Hemp Questions

GENERAL INFORMATION

**What is “Industrial Hemp”?**

1. Industrial hemp is a variety of Cannabis sativa and is of the same plant species as marijuana. However, hemp is genetically different and distinguished by its use and chemical makeup. Industrial hemp refers to cannabis varieties that are primarily grown as an agricultural crop. Hemp plants are low in THC (marijuana's primary psychoactive chemical) (KDA)

**Is it easy to grow?**

1. Hopefully the research pilot program will be able to provide insight into this.

**What are potential uses?**

1. Hemp is used to make a variety of commercial and industrial products including rope, clothes, food, paper, textiles, plastics, insulation and biofuel.

**Why is it now legal to grow hemp in SC?**

1. The SC General Assembly passed (11.3559) legislation which creates a pilot program for industrial hemp to be grown by 20 permit holders (20 acres each) as part of a research program.

**How does industrial hemp differ from marijuana?**

1. Hemp and marijuana come from the same plant species, cannabis sativa, but marijuana is the flower of the plant and hemp is the fibers, and they differ in concentrations of THC. Legally, THC levels determine whether the substance is considered an agricultural product or a regulated drug. The new S.C. law defines industrial hemp as any part of the plant with a THC concentration that does not exceed .3% on a dried weight basis. Anything above that is considered marijuana and is illegal in the state.

**How many permits will be issued?**

1. 20 Permits will be issued in the first year of the pilot program according to South Carolina Legislation.

**How many acres can I use to grow industrial hemp?**

1. The farmers who obtain the 20 permits will be allowed to grow up to 20 acres of Industrial Hemp

**Does all the acreage have to be in the same place, or can it be split between a few plots of land?**

1. The land can be split, and if that is the case, all GPS coordinates need to be reported in the application.

**Will the acreage have to be fenced in or have any additional security measures?**

1. The enabling legislation does not direct fencing to be required.

**Do you have to be a South Carolina resident?**

1. Per Industrial Hemp Legislation you are required to be a State of South Carolina resident. The address submitted on the application must be linked to a South Carolina address and it will be cross-checked with the results of the background check.

**What is the maximum percentage of THC that the industrial hemp can have?**

1. The THC threshold of industrial hemp that is allowed to be grown is .3 Percent

**Are there grants available for this pilot program?**

1. SCDA does not have research funded grants currently available.
2. Per USDA Website, “Yes, provided the criteria (in question 2), above are met. Depending on the funding agency, applicants likely will need to certify compliance with the relevant State program and agree to certain terms and conditions as set by the agency.”

**Do I have to be an owner of the land? If not, do I have to have a signed agreement with the owner to use the land for the growth of Industrial Hemp?**

1. If you are leasing land, you will be required to provide permission from the land owner to participate in the pilot program.

APPLICATION PROCESS

**How much is the application fee?**

1. A $50 non-refundable application fee with be required at the time of submission. If you are one of the 20 to be issued a permit, a $400.00 permit fee will be required.

**Can I grow hemp under someone else? (like a partnership)**

1. Only one person’s name will be listed on the permit. On the application, there will be an opportunity to list other individuals that will be involved in the growing process.

**Are my employees required to have a background check?**

1. At this time, SCDA requires that the applicant be background checked.

GROWING PROCESS

**Are there any guidelines for the use of insecticides and pesticides for the growing of industrial hemp?**

1. Per Clemson University:

The Department of Pesticide Regulation (DPR) at Clemson University can legally allow pesticide use on industrial hemp only when the use is tied to a research project or program that is being conducted by a university or college faculty or staff member licensed in Demonstration and Research Pest Control or if a state issued Experimental Use Permit (EUP) is obtained prior to conducting research.

Clemson University DPR is authorized to issue state EUPs to researchers conducting field trials on plots that are no larger than ten (10) contiguous acres. This process may be used in situations where federal (EPA) EUPs have not been obtained.  In most instances, crops treated under a South Carolina EUP must be destroyed after analysis, and no part of that crop can be sold, traded, processed for sale, or consumed by humans or animals.  Individuals seeking a state EUP must consult with Clemson DPR before proceeding with any proposed research projects.

The approval of a Special Local Needs or 24(c) registration will not be considered unless the proper data required by EPA is submitted and associated research finds that there is reasonable certainty of no harm to human health or risks to the environment.  Clemson University (DPR) will work closely with the EPA and potential researchers to ensure that state and federal pesticide regulations are followed and that no products are used in a manner that is inconsistent with the product label.  Researchers seeking to use pesticides under the Category 10 license will submit a written request to DPR prior to use.  The SCDA will be notified about pesticide use on industrial hemp and the final product should be subject to residue testing as determined by the SCDA.

Researchers participating in the industrial hemp program must also understand and agree to follow other state and/or federal requirements that fall beyond the purview of Clemson DPR.  This may include post-harvest tolerances established by the US Food and Drug Administration (FDA) and enforced by the SCDA, federal requirements for securing hemp seed under the US Department of Agriculture (USDA) and the United States Drug Enforcement Agency (DEA), and laws or regulations regarding hemp that may fall under the purview of the South Carolina Law Enforcement Division (SLED).

In summary, pesticides are not approved for use on Industrial Hemp unless they are being used for research purposes (only individuals with a Demonstration and Research License or an EUP can make pesticide applications).  If pesticides are used, one must know that there are no federal tolerances established for pesticide residues on Industrial Hemp and the product cannot be legally sold for human or animal consumption under FDA and EPA regulations.  We will be strictly enforcing the use of pesticides on Industrial Hemp and will only allow approved researchers to apply pesticides on Industrial Hemp.

**Can the industrial hemp be transported across state lines to be processed?**

1. Yes, as long as the grown crop is transported through states where industrial hemp is legal.

**Will there be any training available for the growing of hemp?**

1. SCDA will not be providing training for the growing of industrial hemp.

**How do you know my field’s THC content?**

1. Testing must be conducted.

**Can I self-test my crop’s THC level?**

1. Per the legislation, testing must be conducted by an ISO certified laboratory.

**What if my plants test above .3 percent THC?**

1. If the crop is above .3 percent, the crop will either need to be destroyed or reconditioned.

RESEARCH

**Why do I have to work with a university for the pilot program?**

1. Per federal law, all industrial hemp grown in a state must be conducted as a part of a research program. State law also directs the research to be conducted by an approved college or university.

**What colleges and universities in the state am I able to partner with?**

1. Any college or university offering a four year baccalaureate degree or private institution of higher education accredited by the Southern Association of Colleges and Schools offering four year baccalaureate degrees throughout the state.

**When do I need to secure my partnership? Before applying or after?**

1. All letters of intent must be signed and submitted with the pilot program application.

**How involved will the university be with my crop? Will they be hands-on?**

1. This will solely depend upon what type of agreement is negotiated with the specific college/university.

PROCESSING

**Where can I find processors?**

1. SCDA does not have a list of available processors for applicants to use. Upon application, one must have a letter of intent from a processing facility.

**Can I process my own industrial hemp?**

1. While this is possible, the grower may be required to submit business plans of how and what the industrial hemp will be processed into.

***\*\*All information is subject to change or be further clarified and cannot be considered legally binding. This information is for advice/planning purposes only.***