

# South Carolina Department of Agriculture Hemp Farming Program Farmer Orientation

2020



# Length of Orientation

- This virtual orientation takes the place of the in-person training required in years past.
- Please carefully review this presentation and then complete the corresponding Hemp Farmer Test that was emailed to you.
- Please allocate at least two hours to complete the training and the online Grower Orientation Test.
- You may stop the presentation before completion and restart at a later time, if you wish. However, once you start the test, you will have to complete it in one sitting.
- You may access the Grower Orientation Test by following the link provided in the email titled “SCDA Hemp Orientation Test” that was sent to all applicants.

# SCDA Hemp Farming Program Staff

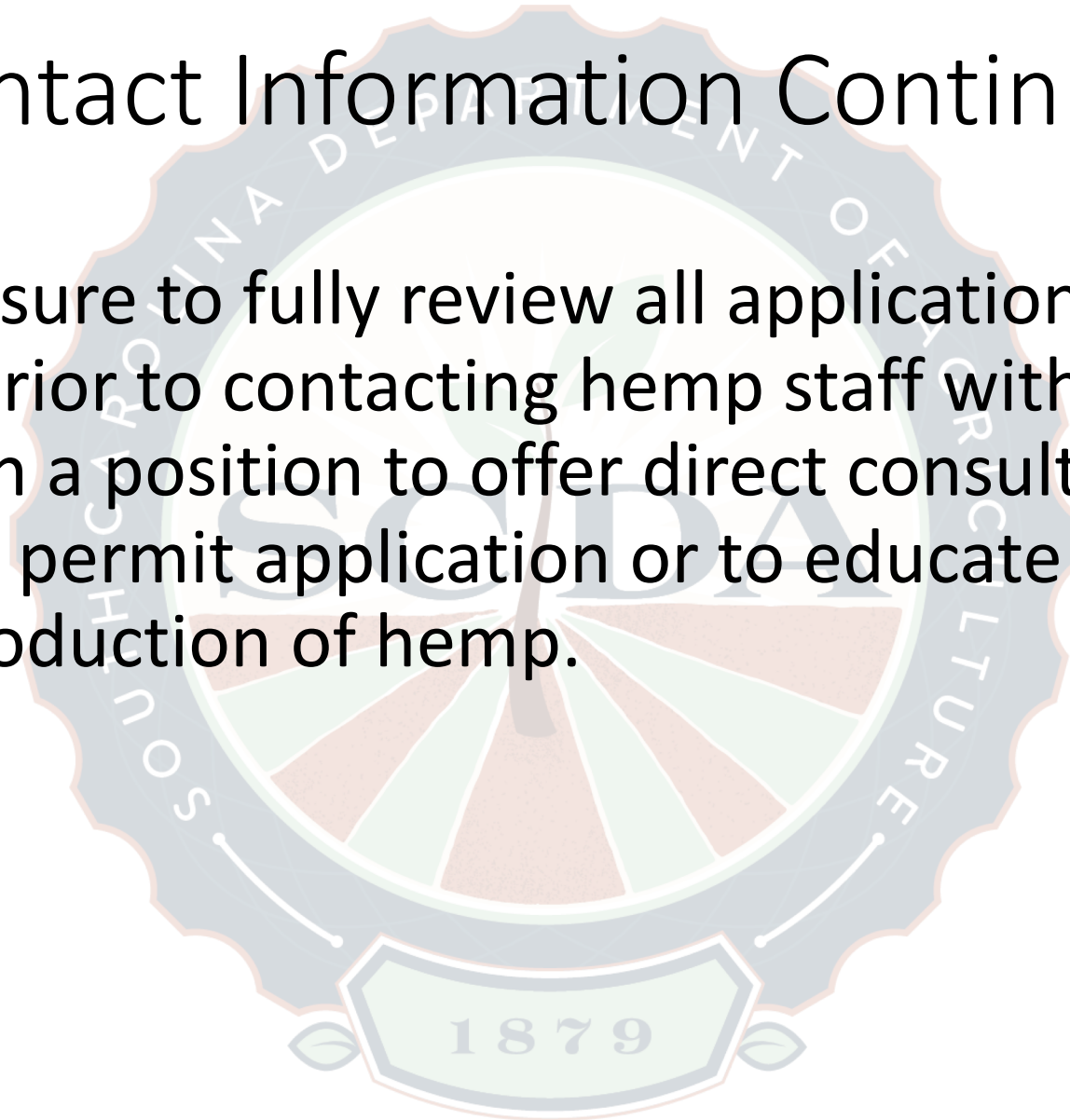
- **Derek M. Underwood**, *Assistant Commissioner, Consumer Protection Division*
- **John Stokes**, *Director of Consumer Services Division*
- **Vanessa N. Elsalah**, *Hemp Program Coordinator, Consumer Protection Division*
- **Heather DuBose**, *Hemp Administrative Assistant, Consumer Protection Division*
- **Alicia H. Attaway**, *Office Manager, Consumer Protection Division*
- **Brittany G. Jeffcoat**, *Administrative Assistant, Consumer Protection Division*

# Hemp Team Contact Information

- If you have a hemp-related question, the fastest way to get a response is to send it to the “hemp team” email address: [hempstaff@scda.sc.gov](mailto:hempstaff@scda.sc.gov)
- This email address goes to every person on the previous slide and ensures that your request will be seen and responded to in a timely manner.
- Due to the volume of inquiries we receive, please allow up to 48 hours to receive a response.
- Provide your name and Permit Number in all communications.
- Please don't send separate emails or voicemails to multiple hemp staff members and duplicate the work. Only use the [hempstaff@scda.sc.gov](mailto:hempstaff@scda.sc.gov) email.
- Emails that are not sent to the [hempstaff@scda.sc.gov](mailto:hempstaff@scda.sc.gov) email may not be responded to.

# Contact Information Continued

- 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 of hemp.



# Communications from SCDA Hemp Team

- Email is our primary method of communication. It is your responsibility to ensure that SCDA has a good email for you and that you are checking your emails.
- Hemp Staff will not send you something unless it is important.
- If we send it, read it!

# South Carolina State Law

- 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.*
- You may access the full version of the SC law here: <https://www.scstatehouse.gov/code/t46c055.php>
- Please take a moment to click the above link and read the entire “Hemp Farming Act”.
- It is your responsibility to read and understand the Hemp Farming Act prior to participating in this program.

# South Carolina State Plan

- The U.S. Department of Agriculture approved South Carolina's Hemp Farming State Plan on March 31, 2020.
- The State Plan, authorized by the South Carolina General Assembly and the 2018 federal Farm Bill, will end an era of regulatory flux for South Carolina's hemp industry, bringing the state's three-year-old Hemp Farming Program into line with other states and establishing more permanent regulations.
- You may access the SC State Plan here:  
<https://www.ams.usda.gov/sites/default/files/media/SouthCarolinaHempStatePlan.pdf>
- Please take a moment to review the SC State Plan by clicking on the above link
- It is your responsibility to read and understand the SC State Plan prior to participating in this program.

# Federal Law

## Definition of Hemp in 2018 Farm Bill

- The term “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 delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.
- 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. Plants with total THC above 0.3 percent must be destroyed.**

# Federal Law

## Definition of Hemp in 2018 Farm Bill

### Continued

- Federal law no longer allows SC to have a remediation safeguard. Now all 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.
- If hemp total THC levels test above 0.3%, it must be destroyed and may no longer be mixed or blended with lower percentage plant material.
- In accordance with federal law, cultivating hemp with a total THC level greater than 0.5% will constitute a “negligent violation” of the Hemp Farming Program. If a Permitted Farmer has three negligent violations in 5 years, he or she will face permit suspension for five years.

# Federal Law

## 2018 Farm Bill Background Check Requirement

- Key Information:
  - Pursuit to federal law, background checks are required for all new applicants and re-applicants each year.
  - Applicant must be an individual. SCDA does not currently offer farming permits to business entities.
  - Please note that only South Carolina Residents are currently eligible to receive a Hemp Farming Permit. Proof of residency may be required.

# Types of SCDA Hemp Permits

- Anyone seeking to grow hemp in the State of South Carolina must successfully complete the full application process with SCDA and be issued a SCDA Permit prior to taking possession of any viable hemp seeds, propagules, in-program harvested hemp materials (biomass) or any other sort of hemp plant material regardless of whether it is living (rooted) or cut.
- Farmers must submit a Hemp Farming Permit application; processors must complete the Hemp Processor Permit Application; handlers, or service providers (storage facilities, couriers, etc.) must complete the Hemp Handler Permit Application.

# Types of SCDA Hemp Permits Continued

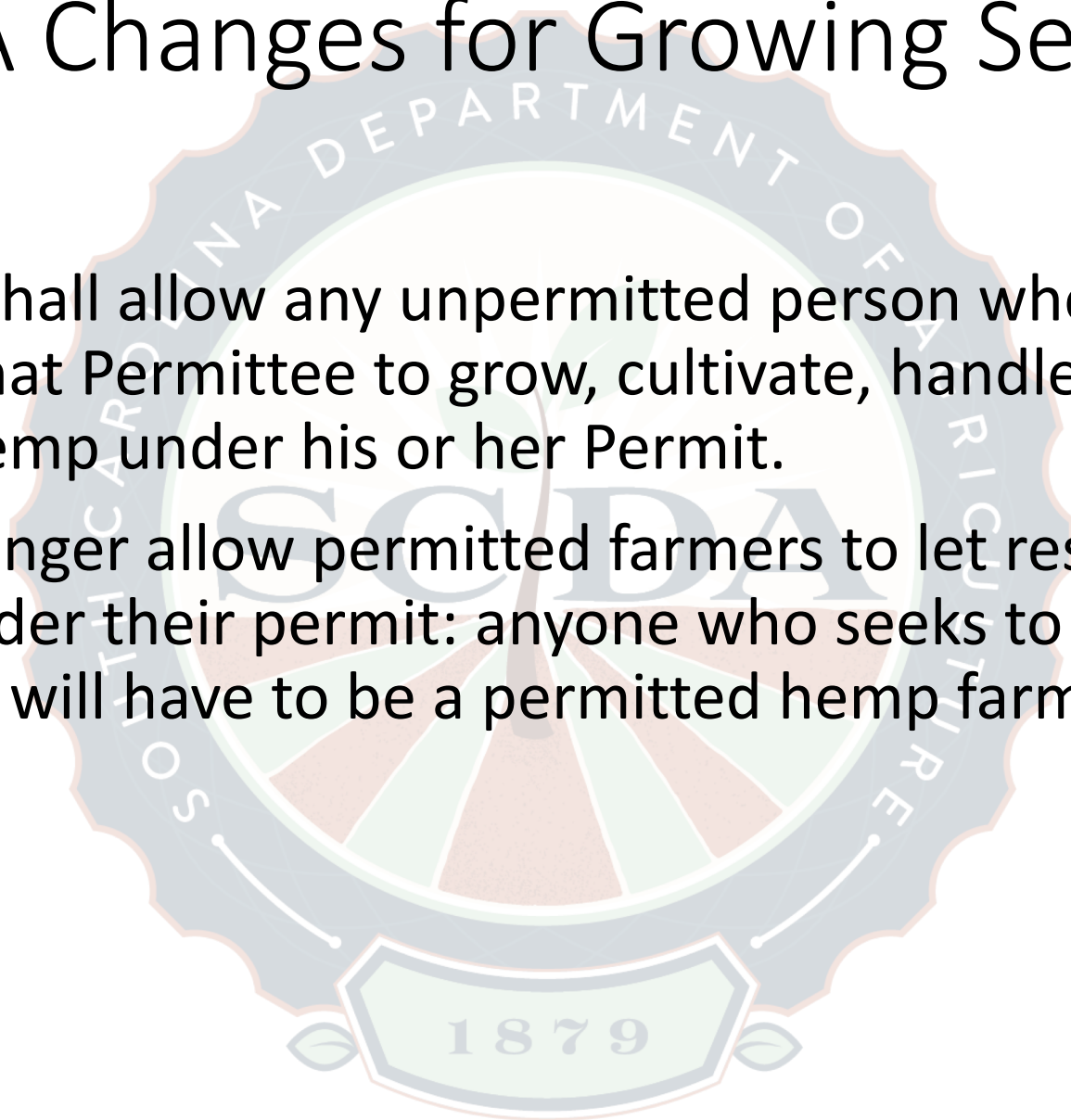
	Farmer Permit	Processor Permit	Handler Permit
Allows you to farm and cultivate hemp	YES	NO	NO
Allows you to Process harvested crop into Hemp Products	NO	YES	NO
Allow you to possess and handle non-living (cut) plant material	YES	YES	YES
Allows you to possess and handle living (rooted) plant material	YES	NO	NO

# Hemp Farmer Permit

- No person shall grow hemp without first applying for and receiving a Hemp Farmer Permit from SCDA.
- A Hemp Farmer Permit issued by SCDA shall authorize the Permittee to obtain hemp seed, possess hemp seed for planting, cultivate a hemp crop, harvest hemp plant parts, as well as possess, store, handle, transport, and market plant parts pursuant to the State Plan.
- A Hemp Farmer Permit does not authorize the Permittee to process hemp.
- No person under the age of 18 shall be granted a Hemp Farmer Permit per the State Plan.

# New SCDA Changes for Growing Season 2020

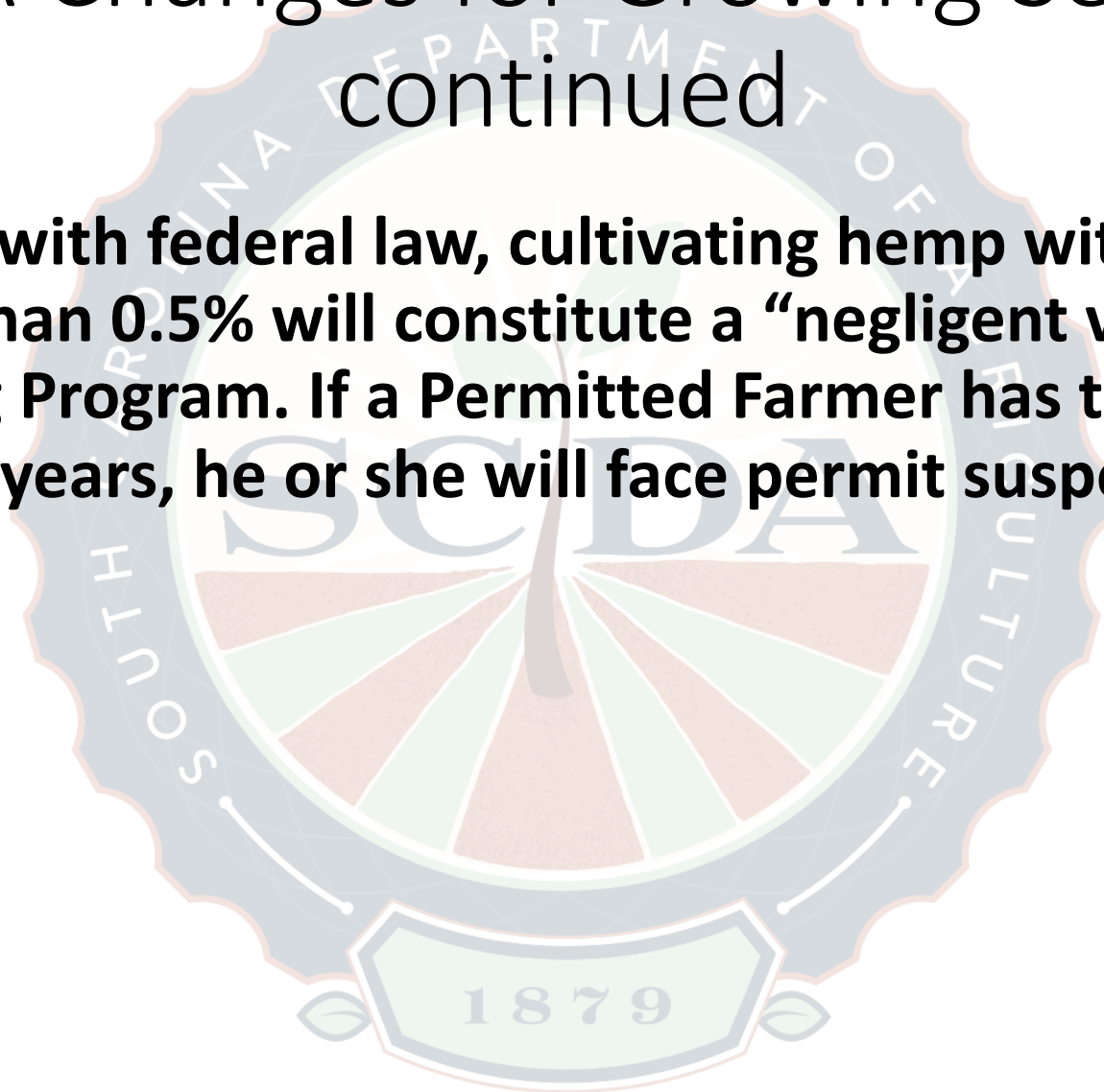
- No Permittee shall allow any unpermitted person who is not an employee of that Permittee to grow, cultivate, handle, store, process, or transport hemp under his or her Permit.
- SCDA will no longer allow permitted farmers to let responsible parties grow hemp under their permit: anyone who seeks to grow hemp in South Carolina will have to be a permitted hemp farmer.



# New SCDA Changes for Growing Season 2020

## continued

- **In accordance with federal law, cultivating hemp with a total THC level greater than 0.5% will constitute a “negligent violation” of the Hemp Farming Program. If a Permitted Farmer has three negligent violations in 5 years, he or she will face permit suspension for five years.**



# New SCDA Changes for Growing Season 2020

## continued

### Land Use Restrictions

- Permitted Hemp Farmer shall not grow, handle, store hemp in any structure that is used for residential or retail purposes.
- A Permitted Hemp Farmer or Processor shall not grow, handle, process or store hemp in any outdoor field or site that is located within 1,000 feet of a school, daycare, park or similar public areas frequented by children as determined by SCDA.
- An applicant may not apply for a permit to grow, cultivate, handle, or process hemp on property that is not owned or leased by that applicant.

# Before Planting: Step-by-Step Guide



# Before Planting: Step One

## Make Sure All Growing Locations Are On Record

- Step one: make sure all land (or greenhouses) where you plan to plant is approved by and on record with SCDA prior to bringing plants to those locations.
- Permitted Hemp Farmers may not cultivate or store hemp or hemp plant parts unless the location where the hemp is to be cultivated or stored is on record **prior** to hemp being brought on site.
- The locations you provided in your Hemp Farmer Application are already on record with SCDA.
- If you wish to add or modify your locations you can do so using and “Acreage Amendment Site Modification Form” (see the following slides for more information).

# Acreage Amendment Site Modification Form

- If you wish to add a growing location to your permit, you must submit the SCDA Acreage Amendment Site Modification form to SCDA and have it approved **PRIOR** to bringing live plants onto that location.
- SCDA is no longer able to offer free Acreage Amendment Site Modifications (locations must be finalized and submitted with the application, afterwards the Site Modification Request and surcharge will apply).
- Growing Site modifications will require a fee after the application has been finalized. SCDA encourages farmers and processors/handlers to make sure they have their final plans in place before submitting an application to avoid site modification fees.

# Acreage Amendment Site Modification Form

## Continued

The seal of the North Carolina Department of Agriculture is a circular emblem. It features a central shield with a plow, a sheaf of wheat, and a cotton plant. The shield is surrounded by a wreath. The words "NORTH CAROLINA" are written in a circle around the top, and "DEPARTMENT OF AGRICULTURE" around the bottom. The year "1879" is at the very bottom.

- Permitted Hemp Farmers may alter the approved Growing Location(s) and/or storage areas set forth in the application if:
  - At least 14 days prior to the proposed modification, the hemp producer shall:
  - Submit a Site Modification Request on forms provided by the Department, which includes, at minimum: global positioning coordinates; physical address; maps for each field, greenhouse, building, or storage facility where hemp will be cultivated or stored; and number of outdoor acres, indoor square footage, and number of plants intended to be planted.
  - Pay a site modification fee of \$50. The fee shall not apply to storage-only sites, but the Department must approve such storage sites prior to use. In the event the site modification is not approved, this fee will be refunded.

# How to Obtain and Submit an Acreage Amendment Site Modification Form

- Acreage Amendment Site Modification Forms will be posted on the SCDA Hemp Page
- These forms may be submitted to SCDA for approval by emailing a completed copy to [hempforms@scda.sc.gov](mailto:hempforms@scda.sc.gov) . Provide your name and Permit Number in all communications.
- Acreage Amendments are not valid until you have received approval from SCDA.

# Before Planting: Step Two

## Make Sure All Required Signs Are Posted

- Prior to planting Permitted Hemp Farmers shall post a sign at each field, greenhouse, or indoor growing structure.
- The sign shall comply with the following requirements and remain posted during the entire crop cycle:
  - The designation, “South Carolina Hemp Farming Program”;
  - Hemp Farmer Permit number;
  - SCDA Hemp Farming Program’s telephone number;
  - Minimum sign size shall be 18” x 24” for a field and 8.5” x 11” for a greenhouse or indoor growing structure;
  - The sign shall be posted at each field, greenhouse, or indoor growing structure; and
  - The sign shall be printed and conform to the design template provided to each Permitted Hemp Farmer by SCDA

# Hemp Farming Program Sign



South Carolina  
**DEPARTMENT OF AGRICULTURE**

Hugh E. Weathers, Commissioner

## South Carolina Hemp Farming Program

CONTACT NUMBER: 803-737-8339

**NAME**

Name Here

**FARM NAME**

Farm Name Here

**PERMIT #**

1234567890

**ISSUED**

xx/xx/2020

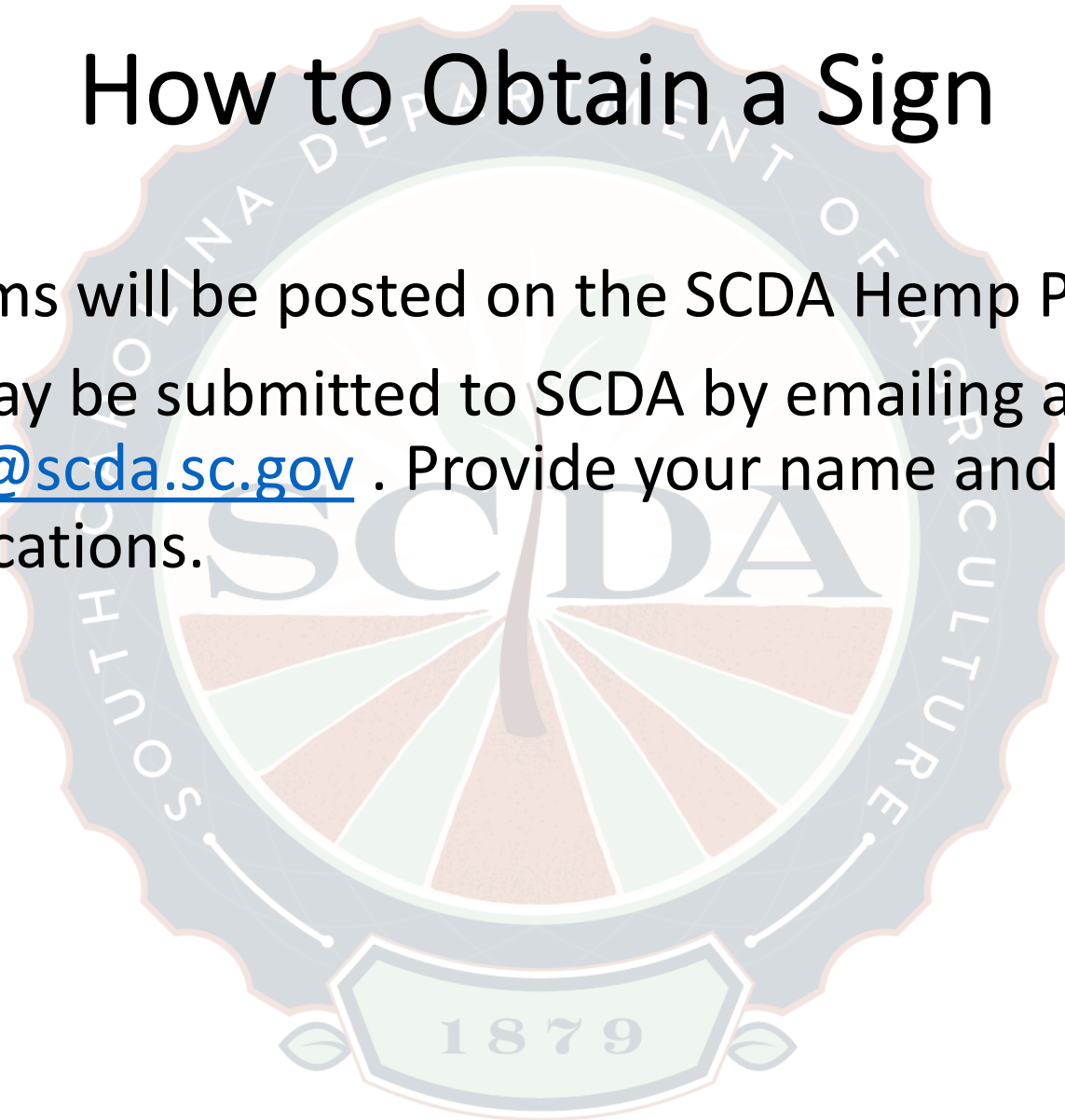
**EXPIRES**

xx/xx/2020

**HEMP FARMER**

# How to Obtain a Sign

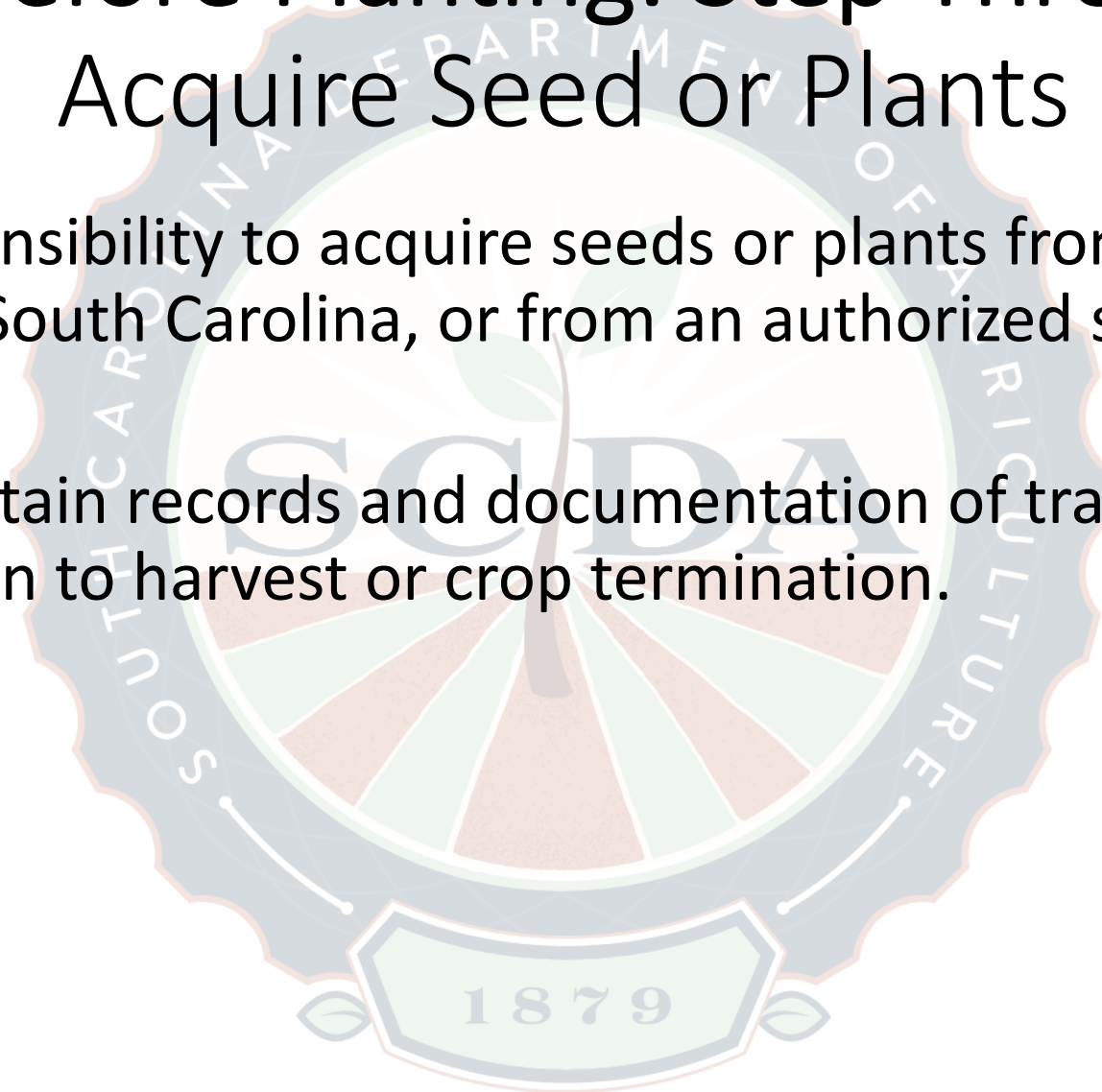
- Sign Order Forms will be posted on the SCDA Hemp Page
- These forms may be submitted to SCDA by emailing a completed copy to [hempforms@scda.sc.gov](mailto:hempforms@scda.sc.gov) . Provide your name and Permit Number in all communications.



# Before Planting: Step Three

## Acquire Seed or Plants

- It is your responsibility to acquire seeds or plants from a permitted source within South Carolina, or from an authorized source outside of the state.
- You must maintain records and documentation of traceability from seed acquisition to harvest or crop termination.



# After Planting Step-by-Step Guide



# After Planting

## Step One: Submit Planting Report Form

- **For Each Growing Location on Record with SCDA, you must submit a Planting Report Form**” to say yes I planted here or no I did not plant. This will let us know how many acres are planted vs. just permitted.
- For Field Growing Locations:
  - Planting Report Forms are Due 15 days after planting.
  - Or a Growing Location on record with SCDA is not planted by July 31, you must submit the “no plant” report.
- For Greenhouse Growing Locations
  - Due 15 days after planting
  - And due quarterly: March 31, Jun 30, Sept 30, Dec 31

# How to Obtain and Submit the Planting Report Form

- Planting Report Forms will be posted on the SCDA Hemp Page.
- These forms may be submitted to SCDA by emailing a completed copy to [hempforms@scda.sc.gov](mailto:hempforms@scda.sc.gov) . Provide your name and Permit Number in all communications.
- Reminder: Planting Report Forms are Due 15 days after planting.

# After Planting Step Two:

## Submit “Intent to Harvest/Destroy Report Form”

- **Intent to Harvest/Destroy Report:** Provides notice for SCDA to come take a sample
- Due 15 days prior to harvest or 15 days prior to destruction of a failed crop
- The Permitted Farmer must notify the Department of its intended harvest date using the Intent to Harvest/Destroy Report Form at least fifteen days in advance. This window provides the Department's inspectors the time needed to visit the growing locations to collect the samples.
- A Hemp Farmer shall not harvest the hemp crop prior to samples being taken from the area intended to be harvested. A Permitted Hemp Farmer who fails to timely submit a Harvest/Destroy Report or who harvests a crop prior to a sample being collected by SCDA may be subject to crop destruction and regulatory action up to and including permit suspension or revocation.

# How to Obtain and Submit Intent to Harvest/Destroy Report Form

- Intent to Harvest/Destroy Report Form will be posted on the SCDA Hemp Page.
- These forms may be submitted to SCDA by emailing a completed copy to [hempforms@scda.sc.gov](mailto:hempforms@scda.sc.gov) . Provide your name and Permit Number in all communications.
- Reminder: Due 15 days prior to harvest or 15 days prior to destruction of a failed crop.

# After Planting Step Three: SCDA Completes Pre-harvest Inspection and Sampling

- SCDA Samples every planted Growing Location prior to harvest.
- The Department shall take samples from each field, greenhouse, building, or site where hemp is being cultivated by the Permittee. The samples shall consist of cuttings from at least two hemp plants per growing location and per variety. The hemp plants selected for sampling shall be determined by the Department and not the Hemp Farmer.
- For the annual sampling to occur prior to harvest referenced in this Section, the Department may charge a sampling fee not to exceed \$100 per sample collected, plus the actual cost of shipping and handling.
- **While you wait for the test results: No hemp plants or plant parts for which a THC analysis is pending shall be transferred, transported, sold, marketed, or otherwise disposed of until approved by the Department.**

# After Planting Step Three: SCDA Completes Pre-harvest Inspection and Sampling

- Fee Schedule for samples:
  - \$50 initial sampling fee per sample visit which allows up to four samples
  - \$20 for each additional sample after the initial four
  - In the event the Farmer requests that the SCDA inspector(s) wear personal protective equipment (PPE) to prevent cross-contamination of grow sites, the Farmer must provide the PPE and there will be \$25 fee to account for the additional time needed to put on the PPE.
  - Farmer will pay for all lab fees, and all shipping and handling costs associated with sending the sample to the lab.

# After Planting Step Four: Sample is Sent to a SCDA Approved Lab

- Permitted Farmer may select a testing laboratory from a SCDA Permitted Lab (i.e possesses a Hemp Handler Lab Permit). All labs must also be ISO certified.
- Permitted Farmer will pay all lab fees.
- The lab must test THC levels using measured gas or liquid chromatography with detection.
- The testing methodology shall consider the potential conversion of THC-A in hemp into THC and the test result shall measure the total available THC derived from the sum of the THC and THC-A content. Appropriately, the THC-A result will be modified by the molecular weight conversion factor 0.877 prior to summation with THC. The total THC concentration level shall be reported on a dry weight basis.

# After Planting Step Five: SCDA Reports THC results to Farmer

- Once SCDA receives the results back from the Permitted Farmer's selected lab SCDA will communicate whether the samples from each growing location tested above or below the permissible THC level.
- Samples that exceed the acceptable hemp THC level shall be reported by the Department to the Permittee and the Permittee may request a resample and retest of the lot or harvested plant material. If no request is made within 10 days of the sample results being reported to the Permittee, then the lot or harvested plant material from which the sample was taken shall be subject to disposal and destruction.
- When samples come back below the acceptable hemp THC level SCDA will notify the participant that he or she has permission to release that lot and may move forward with harvest, sale or transfer.

# Destruction

- All hemp plants and plant material resulting from a lot or harvested plant material represented by a sample with a THC concentration greater than the Federally defined THC level for hemp shall be
  - Prohibited from being further handled, processed, or entering the stream of commerce;
  - Collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized federal, state or local law enforcement officer; and
  - Destroyed in accordance with CSA and DEA regulations. The method of destruction shall be approved by SCDA
- All Permitted Hemp Farmers must submit and the Department must approve a destruction plan prior to destruction.
- No destruction may occur unless Department personnel are present to witness the destruction unless otherwise set forth by an exception in writing by the Department.
- All hemp plants and plant materials produced in violation of the State Plan may be subject to destruction as set forth in the State Plan.

# After Planting Step Six: Farmer Notifies SCDA of Confirmation of Harvest/Destruction

- Within 72 hours of completion of harvest, the Farmer must submit a Confirmation of Harvest/Destruction Report for each Growing Location that has been harvest or destroyed.
- Intent to Harvest/Destroy Report Form will be posted on the SCDA Hemp Page.
- These forms may be submitted to SCDA by emailing a completed copy to [hempforms@scda.sc.gov](mailto:hempforms@scda.sc.gov). Provide your name and Permit Number in all communications.
- Reminder: Due within 72 hours of completion of harvest or destruction of a failed crop.

# Program Timeline Overview

Event	Due Date
Application Deadline	<p>Farmer Application – March 31, 2020 (annual renewal March 31, 2021)</p> <p>Processor and Handler Applications received year round (annual renewal, 1 year after issue date)</p>
Hemp Planting	<p>Farmers plant at the appropriate time after receiving Hemp Farming Permit</p>
Planting Report Forms Required for every growing location on record with SCDA	<p>For Field Growing Locations:</p> <ul style="list-style-type: none"><li>• Planting Report Forms are <u>Due 15 days after planting.</u></li><li>• Or a Growing Location on record with SCDA is not planted by July 31, you must submit the “no plant” report</li></ul> <p>For Greenhouse Growing Locations</p> <ul style="list-style-type: none"><li>• <u>Due 15 days after planning</u></li><li>• <u>And due quarterly: March 31, Jun 30, Sept 30, Dec 31</u></li></ul>

# Program Timeline Overview (continued)

Event	Due Date
<b>Acreage Amendments – Site Modification Requests</b>	<p>Permitted Hemp Farmers may alter the approved Growing Location(s) and/or storage areas set forth in the application if:</p> <ul style="list-style-type: none"><li>• <u>At least 14 days prior to the proposed modification</u>, the hemp producer shall:</li><li>• Submit a Site Modification Request on</li><li>• Pay a site modification fee of \$50. The fee shall not apply to storage-only sites, but the Department must approve such storage sites prior to use</li></ul>
<b>SCDA Site Inspection</b>	<p>Random Verification Inspections by SCDA can take place at any time</p>
<b>Intent to Harvest/Destroy Report</b>	<ul style="list-style-type: none"><li>• Provides notice for SCDA to come take a sample</li><li>• <u>Due 15 days prior to harvest</u> or 15 days prior to destruction of a failed crop</li></ul>

# Program Timeline Overview (continued)

Event	Due Date
SCDA Completes Pre-harvest Inspection and Sampling	Sampling and Inspection will occur within 5-10 days after the submission of your Intent to Harvest/Destroy Report
THC Testing	SCDA will report THC test results to participant
Harvest/Destruction Report Form	<u>Within 72 hours of completion of harvest</u> , the Farmer must submit a Confirmation of Harvest/Destruction Report for each Growing Location that has been harvest or destroyed.

**Note: Late or lack of reporting may affect the statue of future participation in the SC Hemp Farming Program.**

# Restrictions on Sale or Transfer

- In South Carolina, you may not sell plant materials to unpermitted individuals – this means instate purchasers must be Permitted Farmers, Processors, or Handlers.
- A Permittee shall not sell or transfer or permit the sale or transfer of living hemp plants, viable plant parts, or non-sterilized (viable) seeds to any person in the state who does not hold a Hemp Farming Permit issued by SCDA.
- Notwithstanding the forgoing, Permittees may transfer up to one pound of hemp plants or plant part or two pounds of non-sterilized, viable seed per transfer to testing laboratories, both within and outside the state for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels.
- When transferring outside of the state, it is the responsibility of the Permittee to ensure compliance with laws in other states.
- A Permittee shall not store or cultivate live hemp plants or propagating stock at any location that was not previously approved by SCDA on that Permittee's application and/or site modification request on forms provided by the Department

# Prohibitions

- No person shall:
  - Sell, offer for sale, expose, distribute or transport hemp seed not produced in accordance with the provisions of the State Plan;
  - Fail to comply with sample collection, and testing requirements prior to harvesting or destroying any hemp plants or plant parts in accordance with the State Plan;
  - Detach, alter, deface, or destroy any required documentation specified in the State Plan;
  - Alter, substitute, or misrepresent seed in a manner inconsistent with the State Plan;
  - Hinder or obstruct in any way any authorized agent(s) of SCDA in the performance of their duties;
  - Fail to comply with all permitting and reporting requirements set forth in the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan

# Prohibitions Continued

- Fail to keep required records as set forth in the State Plan or to provide such records to SCDA for inspection upon request;
- Fail to monitor and/or destroy volunteer hemp plants for three years following cultivation as set forth in the State Plan;
- Provide false, misleading, or incorrect information to SCDA pertaining to the cultivation, processing, storage or transportation of hemp including, but not limited to, information provided in any application, report, record, or inspection required or maintained in accordance with the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan;
- Plant, grow, store, transfer, or process hemp on any site not on record with the SCDA as set forth in the State Plan;
- Sell or transfer, or permit the sale or transfer of living hemp plants or plant parts to any person in the state who does not hold a Hemp Farming Permit issued by SCDA; or
- Commingle harvested hemp plant parts from one lot with harvested hemp plant parts from another lot.

# Record Keeping

- All Permittees shall maintain, at a minimum, the following records, where applicable:
  - For Permitted Hemp Farmers, all records for crop production and crop destruction;
  - Documentation of any sales or distribution, including the party to which all product was sold or distributed;
  - For Permitted Hemp Farmers, documentation of traceability from seed acquisition to harvest or crop termination; and
  - For Permitted Hemp Processors, documentation of hemp acquisition from grower to their final product.
  - For Permitted Hemp Handlers transporting or delivering hemp including, but not limited to, contract carriers, shall have a dated invoice, bill of lading, or manifest in his or her possession during the entire time of transport or delivery, which shall include: 1.The seller's and purchaser's name and address; 2.The specific origin and destination of the hemp being transported; and 3.The quantity of hemp being transported.
- All records required under this Section shall be maintained by the Permittee while the permit is valid and for a minimum of 3 years after the expiration of the permit.
- Required records shall be provided for inspection within 48 hours upon request by SCDA.

# Enforcement



- The Commissioner may suspend or revoke any permit.
- Whenever the Commissioner has reason to believe that a Permittee has violated any provision of the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan, the Commissioner shall notify the Permittee of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any scheduled hearing date.
- Such adjudicatory hearing shall be conducted in accordance with the requirements of the South Carolina Administrative Procedure Act; any person alleged to have violated any provision of the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan, shall be accorded all rights and privileges under said Act.
- The Department shall make an initial determination on alleged violations and recommend findings of fact and conclusions of law together with penalties, if applicable, in writing.
- The Commissioner shall make the final determination on the disposition of alleged violations. If the Commissioner does not accept the recommendations of the Department following an adjudicatory proceeding, the commissioner shall notify the Department, in writing, of the reasons for not accepting the Department's recommendations.
- Reinstatement of a revoked permit shall be by hearing before the Department and approval of the Commissioner.

# Appeals

- An applicant for a hemp permit may appeal a permit denial to the South Carolina Commissioner of Agriculture or his or her designee. Permittees may appeal denials of permit renewals, permit suspensions, or permit revocations. All appeals must be submitted in writing and received within thirty days of the denial, suspension, or revocation. This submission deadline should provide adequate time to prepare the necessary information required to formulate the appeal. An appeal must explain the reasoning behind the appeal, e.g. why the Department's decision is not justified or is improper. The appeal should include any additional information or documentation the Permittee believes the Department should consider when reviewing its decision. The Department will take into account the Permittee's justification for why the permit should not be denied, suspended, or revoked, and then issue a final determination. Determinations made by the Department under the appeals process will be final.

# Corrective Action Plan for Negligent Violations and Mandatory Reporting

- In addition to being subject to permit suspension, permit revocation, and civil penalties, a person who is found by SCDA to have negligently committed the following violations may be subject to a corrective action plan:
  - Failing to provide a legal description of the field, greenhouse, indoor growing structure, or site where hemp will be cultivated, handled, or stored prior to bringing hemp or hemp parts onto said field, greenhouse, indoor growing structure, or site;
  - Failing to obtain a Farmer, Processor, or Handler Permit from SCDA prior to engaging in the respective restricted activity; or
  - Producing hemp exceeding the acceptable hemp THC level. Notwithstanding the forgoing, a person that has made reasonable efforts to grow hemp and produces hemp of containing less than 0.5 percent THC on a dry weight basis shall not be deemed to have committed a negligent violation.

# Corrective Action Plans

- A corrective action plan issued by SCDA shall include the following information:
  - A reasonable date by which the person shall correct the negligent violation; and
  - A requirement that the person shall periodically report to SCDA about the person's compliance with the corrective action plan, the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq., and the State Plan for a period of at least two years from the date of the negligent violation.
  - SCDA shall conduct periodic inspections to determine if the corrective action plan has been implemented as submitted.
  - A person who is found by SCDA to have negligently violated the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan three times in a five-year period shall be ineligible to hold a hemp farming, processor, or handler permit for a period of five years beginning on the date of the third violation.

# Negligent vs. Willful Violations

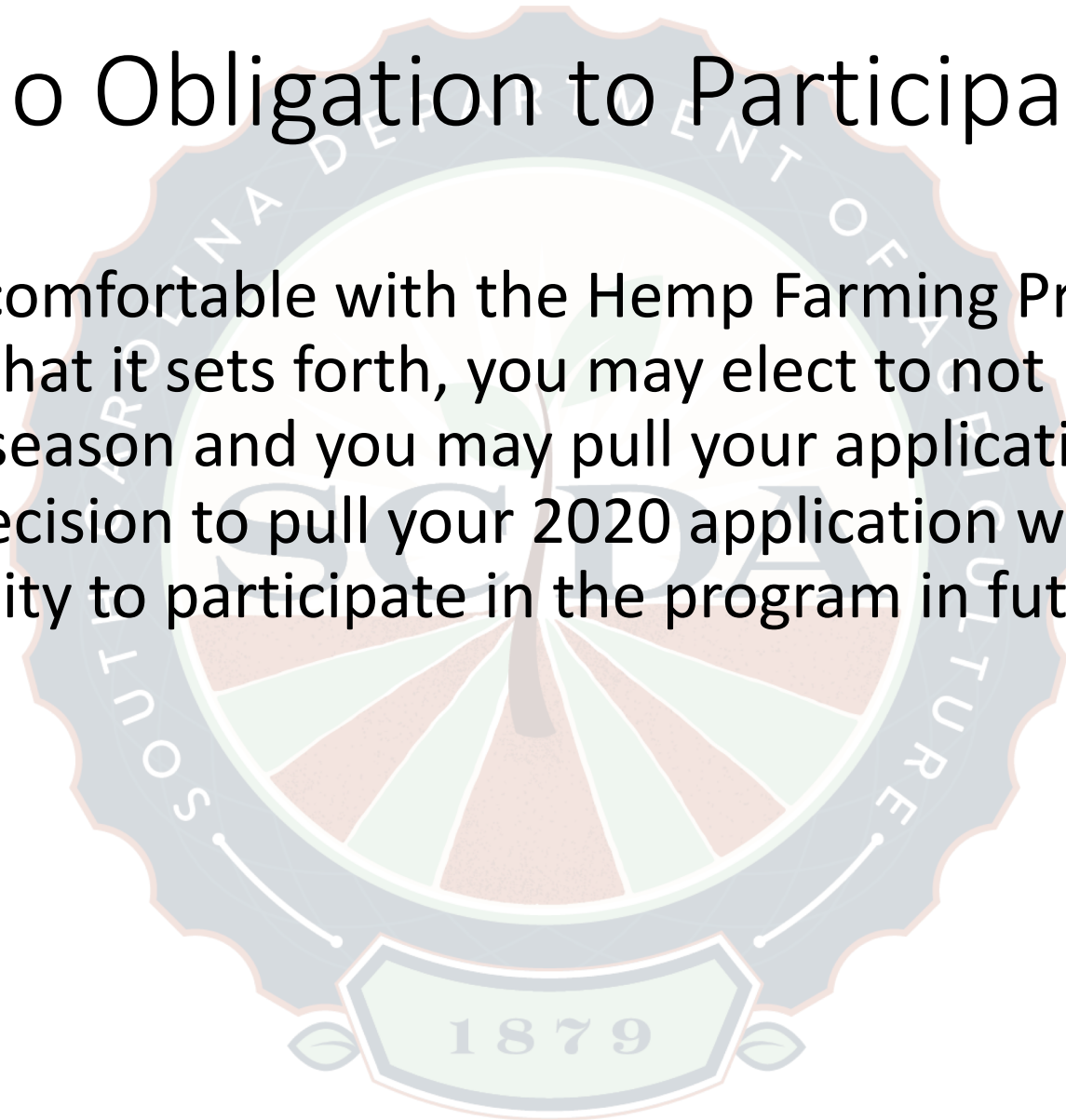
- A person that has negligently violated the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan shall not be reported to local, state, or federal government authorities for criminal enforcement action. However, notwithstanding the forgoing, SCDA has an obligation to respond fully and accurately to any independent requests for information that SCDA receives from local, state, or federal government authorities.
- If the Commissioner determines that a Permittee has willfully violated state law with a culpable mental state greater than negligence, the Commissioner shall immediately report the Permittee to the U.S. Attorney General and the state Attorney General.

# Stop Orders

- A person believed to be in violation of the South Carolina Hemp Farming Act S.C. Code Ann. § 46-55-10 et seq. or the State Plan may be issued a written or verbal stop order by SCDA.
- Stop orders shall be effective immediately upon notification to the alleged violator.
- If an alleged violator refuses to accept a written stop order when tendered or refuses or fails to claim such stop order when sent by certified mail, the stop order shall be deemed to have been delivered to the alleged violator.
- Refusal or failure to abide by the terms of a stop order shall constitute a willful violation of the State Plan.

# No Obligation to Participate

- If you are not comfortable with the Hemp Farming Program requirements that it sets forth, you may elect to not participate in the 2020 growing season and you may pull your application without penalty. The decision to pull your 2020 application will not in any way affect your ability to participate in the program in future years.



# Information

A large, semi-transparent watermark of the South Carolina Department of Agriculture (SCDA) seal is centered in the background. The seal is circular with a scalloped edge. It features a central shield with a plow, a sheaf of wheat, and a cotton plant. The words "SOUTH CAROLINA DEPARTMENT OF AGRICULTURE" are written around the inner circle, and "SCDA" is prominently displayed in the center. At the bottom, a banner contains the year "1879".

- We understand this is a lot of information and it may feel a bit overwhelming. In years past when we have conducted the orientation in person, there has been an opportunity for Q&A. Due to the virtual nature of the orientation this year, we will not have a chance for live question and answer session.
- Instead, we ask that if you have any questions or need more information please email [hempstaff@scda.sc.gov](mailto:hempstaff@scda.sc.gov) for clarification.
- We would rather you ask SCDA directly than get a second hand answer that may be incorrect.