

Know Before You Grow

A quick guide to growing industrial hemp under the federal hemp production rules, VDACS's Plan to Regulate Hemp Production in the Commonwealth, and the Virginia Industrial Hemp Law

Registration

To grow any amount or type (e.g., floral, fiber, grain) of industrial hemp in Virginia, you must obtain an Industrial Hemp Grower Registration from the Virginia Department of Agriculture and Consumer Services (VDACS). Individuals with a felony controlled substance conviction within 10 years of the date of application for an industrial hemp registration are not eligible for an industrial hemp registration.

To obtain an Industrial Hemp Grower Registration, you must complete the Industrial Hemp Grower Registration application and attach your FBI Identity History Summary. The FBI Identity History Summary you submit to VDACS may not be dated more than 60 days before the date of your application. Your application will also need to include the coordinates for each of your intended industrial hemp lots.

If a business entity will hold the Industrial Hemp Grower Registration, each key participant in the business will need to submit an FBI Identity History Summary. A "key participant" is a sole proprietor; each partner in a partnership; or each person with executive managerial control in a corporation, including the chief executive officer, the chief operating officer, and the chief financial officer.

The Industrial Hemp Grower Registration application fee is \$150. There may be fees associated with obtaining an FBI Identity History Summary; these fees are also the responsibility of the applicant.

Quick links:

[Industrial Hemp Grower Registration Application](#)

[Obtaining the coordinates of your industrial hemp lot](#)

[Obtaining your FBI Identity History Summary](#)

[FBI website](#)

Before you plant your crop

VDACS assesses an industrial hemp lot's compliance using the post-decarboxylation delta-9 THC concentration (i.e., Total delta-9 THC) of the lot.

A “lot” is a contiguous field of the same variety. You cannot subdivide a field of the same variety into multiple lots.

Growers must obtain lot identification numbers from USDA's Farm Service Agency (FSA).

Varietal selection

Growers may select the variety of industrial hemp they will grow. VDACS does not provide seed or plants to growers. VDACS does not maintain a list of prohibited industrial hemp varieties.

Quick link:
Virginia FSA office locations

After you plant your crop

Growers must submit an Industrial Hemp Planting and Propagation Report to VDACS within 15 days of planting an industrial hemp lot.

Grower must also report planted industrial hemp acreage or greenhouse square footage to FSA.

Quick link:
Industrial Hemp Planting and Propagation Report

Before you harvest your crop

Growers are responsible for selecting a Trained Sampling Agent and a VDACS-approved Testing Laboratory to sample and test each industrial hemp lot no more than 30 days before the lot is harvested. Growers may not harvest an industrial hemp lot before a Trained Sampling Agent collects a compliance sample. The grower is responsible for the cost of sampling, sample delivery or shipping, and testing.

Lists of Trained Sampling Agents and VDACS-approved Testing Laboratories that growers may use is available on VDACS's industrial hemp webpage.

Reporting crop failure

A grower who experiences a complete crop failure of an industrial hemp lot or who voluntarily destroys an industrial hemp lot must submit a Harvest Report to VDACS within five days of the crop failure or voluntary destruction.

On the Harvest Report, the grower should state the Total Harvested as "0" and note the primary reason for the crop failure or voluntary destruction and note the method used to destroy the crop (burn, mulch, till) in the "Explanation of Discrepancy" column of the report.

Harvesting your crop

Growers must harvest an industrial hemp lot within 30 days of a Trained Sampling Agent collecting a compliance sample. If a Grower does not harvest a sampled lot within 30 days, the Grower must hire a Trained Sampling Agent to collect another compliance sample before harvest.

Growers must submit a Harvest Report to VDACS within five days of completing harvest of an industrial hemp lot.

Growers must keep harvested lots separate until VDACS receives the test results for the lot and issues a Fit for Commerce certificate for the lot.

The THC concentration of an industrial hemp lot may not exceed the acceptable industrial hemp THC level.

The acceptable industrial hemp THC level is when the application of the measurement of uncertainty (MOU) to the reported total delta-9 THC content concentration level on a dry weight basis produces a distribution or range that includes 0.30 percent or less.

A sample's Total delta-9 THC concentration minus the testing lab's MOU may not exceed 0.30 percent.

If the industrial hemp lot exceeds the acceptable industrial hemp THC level, VDACS will send you a letter with documentation explaining the next steps in the process. A Grower whose test results exceed the acceptable industrial hemp THC level may choose one of the following options to remedy the situation: Destruction or Remediation.

Remediating your hot crop

If you choose to remediate your industrial hemp lot that exceeds the acceptable industrial hemp THC level, you may either:

1. Remove and destroy all flower material, while retaining stalk, stems, leaf material, or seeds; or
2. Shred the entire industrial hemp lot.

After remediation, you must hire a Trained Sampling Agent to collect a sample from the remediated industrial hemp lot and have a VDACS-approved Testing Laboratory determine the THC concentration of the sample.

Growers who choose to remediate their hot crop must keep a remediated lot separate until VDACS receives test results for the remediated lot and issues a Fit for Commerce certificate for the lot.

Disposing of your hot crop

If your industrial hemp lot exceeds the acceptable industrial hemp THC level and you do not choose to remediate the lot, you must destroy the lot.

Acceptable methods of destruction include:

- Burning the lot, if done in compliance with any burn ban in effect at the time of destruction
- Plowing the lot under
- Mulching the lot
- Disking the lot

Growers who must destroy a lot that exceeds the acceptable industrial hemp THC level must submit a Disposal Report.

Recordkeeping

Growers must keep sampling records for three years.

VDACS will communicate with you via email, if you provide an email address on your registration application. You will receive your Fit for Commerce certificate via email, so please monitor your email account.