



# South Carolina DEPARTMENT OF AGRICULTURE

Hugh E. Weathers, Commissioner

## HEMP HANDLER 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 handling hemp in the State of South Carolina must successfully complete the full application process with the SCDA and be issued a Hemp Handler Permit prior to handling and or taking possession of any in-program harvested hemp materials (biomass) or any other sort of hemp plant material. Farmers 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. Processors must apply for a Hemp Processor Permit.
- **A Handler Permit will not allow the Permit Holder to cultivate, farm, or process. If you wish to grow hemp you will need to obtain a separate Hemp Farmer Permit. If you wish to process hemp material, you will need to obtain a separate Hemp Processor Permit. If you possess a Hemp Farming Permit or a Hemp Processor Permit, you do not need a Hemp Handler Permit because the two permits allow you to handle hemp. You only need to obtain a Hemp Handler Permit if you are handling, but not processing.**
- Failure to comply with state regulation may result in appropriate action, including expulsion from the program and the destruction of hemp materials. Handlers 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, handling, 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 Handler 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 Handler Permits to business entities.
  - » A Handler Permit will not be issued to Retail Operation (including online sales) or Retail Stores.
  - » This Hemp Handler 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](https://scstatehouse.gov/code/t46c055.php)), and 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](https://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 of hemp.
  - » All costs associated with the Hemp Farming Program 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 the Hemp Farming Program. Potential applicants should understand that at the present time it is possible that they may suffer a loss on their hemp 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 Handler 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.

## 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](https://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<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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](https://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.)

<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See 28 CFR 50.12(b).

<sup>3</sup> 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).



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## 2020 HEMP HANDLER PERMIT APPLICATION

Please note that SCDA may only issue Handler Permit to individuals. The applicant Information below is information about the person applying for the Handler License.

\*Note you cannot cultivate, farm, process, or have clones, possess living (rooted) plant material under this license.  
**Application Fee: \$100.00 Per Location (Non-Refundable)**

### APPLICANT INFORMATION

Applicant must be an individual. SCDA does not issue handling permits to business entities.

Applicant Name (First, Middle, Last) \_\_\_\_\_

Primary Residential Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

County \_\_\_\_\_

Primary Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

### FIRM INFORMATION

Firm Name \_\_\_\_\_

Firm Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

County \_\_\_\_\_

Applicant's Job Title with Firm \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

## HANDLER INFORMATION

Check the one(s) that apply to you.

### **WAREHOUSE/STORAGE/DRYING FACILITY | \$1,000.00 PERMIT FEE PER LOCATION**

The following additional information must be submitted with your completed application:

- Business Plan (include days and hours of operation)
- Background Check – [identogo.com/locations/south-carolina](https://identogo.com/locations/south-carolina)
- Signed affidavit stating that no pesticides are used at the facility
- Square Footage of facility
- Dealer/Handler License – If you take ownership of product
- Weighmaster License – If you purchase product by weight
- Lease Agreement if applicable

\*Note you cannot cultivate, farm, process, store or possess have living (rooted) plant material under this Handler Permit.

### **TRANSPORTER | \$500.00 PERMIT FEE**

The following additional information must be submitted with your completed application:

- Business Plan (include days and hours of operation)
- Background Check – [identogo.com/locations/south-carolina](https://identogo.com/locations/south-carolina)
- List of Drivers (\$10.00 fee per driver for Hemp Handler Transporter ID Card)
  - » Full Name
  - » Date of Birth
  - » Driver's License #
- Copy of Bill of Lading that will be used to transport

### **LABORATORY | \$500.00 PERMIT FEE**

The following additional information must be submitted with your completed application:

- Business Plan (include days and hours of operation)
- Copy of DEA Registration – [deadiversion.usdoj.gov](https://deadiversion.usdoj.gov)
- Copy of Test Standards and Methods
- Copy of ISO 17025 Accreditation
- If not ISO Accredited, please provide copy of other accreditation(s).

**SEED DEALER/SUPPLIER | \$500.00 PERMIT FEE**

Note you will also need a South Carolina Seed License: [kellysolutions.com/sc/seed/NewApplication/applynow.asp](http://kellysolutions.com/sc/seed/NewApplication/applynow.asp)

Please complete the following:

Do you produce your own seed?  Yes  No

Varieties of seeds you sell \_\_\_\_\_

\_\_\_\_\_

Sex, purity, and germination percentages \_\_\_\_\_

\_\_\_\_\_

Origin of Seed \_\_\_\_\_

South Carolina Seed License Number \_\_\_\_\_

**OTHER | \$500.00 PERMIT FEE**

Provide detailed description below. Examples: Broker, Research and Development, Sale Representative, etc.

\_\_\_\_\_

\_\_\_\_\_

The following additional information must be submitted with your completed application:

- Business Plan (include days and hours of operation)
- Background Check – [identogo.com/locations/south-carolina](http://identogo.com/locations/south-carolina)
- List of businesses and/or farmers you are affiliated with, if any.

**By signing this Application, the Applicant certifies that the information contained is truthful and accurate. The Applicant also acknowledges receipt of the “Hemp Handlers Guidelines” and agrees to abide by all requirements contacted in the 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