South Carolina
DEPARTMENT OF AGRICULTURE

Hugh E. Weathers, Commissioner

HEMP PROCESSOR PERMIT APPLICATION GUIDELINES

- The South Carolina Department of Agriculture (SCDA) is administering the South Carolina Hemp Farming Program as authorized by SC Code Ann. § 46-55-10 et seq.
- Anyone processing hemp in the State of South Carolina must successfully complete the full application process with the SCDA and be issued a Hemp Processing Permit prior to processing and prior to taking possession of any in-program harvested hemp materials (biomass) or any other sort of hemp plant material. Processors who are growing hemp must apply for a Hemp Farming Permit. Handlers or service providers (storage facilities, couriers, etc.) who are not growing, or processing must complete the Hemp Handler Permit Application.
- **A Processor Permit will not allow the Permit Holder to cultivate, farm, or take ownership of living clones or any other type of living plant material. If you wish to cultivate or take ownership of living clones or any other type of living (rooted) plant material, you must obtain a separate Hemp Farming Permit.**
- **Permitting Fees:**
  - » Hemp Processor Permit Fee:
    $100.00 Non-Refundable Application Fee per location
    $3,000.00 Permit Fee per location
  - » Each separate address, even if under the same business name, will need its own Processing Permit, Dealer/Handler License, and Weighmaster License.
  - » Hemp Processor Permits will be issued once processing facilities have passed inspection.
- Failure to comply with state regulation may result in appropriate action, including suspension from the program and the destruction of hemp materials. Processors may only purchase hemp from South Carolina permit holders or individuals licensed or permitted by another state or Indian tribe.
- **Changes for 2020 Season:**
  - » Federal law now requires that all states have a testing protocol to measure delta-9 THC post-decarboxylation – **this means total THC must be not more than 0.3 percent.**
  - » **Federal law will no longer allow SC to have a remediation safeguard. Now hemp total THC must test at or below 0.3 percent (after accounting for the measurement of uncertainty, which is likely less than a 0.099% variance) or be subject to destruction.**
  - » **In accordance with federal law, cultivating or processing hemp with a total THC level greater than 0.5% will constitute a "negligent violation" of the Hemp Farming Program. If a Permitted Processor has three negligent violations in 5 years, he or she will face permit suspension for five years.**
- **Key Information:**
  - » Background checks are required for all applicants.
  - » Applicant must be an individual. SCDA does not issue processing permits to business entities.
  - » This Hemp Processor Permit Application Packet is designed to provide sufficient instructions for completion by any individual who would be prepared to participate in the Hemp Farming Program. The application packets include a broad understanding of the program, but applicants should read the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. (which may be accessed here: *scstatehouse.gov/code/t46c055.php*), the USDA Interim Final Rule (which sets forth the national hemp regulatory scheme, and which may be accessed here: *ams.usda.gov/sites/default/files/media/AMS_SC_19_0042_IR.pdf*)
  - » Please make sure to fully review all application materials and regulations prior to contacting hemp staff with

questions. SCDA is not in a position to offer direct consultation on completing a permit application or to educate individuals about the production or processing of hemp.

» All costs associated with the production or processing of hemp are the responsibility of the permit holder, including both profits and loss. There are no sources of funding from SCDA to cover any aspect of hemp production or processing. Potential applicants should understand that at the present time it is possible that they may suffer a loss on their hemp processing operation. Limited production knowledge combined with an uncertain federal regulatory environment, recent changes to the sampling and testing protocol as required by the USDA that will make compliance more difficult, and unstable pricing creates significant risk for the participant. The focus of this program is the collection of research data and learning through experience.

- Application Deadline: New Processor Permit Applications will now be accepted year-round. Permits issued will be subject to the annual renewal requirements which will be one year from date issued.

- Please note that permits will not be issued until your facility has passed an SCDA inspection. Once SCDA receives and approves your processing application, SCDA will contact you to schedule your processing facility's inspection. Please allow SCDA up to 10 business days to process your application and schedule facility inspection.

- SCDA will only issue permits for processing facilities. SCDA will not issue permits to applicants who only intend to operate retail outlets.

- Please note that a Processing Permit only gives you the ability to process and possess **hemp**. 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 on a dry weight basis. This Processing Permit does not give you the ability to process or possess materials with a total THC concentration of **more** than 0.3 percent on a dry weight basis. If your processing mechanisms result in total THC levels above 0.3 percent, you will need to obtain a DEA registration to handle and dispose of such controlled substances. For more information please see: ***deadiversion.usdoj.gov***

South Carolina
DEPARTMENT OF AGRICULTURE

Hugh E. Weathers, Commissioner

HEMP PROCESSOR APPLICATION

Please note that SCDA may only issue Processor Permits to individuals. The Applicant Information below is information about the person completing this Application. The Company Information below is information about the processor company. A Processor Permit will not allow the Permit Holder to cultivate, farm, or take ownership of living clones or any other type of living plant material. If you wish to cultivate or take ownership or living clones or any other type of living (rooted) plant material, you must obtain a separate Hemp Farming Permit. Permit Renews annually from the date permit is issued.

Application Fee: $100.00 Per Location (Non-Refundable) • Permit Fee: $3,000.00 Per Location

APPLICANT / BUSINESS INFORMATION

Applicant Name _____

Processing Facility Name _____

Applicant's Home Address _____

City _____ State _____ ZIP _____
Required for Background Check

Phone _____ Job Title with Processing Facility _____

Email _____

Physical Address of Processing Facility _____

City _____ State _____ ZIP _____

County _____ Company Phone _____

BUSINESS PLAN

A brief business plan must be submitted with this application. Include nature of business, type of products, hours of operation, number of employees, to whom and how product(s) will be sold, and how product is being stored and disposed.

BACKGROUND CHECK

As part of the application process per state law, you must complete a federal and state background check.

Please be advised that no person who has been convicted of a felony relating to a controlled substance under state or federal law during a ten-year period from the date of his conviction shall be eligible to obtain a license to cultivate, handle, or process hemp.

All appointments must be made online.

To conduct your federal and state background check, please follow the following steps to set up an appointment:

1. Visit Identogo (the state's third-party background check vendor) ONLINE at ***identogo.com/locations/south-carolina***
2. Scroll down and select "Digital Fingerprinting".
3. Under "For New Appointments" select "Schedule a New Appointment".
4. On the dropdown list, select "SC920126Z – Dept. of Agriculture – Industrial Hemp" then select "Go".
5. Enter your Zip Code or Choose the region you are in.
6. Selection the location and day. Please note we recommend selecting one of Identogo's major locations for your background check to speed up the process. Those locations are Columbia, Greenville, Charleston, Florence, Myrtle Beach, and Rock Hill. These locations are open Monday–Friday.
7. Select a time slot
8. Enter Applicant Information
9. Select Send Information

Once the background check is conducted, the results will electronically be sent to SCDA from the FBI and SLED, and we will review them. You do not need to submit the results to SCDA.

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification[1] that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.[2]

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[3]

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at ***fbi.gov/about-us/cjis/background-checks***.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

---

[1] Written notification includes electronic notification, but excludes oral notification.

[2] See 28 CFR 50.12(b).

[3] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

ADDITIONAL LICENSING REQUIREMENTS

Dealer/Handler License Number _____
Download the application at agriculture.sc.gov/wp-content/uploads/2018/03/316-Dealer-Handler.docx

Weighmaster License Number _____
Apply online at kellysolutions.com/sc/weighmaster/newapplication/applynow.asp

Attach a copy of Certificate of Occupancy _____

Classification of building type: (F1 or H3) _____

Are you processing hemp products for food or as a food grade additive? ☐ Yes ☐ No

If so, you will need additional licensing and inspections for a food grade facility. You must apply for a Registration Verification Certificate issued by the SCDA's Food/Feed Safety Department. Please contact Samantha Houston at (803) 737-0147 or *shouston@scda.sc.gov.*

By signing this Application, the Applicant certifies that the information contained is truthful and accurate. The Applicant also acknowledges receipt of the Guidelines for Hemp Processors document and agrees to abide by all requirements contained in that document.

_____ _____
Signature **Date**

_____
Print Name

Complete all parts of the Application and submit this Application by mail or hand delivery to:

South Carolina Department of Agriculture
Hemp Program
123 Ballard Court
West Columbia, SC 29172
Attention: Hemp Program Coordinator

FOR SCDA INTERNAL USE ONLY

Date Application Received _____ **Application Payment Received** _____

Date Inspection Was Performed _____ **Permit Payment Received** _____

Notes _____

_____