

**VIRGINIA INDUSTRIAL HEMP PROGRAM**  
**GROWER, DEALER, AND PROCESSOR REGISTRATION GUIDE**  
JULY 2020

How do I register to grow hemp?..... Page 2

How do I renew my Industrial Hemp Grower Registration?.....Page 2

How do I register to process hemp?..... Page 2

How do I renew my Industrial Hemp Processor Registration?..... Page 2

How do I register to deal hemp?.....Page 3

How do I renew my Industrial Hemp Dealer Registration?..... Page 3

How do I change or add a production field, dealership, or process site?..... Page 3

Who is an “agent”?..... Page 4

Where do I get planting seed?..... Page 4

Planting Report – when is it due?..... Page 4

THC testing – what is required?..... Page 5

What can I sell?..... Page 5

## **Grower registration**

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

An individual applying for a grower registration must own the land that he plans to use as a production field or must have authority to consent to entry on the land that he plans to use as a production field.

Individuals wishing to participate as a grower in the Virginia industrial hemp program should complete the application labeled “Industrial Hemp Grower Registration Application (OPPR-200).”

Individuals wishing to renew their existing Industrial Hemp Grower Registration should complete the application labeled “Industrial Hemp Grower Registration Application (OPPR-200)” and provide their registration number and expiration date.

Mail the completed form and a \$150 application fee for each application form you submit (check made payable to the Treasurer of Virginia) to:

VDACS  
P.O. Box 526  
Richmond, VA 23218

## **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 and industrial hemp extract, or food or food additives for human consumption.

Individuals wishing to participate as a processor in the Virginia industrial hemp program should complete the application labeled “Industrial Hemp Processor Registration Application (OPPR-300).”

Individuals wishing to renew their existing Industrial Hemp Processor Registration should complete the application labeled “Industrial Hemp Processor Registration Application (OPPR-300)” and indicate their registration number and expiration date.

Mail the completed form and a \$200 application fee for each application form you submit (check made payable to the Treasurer of Virginia) to:

VDACS

P.O. Box 526  
Richmond, VA 23218

### **Dealer registration**

“Dealer” means any person registered pursuant to subsection A of Va. Code § 3.2-4115 to deal in industrial hemp. “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.

The Industrial Hemp Dealer Registration is not intended for retail locations wishing to sell hemp products to their customers.

Individuals wishing to participate as a dealer in the Virginia industrial hemp program should complete the application labeled “Industrial Hemp Dealer Registration Application (OPPR-400).”

Individuals wishing to renew their existing Industrial Hemp Dealer Registration should complete the application labeled “Industrial Hemp Dealer Registration Application (OPPR-400)” and provide their registration number and expiration date.

Mail the completed form and a \$250 application fee for each application form you submit (check made payable to the Treasurer of Virginia) to:

VDACS

P.O. Box 526

Richmond, VA 23218

### **Changing or adding a production field, dealership, or process site**

To change or add a production field, dealership, or process site to your registration, complete the “Industrial Hemp Registration Change Form.” There is no fee for this change. You may not grow, deal, or process hemp at a new location until you have received a revised registration.

Email the completed form to [hemp@vdacs.virginia.gov](mailto:hemp@vdacs.virginia.gov) or mail the completed form to:

VDACS/OPPR  
P.O. Box 1163  
Richmond, VA 23218

### **Agent**

The Virginia Industrial Hemp Law provides that it is lawful for a grower or his agent to grow, a dealer or his agent to deal, or a processor or his agent to process industrial hemp in the

Commonwealth for any lawful purpose and that no grower or his agent, dealer or his agent, or processor or his agent shall be prosecuted under Va. Code § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession, growing, dealing, or processing of industrial hemp.

The Virginia Industrial Hemp Law does not define “agent.” You may wish to seek legal advice regarding defining who is your agent.

Although not required, you may wish to provide the “Agent Documentation” form to each person whom you intend to act as your agent for the limited purpose of growing, dealing, or processing industrial hemp pursuant to the Virginia Industrial Hemp Law. You do not need to submit this documentation to VDACS, nor do you need to advise VDACS of any changes to the individuals you deem to be your agents.

### **Obtaining planting seed or clones**

VDACS will not provide you with hemp planting seed or clones.

If you are purchasing hemp planting seed or clones from within Virginia, you must purchase from a Registered Grower or Processor.

If you elect to obtain hemp planting seed or clones from another state or country, doing so does not jeopardize your Industrial Hemp Grower Registration issued by VDACS. You may wish to ask your seed or clone supplier for documentation of the THC test results for any hemp variety you are planning to purchase.

### **Planting report**

If you are a Registered Industrial Hemp Grower, you must submit a planting report to VDACS 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. Please use the planting report template provided by VDACS on its website labeled “Industrial Hemp Planting and Propagation Report.”

If you do not plant industrial hemp on a production field stated on your registration, you must complete Section 2-A of the “Industrial Hemp Planting and Propagation Report” and submit the report to VDACS by July 31.

Email the completed form to [hemp@vdacs.virginia.gov](mailto:hemp@vdacs.virginia.gov) or mail the completed form to:

VDACS/OPPR  
P.O. Box 1163  
Richmond, VA 23218

## **THC testing**

Section 3.2-4114.2 of the Industrial Hemp Law authorizes VDACS to conduct random THC testing; however, VDACS does not require pre-harvest testing. If VDACS selects your industrial hemp to sample and test, you will not be required to pay a laboratory testing fee. If VDACS selects your industrial hemp to sample and test, a VDACS inspector will contact you to schedule an inspection. Once a VDACS inspector contacts you to schedule an inspection, please do not harvest your industrial hemp until the inspector has completed the sampling.

If the Cannabis sativa sample collected from your production field, dealership, or process site has a post-decarboxylation delta-9 THC ("Total THC") concentration of more than 0.3 percent on a dry weight basis, the Commissioner will, pursuant to Va. Code § 3.2-4114.2, require you to destroy the Cannabis sativa at your cost in a manner approved of and verified by the Commissioner. Additionally, the Commissioner may, pursuant to Va. Code § 3.2-4114.2, advise the Superintendent of State Police or the chief law-enforcement officer of the appropriate county or city when a grower grows, a dealer deals, or a processor processes any Cannabis sativa with a Total THC concentration of more than 0.3 percent.

## **Sale of Industrial Hemp or a Hemp Product**

Virginia's Criminal Code exempts from the definition of "marijuana" **industrial hemp** in the possession of someone with an industrial hemp registration. Industrial hemp can be sold in Virginia only to person who has a Virginia Industrial Hemp Grower, Processor, or Dealer Registration.

Virginia's Criminal Code exempts from the definition of "marijuana" **hemp products**, and a person does not need an industrial hemp registration to possess a hemp product.

Virginia Code is not clear as to when "industrial hemp" becomes a "hemp product." VDACS is not able to offer guidance in determining what constitutes "enough" processing to turn "industrial hemp" into a "hemp product." VDACS encourages you to seek legal counsel to determine whether the item you intend to sell is "industrial hemp" or a "hemp product."

Your hemp product and sale thereof must comply with any relevant federal or state law (i.e. food laws, animal feed laws).

If you plan to manufacture and distribute an industrial hemp extract intended for human consumption, you will need to first be inspected by VDACS's Food Safety Program. See this [program's website](#) for more information.

If you plan to manufacture or distribute a hemp product that is not an extract but is intended for human consumption, please contact [VDACS's Food Safety Program](#) for more information.

If you plan to distribute a hemp product intended for smoking, the products must be packaged and distributed in accordance with Va. Code § 18.2-371.2.

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 industrial 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.

Hemp may not be used as an animal feed ingredient. Ingredients used in animal food in the United States undergo a scientific review prior to being allowed for sale or distribution, including a safety and utility review by the U.S. Food and Drug Administration (FDA). At this time, FDA has not approved hemp to be used as an animal feed ingredient. FDA has a [Frequently Asked Questions webpage](#) that includes information regarding animal products containing cannabis that you might find of interest.