides that all records, data, and information filed in support of an industrial hemp grower, dealer, or processor registration application shall be considered proprietary and excluded from the provisions of the Virginia Freedom of Information Act (FOIA). Despite this exclusion from FOIA, some registered dealers or processors have requested that VDACS provide the public with certain information.

- [List of the registered dealers who have authorized VDACS to share their contact information with the public](#) (pdf)
- [List of the registered processors who have authorized VDACS to share their contact information with the public](#) (pdf)

Other Considerations

Please make sure to review the [Registration Guide](#) prior to submitting an application.

If your hemp product is intended for human consumption:

[On July 15, 2019](#), the Commissioner of Agriculture and Consumer Services advised Registered Industrial Hemp Processors that the Northam Administration has directed VDACS to treat hemp-derived extracts intended for human consumption as approved food additives and to place qualifying Registered Industrial Hemp Processors under food safety inspection so that inspected and approved processors may manufacture a hemp-derived extract intended for human consumption.

Registered Industrial Hemp Processors who plan to produce a hemp-derived extract intended for human consumption should review VDACS's Food Safety Program's [letter dated July 25, 2019](#), outlining the current policy directives and submit an application to operate as a [Manufacturer of a Hemp-Derived Extract Intended for Human Consumption](#). Please contact [VDACS's Food Safety Program](#) for additional information.

If your intended hemp-derived product is not an extract but is intended for human consumption, please contact [VDACS's Food Safety Program](#) for additional information.

Please note that the requirements in Virginia's Food and Drink Law do not pertain to the production or sale of topical products.

If you intend to distribute industrial hemp planting seed in Virginia, please review Virginia's Seed Law and contact [VDACS's Agricultural Commodities Team](#) for additional information on obtaining a [Seed Dealers License](#).

If you intend to bring hemp clones or plants into Virginia, please contact [VDACS's Office of Plant Industry Services](#) to determine whether a phytosanitary certificate is needed to do such.

VDACS has issued information to assist industrial hemp growers in identifying pesticide products that may be used on hemp crops grown in Virginia.

- [Pesticide Use on Hemp](#) (pdf)

Information regarding VDACS's pesticide product registration process and currently registered pesticides is available [here](#). Please contact [VDACS's Office of Pesticide Services](#) if you have questions regarding pesticide use in Virginia.

2018 Federal Farm Bill

The 2018 federal Farm Bill includes hemp-related provisions that many expect will help advance the U.S. hemp industry. The 2018 Farm Bill establishes a new definition of "hemp" and removes hemp from the definition of "marihuana" in the federal Controlled Substances Act. The 2018 Farm Bill also establishes a regulatory framework for the commercial production of hemp and allows states wanting to have primary regulatory authority over the commercial production of hemp to submit for approval by the U.S. Secretary of Agriculture a plan under which the state will monitor and regulate hemp production.

The Secretary of Agriculture and Forestry and VDACS, in conjunction with the Governor's Office and the Superintendent of the Virginia State Police, as required by the Farm Bill, will review the hemp-related provisions of the Farm Bill and determine a course of action that will best-support Virginia's hemp industry.

Annual Report

- [2018 Annual Report on the Industrial Hemp Research Program](#) (pdf)

Higher Education Industrial Hemp Research Program

Prior to the 2019 amendments to the Virginia Industrial Hemp Law, VDACS entered into signed agreements with the institutions of higher education listed below to conduct industrial hemp research. More information regarding each university's research can be found in VDACS's Annual Report on the Industrial Hemp Research Program (2015, 2016, 2017, 2018).

James Madison University (JMU)

JMU is researching how effectively industrial hemp will grow in Virginia's Ridge and Valley province and testing whether industrial hemp seed can be planted and harvested with conventional agricultural equipment. JMU is also investigating the use of industrial hemp seed oil in the production of biodiesel.

University of Virginia (UVA)

UVA is conducting agronomic studies as well as studies aimed at establishing new molecular breeding and genetic engineering strategies to specifically enhance the biological properties of the hemp plant. UVA's goal is to develop a Virginia hemp cultivar.

Virginia State University (VSU)

VSU is researching and analyzing required soils, growing conditions, and harvest methods related to various varieties of industrial hemp; conducting industrial hemp seed research; and studying the use of industrial hemp in new energy technologies.

Virginia Tech (VT)

VT is conducting agronomic trials to identify industrial hemp varieties that are well-suited to the soils and climate of Virginia and to compare yield responses to various agronomic treatments.

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