

Continuous Hemp Commercial Production Application, 2023

Agricultural and Environmental Services Division



Updated January 12, 2023

Dear Continuous Hemp Commercial Production Applicant:

This application is directed at those entities that will maintain viable hemp plants throughout the year.

Under a single continuous hemp license, there is no acreage limit for a single contiguous growing area. For the purposes of this license, contiguous growing areas are defined as touching along a boundary or at a point. Boundaries such as private roads and irrigation ditches do not divide a contiguous growing area. Growing areas divided by public roads and property owned by entities other than applicant would be considered non-contiguous. Applicants may register multiple growing areas (non-contiguous) on a single license under the following restrictions: all growing areas are within a 2.5 mile radius, and total number of acres under a single application is less than 10 (435,600 square feet).

Other licenses, issued by New Mexico Department of Agriculture, that may be required include the following:

- Annual Hemp Commercial Production License: field production for annual hemp crops;
- Nursery Plant License: Required by state law for any business selling live plants, including hemp clones.

License applications, including nursery, can be found at nmdeptag.nmsu.edu. Questions regarding hemp applications, nursery applications, and licenses can be addressed at 575-646-3207. After your application has been approved, New Mexico Department of Agriculture will mail your Continuous Hemp Commercial Production License to the physical address provided. Understand that the license is proof that you have registered with the state as a hemp producer with the intent of producing hemp.

IMPLEMENTATION OF USDA HEMP RULES

As required by the 2018 Farm Bill, the United States Department of Agriculture (USDA) developed the U.S. Domestic Hemp Production Program to provide regulatory oversight of the cultivation of hemp in the United States. The program includes provisions for the USDA to approve plans submitted by states and Indian tribes for the domestic production of hemp and establishes a federal plan for producers in states or territories of Indian tribes that do not have their own USDA-approved plan and the production of hemp is legal. As of January 1, 2022, New Mexico has been operating under a USDA-approved state plan administered by NMDA. **As required by USDA, it is the responsibility of all hemp producers to register their hemp production areas with USDA - Farm Service Agency.**

BACKGROUND CHECK

A criminal background check is required to process your application. Although you may have submitted one for the 2022 growing season, an updated background check is necessary for 2023. Hemp commercial production licenses cannot be issued to individuals with felony convictions related to controlled substances within the last 10 years. NMDA will conduct the national background check with applicants required to obtain state background records themselves from the Department of Public Safety. **The state background report/stamp from the Department of Public Safety must be included with your Continuous Hemp Commercial Production application.** For your convenience, the Department of Public Safety's Records Request form is located at the end of this application. Reports or a no-records stamp can be obtained from the Department of Public Safety either in person (Santa Fe) or through the mail with your notarized signature. A \$15.00 charge is required by the Department of Public Safety. Applicants are also required to comply with New Mexico's Child Support Enforcement Act. Failure to meet child support obligations will result in the denial or revocation of a hemp commercial production license.

If you have questions or comments, feel free to call us at (575) 646-3207.

Respectfully,

Brad Lewis
Division Director

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Continuous Hemp Production License is intended for growers maintaining viable hemp plants throughout the year as part of a greenhouse or plant nursery operation (clonal production). The Continuous Hemp Commercial Production License is not intended for production of an annual crop. Forms can be filled in electronically before printing or printed and filled manually before mailing. Ensure fees are submitted with a complete application. Applications that contain errors or are illegible will be returned for corrections. **License is valid from February 1, 2023 through January 31, 2024.** Federal law precludes the state from issuing a hemp commercial production license to an applicant that has been convicted of a felony related to controlled substances. Applicants are required to fill out the Continuous Hemp Commercial Production License application, calculate fees, sign the acknowledgment form, and return a completed application (including state background information, check or money order) to:

Physical Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
3190 S. Espina
Las Cruces, NM 88003

Mailing Address:

New Mexico Department of Agriculture
Entomology and Nursery Industries
MSC 3BA
New Mexico State University
P.O. Box 30005
Las Cruces, NM 88003

Applicant Information:

_____	_____	_____
Legal Last Name	Legal First Name	Middle
_____	_____	_____
Email address	Cell Phone #	
_____	_____	_____
Additional Contact Person (i.e. Farm Manager)	Cell Phone #	
_____	_____	_____
Email address	Business name to include on license (if applicable)	

Business Mailing Address: _____

Business Physical Address: _____

<p><u>For Office Use only:</u></p> <p>Previous license holder? _____ OR new applicant? _____</p> <p>Background check _____ Background check approved _</p> <p>Name on check: _____ Check #: _____ \$ _____</p>
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Growing Area 1:

There is no area limit for a single contiguous growing area. Multiple growing areas (not contiguous) can be included in one license under the following conditions: each growing area is within a 2.5 mile radius of a central point, and the total growing areas do not exceed 10 acres (435,600 square feet) under one license. Each growing area, covered under one license, must be owned or leased by a single licensee. Growing areas outside a 2.5 mile radius or in excess of 10 non-contiguous acres are required to be registered under a separate license (Multiple contiguous greenhouse bays are considered a single growing area).

- Growing area location: Latitude (decimal degrees i.e., 32.86312): _____
 Longitude (decimal degrees i.e., -106.294074): _____
 County: _____ NearestTown/City: _____

(Open Google Maps in your internet browser, navigate to growing location and click the mouse. White box will appear at bottom of screen with decimal degree coordinates in gray text.)

- Are you the owner of the property? Yes No

If the answer is no, you are required to complete the Hemp Cultivation Landowner Affidavit document and include it with this application. This document is available on the NMDA website.

- Township/Range/Section data:

Go to www.earthpoint.us/TownshipsSearchByLatLon.aspx and enter GPS coordinates from line 1 above to get your Township, Section, and Range. If results for this growing area are a part of a land grant and survey data does not exist, please enter N/A below and fill in name of land grant: _____

Township (T) _____(Ex: T17S)	Range (R) _____(Ex: R6E)	Section (S) _____(Ex: S2)
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- Total number of square feet designated for hemp production at this growing area: _____ sq. ft.

- Description of operation, check all that apply:

- | |
|---|
| <input type="checkbox"/> Bio fuels <input type="checkbox"/> CBD extraction <input type="checkbox"/> Clonal production <input type="checkbox"/> Cosmetic/beauty products <input type="checkbox"/> Dietary supplement
<input type="checkbox"/> Genetic development <input type="checkbox"/> Fiber <input type="checkbox"/> Food/drink additives <input type="checkbox"/> Grain <input type="checkbox"/> Hempcrete <input type="checkbox"/> Seed production
<input type="checkbox"/> Smokable flower/pre-rolls <input type="checkbox"/> Other: _____ |
|---|

- Provide hemp varieties to be maintained at this growing area. Amendments to your variety list can be made by submitting changes, in writing, to New Mexico Department of Agriculture. Additional varietal fee may apply.

	Variety Name/Identifier	Estimated square footage		Variety Name/Identifier	Estimated square footage
1			6		
2			7		
3			8		
4			9		
5			10		

Additional growing area forms are available on the NMDA website. Fill out additional growing area forms as needed and include them with this application. If number of varieties exceed 10 for this growing area (#1), include additional varieties on a separate sheet of paper (include growing area number, i.e., 1, 2, 3...).

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Fees: (auto-fill not available to calculate fees, enter manually)

- 1. Base registration/Inspection fee \$ 750.00
- 2. Total square feet for all growing areas = _____ X .001 = _____ X 0.75 = \$ _____ (minimum \$5.00)
- 3. Total number of hemp varieties= _____ X \$10.00..... = \$ _____ (minimum \$10.00)
- 4. **Total fee enclosed with application (sum of dollar amounts in 1, 2, and 3 above) \$ _____**

Ensure fee payment, in the form of check or money order, is included with your application.
Fees based on: \$750.00 registration fee + \$.75 / 1,000 square feet of hemp production + \$10.00 per variety.

Acknowledgments:

- 1. **Terms of this application and license are subject to NMDA Hemp Production Regulatory Plan and USDA Agricultural Marketing Service (AMS) Domestic Hemp Production Program final rule published on January 19, 2021.**
- 2. Licensee understands hemp produced under the terms of this license is part of the USDA Hemp Production Program and data on hemp production will be requested of the license holder.
- 3. **Understand that licensee must register hemp growing areas with USDA - Farm Service Agency (FSA) within 30 days of license issuance. Failure to register with USDA - FSA may result in revocation of Hemp Production License.**
- 4. Understand that possession of viable hemp plants without a valid Annual or Continuous Hemp Commercial Production License is a violation of state law. Annual or Continuous Hemp Commercial Production License cannot be transferred to another individual, business, or entity.
- 5. Licensee has reviewed all local laws and ordinances for any provisions prohibiting production of hemp at the growing location specified in this application. E.g., water sources, agricultural limitations, zoning.
- 6. Understand that possession of an NMDA Continuous Hemp Commercial Production License does **NOT** imply or constitute ownership of a given hemp crop.
- 7. Understand hemp, covered under this license, cannot be harvested without NMDA issued documents authorizing harvest of specific varieties listed.
- 8. Field inspections and plant samples will be collected by NMDA staff within 30 days of an estimated harvest date. Understand hemp varieties, not harvested by the required harvest date may be subject to additional sampling to determine THC values or may be subject to destruction or disposed of in a manner approved by the NMDA.
- 9. Agree to complete post-harvest crop destruction or remediation activities within specific dates provided by NMDA. A Destruction or Remediation Inspection report requiring license holder signature will be completed for all crop destruction or remediation events.
- 10. Accept financial responsibility for expenses associated with destruction or disposition of non-compliant cannabis varieties (i.e., in excess of .3% THC) and for post-harvest crop destruction or disposition.
- 11. Understand licensees involved in the production of clones or seed for the purpose of marketing shall maintain records including variety, quantity, buyer, and destination for each transaction for a period of three years.

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Acknowledgments continued:

11. Allow NMDA staff access to all hemp growing areas and relevant documents as determined by the department.
12. Understand licensee or representative is required to be present for all inspections, and licensee is responsible for the delivery of samples to NMDA approved laboratory for the purpose of determining THC levels (post-decarboxylation) prior to harvest.
13. Understand licensee shall be responsible for additional charges associated with addressing non-compliant issues incurred by NMDA.
14. Understand specific data contained within this application may be subject to release under the Inspection of Public Records Act and may be shared with other state or federal agencies, including law enforcement. Applicants will be screened for compliance to New Mexico's Child Support Enforcement requirements, and federal background check requirements.
15. Understand copies of any information related to the production of hemp at this location may be provided to the landowner upon request.
16. Licensee has reviewed and understands regulations contained within the Hemp Cultivation Rule and violations of regulations or policies may result in crop destruction, license suspension, or license revocation.
17. Understand reporting responsibilities of hemp production acreage with respect to USDA Farm Service Agency as required by the USDA Hemp Production Program final rule.

Signature below acknowledges the following: applicant has provided accurate and complete information; has reviewed and agrees to statements contained under the Acknowledgments section; provides New Mexico Department of Agriculture authorization to conduct or obtain information related to background checks regarding possible criminal convictions that may preclude the issuance of a Continuous Hemp Commercial Production License.

• **APPLICATION CHECK LIST**

- GPS Coordinates are in decimal degree format. Make sure coordinates line up with exact growing area location.
- Completed landowner affidavit form attached (if needed).
- Completed New Mexico Department of Public Safety background check attached.
NMDA does NOT process background check forms. They must be sent to NM DPS separately prior to submission of your application.
- Check or money order for correct fee total attached. Double check your fee calculations, payment for too little OR too much will not be processed.
- Note: If also applying for nursery license, please submit a separate check or money order with nursery application with appropriate fees.

Signature:

Date:

- Do not utilize electronic signature; print, sign, date, and mail
- Incomplete applications, including incorrect fee, will be returned
- Ensure appropriate fee is enclosed with your application

Background Check

Applicant is responsible for completing this form and for obtaining a New Mexico background report in person or through a designated agent. This official New Mexico background report must be included with your Continuous Hemp Commercial Production Application. If you have questions regarding this form or process, please contact New Mexico Department of Public Safety at (505) 827-9297.

DEPARTMENT OF PUBLIC SAFETY / P.O. BOX 1628 / SANTA FE, NM 87504-1628 ATTN: RECORDS \$15.00 PER RECORD CHECK

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____
NAME (MUST BE PRINTED-LEGIBLY) (SSN#) (DOB)

PURSUANT TO NMSA 1978, SECTION 29-10-6(A) (Repl. Pamp. 1990), OF THE NEW MEXICO ARREST RECORD INFORMATION ACT, HEREBY APPOINT:

NAME (MUST BE PRINTED) (IF NO AGENT, PRINT "SELF")

ADDRESS: _____

AS AN AUTHORIZED AGENT FOR ME FOR THE PURPOSE OF INSPECTING (AND /OR OBTAINING COPIES OF) ANY NEW MEXICO ARREST FINGERPRINT CARD SUPPORTED ARREST RECORD INFORMATION MAINTAINED BY THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING INFORMATION CONCERNING FELONY OR MISDEMEANOR ARRESTS AND INFORMATION OBTAINED FROM RELEVANT FINGERPRINT DATABASES.

TO THE CUSTODIAN OF THE RECORDS IN QUESTION, I HEREBY DIRECT YOU TO RELEASE SUCH INFORMATION TO THE AUTHORIZED AGENT AS DESCRIBED ABOVE.

I HEREBY RELEASE THE CUSTODIAN OR CUSTODIANS OF SUCH RECORDS AND THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ANY OF THEIR AGENTS, EMPLOYEES, OR REPRESENTATIVES IN ANY CAPACITY, FROM ANY AND ALL CLAIMS OF LIABILITY OR DAMAGE OF WHATEVER KIND OR NATURE, WHICH AT ANY TIME COULD RESULT TO ME, MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE BECAUSE OF COMPLIANCE BY SAID CUSTODIAN OR CUSTODIANS WITH THIS "AUTHORIZATION FOR RELEASE OF INFORMATION" AND MY REQUEST CONTAINED HEREIN FOR THIS RELEASE OR BECAUSE OF ANY USE OF THESE RECORDS. THIS RELEASE IS BINDING, NOW AND IN THE FUTURE AND IS VALID FOR A PERIOD OF UP TO 120 DAYS FROM THE DATE SIGNED, ON MY HEIRS, ASSIGNS, ASSOCIATES, PERSONAL REPRESENTATIVE OR REPRESENTATIVES OF ANY NATURE.

APPLICANTSIGNATURE: _____

DATE: _____

(*ATTN: NOTARY-ENSURE DOCUMENT IS SIGNED BY BOTH APPLICANT AND PARENT (GUARDIAN) IN YOUR PRESENCE AND NAME, DOB, SOC INFO IS VERIFIED WITH A VALID ID)

SUBSCRIBED AND SWORN TO BEFOREME THIS _____ DAY OF _____ 20_____.

(SEAL) _____
(SIGNATURE OF NOTARYPUBLIC)

MY COMMISSION EXPIRES: _____.

For Department of Public Safety Use Only