

The Vermont Hemp Rules



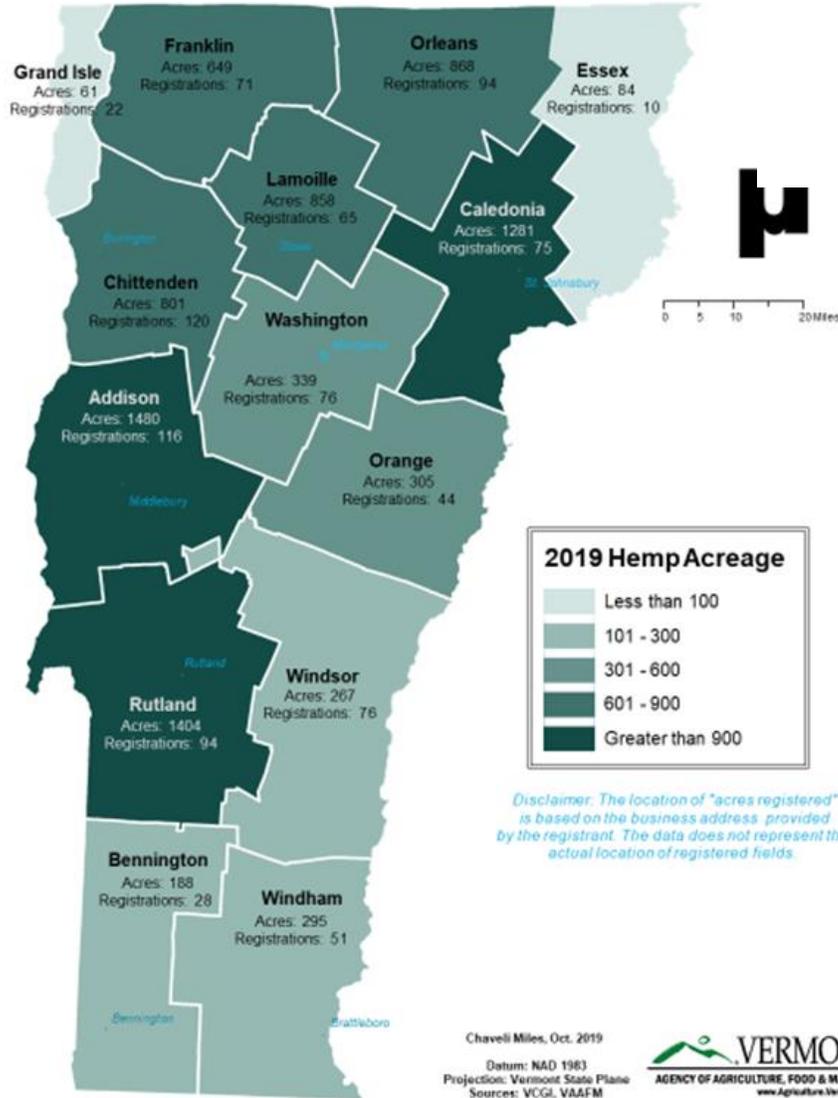
Vermont Hemp Rules

- ▶ What is hemp?
- ▶ When do the Vermont Hemp Rules take effect?
- ▶ Who needs to register?
- ▶ What do the rules address?
 - ▶ Recordkeeping
 - ▶ Reporting
 - ▶ Testing
 - ▶ Labelling
- ▶ Where to find answers?

2019

2020

YTD Grower Registration and Acres Registered by County



Hemp Registrants

- 399 issued registrations
- 339 issued for commercial growing and/or processing
- 60 issued registrations for personal use
- 1,177 acres registered
- 7,893 sq ft indoor cultivation
- 11 registrations for grain/fiber production
- 48 registrations issued for extraction
- As of June 9, 2020



2020 Vermont Hemp Program

- ▶ Hemp Program expects to operate under the 2014 Farm Bill authorization
 - ▶ Acceptable potency level is a hemp crop that has a delta-9 THC concentration of 0.3% or less on a dry weight basis. There is an additional limitation of 1% or less on the total theoretical THC concentration
- ▶ The authorization to operate a pilot program expires on October 31, 2020
 - ▶ All crops must be grown, sampled, tested for potency, and harvested by this date

What is Hemp?

Hemp means the plant *Cannabis sativa* L. and any part of the plant, including the seeds and all derivatives, extracts, cannabinoids, acids, salts, isomers, and salts of isomers, whether growing or not, with the federally defined tetrahydrocannabinol concentration level of hemp. "Hemp" shall be considered an agricultural commodity.

When do the Vermont Hemp Rules take effect?

Effective May 21, 2020

- ▶ Delayed implementation-no, but...
 - ▶ Cannabis Quality Control Program and Laboratory Certification
 - ▶ Testing - required
 - ▶ Vermont Brand, using Produced in Vermont - voluntary
 - ▶ Enforcement
 - ▶ Agency discretion

Who needs to register?

Every person growing hemp in Vermont

- ▶ Before taking possession of viable seed, plants or clones
- ▶ Indoor and outdoor cultivation

Every person offering processing services or processing for commercial markets

- ▶ Before taking possession of a hemp crop, trim flower, or hemp concentrate
 - ▶ Hemp concentrate may only be possessed by registrants

Who is a Grower?



Drying and storage areas must be registered as part of a grower registration or a processor registration.

- Growing includes all aspects of cultivating and harvesting hemp including starting seeds
- Growing includes drying hemp that a registrant grows, in a facility owned, operated, or leased by the registrant
- Pruning, bucking, and any other methods involved in plant maintenance or harvesting is considered growing

Who is a Processor?



Processing does not include making a finished product from a hemp product that is compliant with Vermont's acceptable potency level

- Trimming hemp that you grow for a finished product
- Storing a hemp crop in a year subsequent to cultivation
- Drying a hemp crop that you did not grow requires that you register as a processor
- Processing also includes transporting, handling, or packaging hemp from a single or multiple growers if taking ownership of the hemp

Who does not need to register?

- ▶ Personal use processing activities do not require registration
- ▶ Retail establishments selling hemp products and hemp infused products (excluding nurseries)
- ▶ Service providers working under another's registration in a registered location
 - ▶ Agriculture service providers
 - ▶ Transportation providers

2020 New Registration Fees



- ▶ \$25 - For personal use grower registration.
- ▶ \$100 - for food oil, grain and fiber production regardless of acres planted
- ▶ \$100 - Less than 0.5 acres planted or less than 500 pounds processed
- ▶ \$500 - 0.5 to 9.9 acres planted or less than 10,000 pounds processed
- ▶ \$1,000 - 10 to 50 acres planted or less than 50,000 pounds processed
- ▶ \$3,000 - Greater than 50 acres or greater than 50,000 pounds

Indoor cultivation (bringing crops to flower under lights)

- ▶ \$1,000 - 500 Sq. ft or less; \$2,000 - Greater than 500 Sq. Ft
- ▶ One fee for registering as a grower and a processor
- ▶ The fee to grow exclusively indoors is separate from the outdoor hemp grower fee that is based on acreage.

Lab Certification \$1500

Vermont Hemp Rules Registration

- ▶ Section 4, establish the requirements for the registration of growers, processors of hemp products and hemp-infused products
 - ▶ contents of a complete application
 - ▶ expectation that information used for registration is accurate
 - ▶ limits operation to what was included in registration
 - ▶ When registrations are effective an expiration

Vermont Hemp Rules

Recordkeeping and Reporting

Sections 5 and 6, standards for recordkeeping and reporting

- ▶ Grower registrant must maintain records for three years from harvest date for each harvest lot by harvest lot number
 - ▶ Purchase/cultivation, transfer, sampling/testing records
- ▶ Processor registrant must maintain records for three years from process date for each process lot by process lot number
 - ▶ Transfer of a hemp crop from in state or out-of-state, and testing records
 - ▶ Product formulation, testing, label records

Vermont Hemp Rules

Recordkeeping and Reporting

Grower registrant must report to Agency by December 1 of each year.

- ▶ Total acres planted, harvested, and disposed

Processor registrant must report to Agency January 30, each year.

- ▶ Total dry weight of hemp crop handled in the preceding year.

Definitions

Harvest Lot means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or cultivar of the Cannabis Sativa L. plant throughout the area

Process Lot means any amount of hemp concentrate, hemp product or hemp-infused product of the same type, processed at the same time using the same ingredients and same standard operating procedures.

Vermont Hemp Rules

Testing

- ▶ Sections 7 and 8, when testing required and what is considered compliance
 - ▶ No opportunity to mitigate “hot” crops
 - ▶ Crops that do not comply with potency requirements must be destroyed
 - ▶ Mitigation may be available for crops that do not meet contaminant action limits
- ▶ Testing is supported by a Cannabis Quality Control Program
 - ▶ Protecting consumers and Vermont Brand by establishing action limits for contaminants
 - ▶ Setting expectations for laboratories to conduct testing for regulatory purposes
 - ▶ Reporting- failure on potency by both Growers and laboratories

Vermont Hemp Rules Testing

	potency	Moisture or water activity	mycotoxins, bacterial and fungal	heavy metals	pesticides	Residual solvents
Harvest lot						
	Each lot	Each lot	N/A	Each lot or soil sample or if used for ag (not orchard)	Each Lot, unless organic	
Plant material						
Trim flower	Harvest lot	Each process lot	Each process lot	Harvest lot	Harvest lot	N/A
Concentrates						
Liquids	Each process lot	N/A	Each process lot	Each process lot	Each process lot	If solvent based
Solids	Each process lot	N/A	Each process lot	Each process lot	Each process lot	If solvent based
Infused products						
Liquids- infused products (tinctures, water based)	Process lot and/or formulation	N/A	Refer to trim or concentrate	Harvest lot or process lot for concentrate	Process lot for trim or concentrate	N/A
Solids- infused edibles, tablets	Process lot and/or formulation	N/A	Refer to trim or concentrate	Harvest lot or process lot for concentrate	Process lot for trim or concentrate	N/A

Vermont Hemp Rules

- ▶ Are there Vermont certified laboratories?
- ▶ Does a processor need to test every batch/process lot post extraction?
- ▶ If I don't offer a label guarantee regarding cannabinoid content, do I need to test every process lot of product?

Vermont Hemp Rules Labelling

- ▶ Section 11, labelling
 - ▶ This product contains ingredients derived from hemp
 - ▶ Label guarantees for cannabinoid content
 - ▶ Whole plant, isolate, full spectrum, broad spectrum, etc.
 - ▶ This product contains “THC”
 - ▶ Accuracy with respect to content of hemp products and hemp-infused products, and
 - ▶ Traceability back to the harvest lot number, process lot number and associated compliance records

Vermont Hemp Rules Labelling

- ▶ Will I be required to change the label of my product?
- ▶ Is a process lot number required on labels?
- ▶ Can I use a QR code on the label to meet the Vermont Hemp Rules requirements?

Where to look for answers

- ▶ VHR Section 3, Definitions
- ▶ Registration Guidance
- ▶ Who is a grower or a processor FAQ
- ▶ Nursery and Seed Guidance
- ▶ Allowed Pesticides
- ▶ Pre-harvest sampling form
- ▶ How to sample harvest lots
- ▶ Interpreting a Certificate of Analysis

<https://agriculture.vermont.gov/public-health-agricultural-resource-management-division/hemp-program/hemp-resources-and-guidance>

Other Regulatory Programs

- ▶ Nursery Dealer Programs
- ▶ Fire Safety Division-Building Permits
- ▶ Pesticide Program
- ▶ Seed Dealer Registration Program
- ▶ Water Quality Program- Required Agricultural Practices
- ▶ Vermont Agricultural and Environmental Lab
- ▶ Water and Wastewater, Dept. of Environmental Conservation

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