



GEORGIA DEPARTMENT OF AGRICULTURE

Hemp Grower License Application Guidelines

- The Georgia Department of Agriculture (GDA) is administering the Georgia Hemp Farming Act as authorized by O.C.G.A. § 2-23-1 et seq.
- This Hemp Grower License Application Packet is designed to provide sufficient instructions for completion by any individual who would be prepared to participate in the Georgia Hemp Program. The application packet includes a broad understanding of the program, but applicants should read the Georgia Hemp Farming Act (O.C.G.A. § 2-23-1 et seq.), the Hemp Grower Rules (Ga. Comp. R. & Regs. R. 40-32-2, and the USDA Interim Final Rule.
- Please make sure to fully review all application materials and Grower License Rules prior to contacting hemp program staff with questions. GDA is not in a position to offer direct consultation on completing a Hemp Grower License application or to educate individuals about the production of hemp.
- Anyone who intends to grow hemp in the State of Georgia must successfully complete the full application process with the GDA and be issued a Hemp Grower License prior to receiving, producing, cultivating, handling, or storing hemp plants or seeds.
- A Hemp Grower License does not allow the Licensee to process hemp. A Hemp Processor Permit is required for the processing of hemp plants. Licensed Hemp Growers who intend to process hemp must apply separately for a Hemp Processor Permit.
- Renewal applications, annual license fees, and annual criminal background checks must be submitted by December 1, 2020. Licenses will expire on December 31, 2020 if the renewal application, renewal fee, and background checks are not timely submitted.
- The Hemp Grower License fee is \$50.00 per acre intended to be cultivated (up to a maximum fee of \$5,000.00).
- Georgia Hemp Grower License applicants must be qualified agricultural producers and be able to provide sufficient proof including, but not limited to the following:
 - A current Georgia Agriculture Tax Exemption Certification (GATE Card);
 - Select IRS forms (see Rule 40-32-2-.01(3)(b) for the full list); or
 - Any tax returns, forms, sales receipts, or other information or documentation as may be requested or required by the Commissioner.
- Georgia Hemp Grower License applicants must provide a copy of the deed or lease for each grow site property, whether it is a field or a greenhouse, along with copies of relevant easements or licenses as proof of legal authority to cultivate hemp on the site.
- Background checks are required for each owner, key participant, and person holding a beneficial interest in the Hemp Grower License. Key participants include a partner in partnership, or a person with executive managerial control in a corporation (e.g. CEO, COO, CFO, etc.). Background checks must be received and reviewed by GDA prior to issuance of a Hemp Grower License.
- Applicants must provide the name and contact information of the Permittee(s) with whom the applicant has entered into or intends to enter into an agreement pursuant to O.C.G.A. § 2-23-7 and the affidavit(s) required by O.C.G.A. § 2-23-6. The affidavit(s) must be in the form provided by GDA.



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- Each Licensee must have a Department-approved sampling agent collect samples from the flower material of each lot of cannabis plants for delta-9 tetrahydrocannabinol (THC) concentration level testing within 15 days of the anticipated harvest. The Licensee must not harvest any cannabis prior to samples being taken. The Licensee must then harvest the crop not more than fifteen (15) days following the date of sample collection.
- All costs associated with the production of hemp are the responsibility of the Licensee including, but not limited to, costs for sampling and testing of hemp plants.
- No person will be issued more than one Hemp Grower License, nor will any person be permitted to have a beneficial interest in more than one Hemp Grower License.
- Hemp Grower Licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.
- Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the Hemp Grower License Application.
- As a reminder, “hemp” means the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total THC concentration of not more than 0.3 percent. The Hemp Grower License does not give you the ability to grow or handle cannabis materials with a total THC concentration greater than 0.3 percent.
- Cannabis plants with a total THC concentration greater than 0.3 percent constitute marijuana, a schedule I controlled substance, and must be disposed of by a DEA-registered reverse distributor and in compliance with the Hemp Grower Rules. If a sample analysis of your plants reveals total THC levels above 0.3 percent, you will need to contact a DEA-registered reverse distributor and arrange for disposal of all plants with the same GPS coordinates.
- Any person who materially falsifies any information contained in an application for a Hemp Grower License will be ineligible to receive a Hemp Grower License or otherwise participate in the Georgia Hemp Program.
- Failure to comply with the Georgia Hemp Farming Act or its Rules may result in enforcement action including, but not limited to, corrective action plans, suspension from the program and the destruction of hemp materials.



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Hemp Grower License Application

Any person producing or intending to produce hemp must have a valid Hemp Grower License prior to receiving, producing, cultivating, handling, or storing hemp. For more information, see the Georgia Department of Agriculture Hemp Growers and Processors Rules, chapter 40-32-2.

The initial Hemp Grower License fee is \$50 per acre cultivated, up to a maximum application fee of \$5,000. This fee is payable once the application has been approved.

Applicant Contact Information

Applicant Name (individual full name or legal business name) _____

Applicant Physical Address

Street _____

City _____ State _____ Zip _____ County _____

Applicant Mailing Address

Street or PO Box _____

City _____ State _____ Zip _____

Phone _____ Email _____



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Applicant Business Information

If applying as a business:

Business Structure Type (LLC, Sole Proprietorship, etc.) _____

Employer Identification Number (EIN) _____

Primary Contact

Name _____

Mailing Address: Street or PO Box _____

City _____ State _____ Zip _____

Phone _____ Email _____ Job Title _____

List all business members (each owner, key participant, and person holding a beneficial interest). Attach additional pages if needed.

Name	Title	Phone	Email
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



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Acreage

Maximum total acres of hemp intended to be cultivated in fields
during this licensing period _____

The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.

Maximum number of greenhouses or other buildings or structures intended to be used for cultivation
during this licensing period _____

Each greenhouse or other building or structure in which hemp is cultivated will be considered a separate acre for fee calculation purposes

Note: Any Licensee who cultivates more acres than that which is listed above will be deemed to have violated their Hemp Grower License and will be subject to enforcement under the Georgia Hemp Farming Act and these Rules.



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Acreage Details

Enter the following information for **each** property on which a Grow Site (field or greenhouse to be used to cultivate and harvest hemp) is located.

Physical Address _____

Do you own or lease this property? Own ___ Lease ___

City _____ State _____ Zip _____ County _____

Legal Description of this property (obtained from the county courthouse).

List all fields and/or greenhouses on this property.

Type (Field or Greenhouse)	GPS coordinates in decimal degrees of entrance to greenhouse or center of field	Square Footage (for greenhouses)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



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Storage Facilities

Enter the following information for each property on which a storage facility is located.

Physical Address _____

City _____ State _____ Zip _____ County _____

Do you own or lease this property? Own ___ Lease ___

Legal Description of this property (obtained from the county courthouse).

List all storage facilities on this property.

GPS coordinates of entrance to building (decimal degrees)	Square Footage
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_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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Processing

Check all that apply:

_____ I intend to process the hemp that I grow. (requires a Hemp Processor Permit)

_____ I intend to enter into an agreement with an approved Permittee to process the hemp that I grow. (*Must attach affidavits of the applicant and every Permittee with whom such applicant has entered into a written agreement pursuant to O.C.G.A. § 2-23-7 in which both parties swear that they have entered into or intend to enter into such an agreement.*)

Provide contact information for each Permittee.

Permittee Physical Address

Street _____

City _____ State _____ Zip _____ County _____

Permittee Mailing Address

Street or PO Box _____

City _____ State _____ Zip _____

Phone _____ Email _____



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Certification and Signature

Initial each of the statements below:

_____ I have read and understand the **Grower License Terms and Conditions** of the Rules of the Georgia Department of Agriculture concerning Hemp Growers and Processors (Chapter 40-32-2-.02), and I agree to abide by all of these terms and conditions.

_____ I certify that I am a qualified agricultural producer as defined in the Rules of the Georgia Department of Agriculture concerning Hemp Growers and Processors (Chapter 40-32-2-.01(ss)), and I agree to provide documentation of this upon request.

_____ I hereby consent and agree to allow representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being grown or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and its Rules.

_____ I understand that by providing inaccurate or false information, my application may be rejected or the Hemp Grower's License may be revoked.

Signature of Applicant or Authorized Representative

Date

Print Name



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Application Checklist

Please make sure your application packet includes each of the documents below.

If applying as a business:

- Current Certificate of Existence obtained through the Georgia Secretary of State's Office.
- Any required local business license(s).

Grow Sites:

- An aerial map or photograph (satellite imagery) that clearly shows the boundaries and dimensions of each grow site (field or greenhouse) and storage.
- A copy of the deed or lease for each Grow Site property, whether it is a field or a greenhouse, along with copies of relevant easements or licenses as proof of legal authority to cultivate hemp on the Grow Site.

If you intend to enter into an agreement with an approved Permittee to process the hemp that you grow.

- Affidavits of the applicant and every Permittee with whom such applicant has entered into a written agreement pursuant to O.C.G.A. § 2-23-7 in which both parties swear that they have entered into or intend to enter into such an agreement.

Background Check

Once the GDA has notified you that your application qualifies you for a Hemp Grower license, you must complete background checks for all persons holding a beneficial interest in the permit (individual applicant, owner and key participants of a business). Instructions for completing the background checks will be available on the GDA website.



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Appendix: Affidavits

If you intend to enter into an agreement with an approved Permittee to process the hemp that you grow, GDA must receive affidavits of the applicant and every Licensee with whom you have entered into a written agreement pursuant to O.C.G.A. § 2-23-7 in which both parties swear that they have entered into or intend to enter into such an agreement.

Use the template on the following page for all affidavits. The affidavit is available for download on the Georgia Department of Agriculture (GDA) website at agr.georgia.gov/georgia-hemp-program.aspx

SAMPLE



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AFFIDAVIT ATTESTING TO THE EXISTENCE OF AN AGREEMENT OR THE INTENT TO ENTER INTO AN AGREEMENT GOVERNING THE BUSINESS RELATIONSHIP BETWEEN A HEMP PROCESSOR AND A HEMP GROWER AS REQUIRED BY O.C.G.A. § 2-23-6(b)(2)

I, _____ (Processor Agent), am a legal agent for _____ (Processor Legal Business Name), a hemp processing facility located at _____ (Physical Address) that intends to apply for, has made an application for, or has been issued a Hemp Processing Permit by the Georgia Department of Agriculture.

I, _____ (Grower), am a qualified agricultural producer located at _____ (Physical Address) who intends to apply for, has made an application for, or has been issued a Hemp Grower License by the Georgia Department of Agriculture.

We, the above-described parties, do hereby swear or affirm that we have entered into or intend to enter into an agreement governing our business relationship, as required by O.C.G.A § 2-23-7.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Processor Agent Signature

Grower Signature

Date

Date

Sworn to and subscribed before me this _____ day of _____, _____.

Sworn to and subscribed before me this _____ day of _____, _____.

NOTARY PUBLIC

NOTARY PUBLIC

My commission expires: _____

My commission expires: _____