

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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TO: Hemp Producer License Applicants

FROM: Massachusetts Department of Agricultural Resources, Hemp Program

REGARDING: FBI Background Check Guidance

DATE: April 6, 2020

The United States Department of Agriculture (“USDA”) requires that anyone who wishes to acquire a license to Produce (“Grow”) hemp must request a criminal history report through the Federal Bureau of Investigation (“FBI”). The Massachusetts Department of Agricultural Resources Hemp Program (“MDAR”) has developed additional guidance relative to the process below:

- 1) Criminal history reports must be submitted with the application for each “Key Participant” that will be operating under the license. Key Participants are defined as individual applicants, or any person who has a direct or indirect financial interest in the entity producing hemp, including but not limited to, owner(s) or partner(s) in a partnership, officers, directors, the chief executive officer, chief operating officer, or chief financial officer in a corporation, or the trustees of a trust. It does not include such management as farm, field, or shift managers, unless those individuals are also identified above. ***No Individual Applicant or Key Participant may have been convicted of a drug-related felony within the last ten (10) years.***
- 2) Go to the FBI Identity History Summary Checks webpage (link: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>) to access the steps required to request your criminal history report. Requests can be filed either electronically or via postal mail. Both options are explained on the FBI website.
- 3) Acquire Fingerprints: You are required to submit fingerprints to the FBI. You can have your fingerprints taken at any local, county, or state law enforcement agency. The FBI fingerprinting card (FD-258) is available for download from the FBI website (<https://www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view>), though the law enforcement agency may have these forms available. Your fingerprint card should accompany your criminal history report request to the FBI. If you have any questions or concerns on the specifics of fingerprinting or the forms to be used, the Department suggests asking your local law enforcement agency or reaching out to the FBI directly.
- 4) In addition to your local law enforcement offices, there are also several private companies that offer fingerprinting services in the Commonwealth that include, but are not limited to:
 - Fingerprint Innovations, Danvers, MA, <https://www.fpima.com>
 - Identogo, Multiple Locations, <https://ma.ibtfingerprint.com>
 - Fieldprint USA, Multiple Locations, <https://www.fieldprintusa.com>

- 5) The criminal history report requests submitted to the FBI must include the Applicant Information Form, the fingerprint card, and the appropriate payment to the FBI (all steps for either electronic or paper submissions can be found on the FBI website: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>). Processing times vary, and rough estimates can be found on the FBI website.
- 6) Once you receive your criminal history report, it should be included with your Massachusetts Hemp Producer or Dual Producer/Processor License application, and submitted to MDAR along with all other necessary documentation (i.e. supplemental forms, maps, property information, etc.). ***The reports should be submitted as hard copies along with your application and, preferably, the results should be in an original sealed envelope, indicating no tampering has occurred.*** Applications cannot be reviewed until the criminal history reports are received for all Key Participants. All reports should be current to within sixty (60) days of the application date.

All criminal history reports should be included with the license application and submitted to the Hemp Program *via postal mail*:

MDAR Hemp Program
251 Causeway St; Suite 500
Boston, MA 02114

If you have questions about obtaining a criminal history report or acquiring fingerprints, please refer to the Frequently Asked Questions on the FBI website (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>) or contact the FBI directly.

If you have questions pertaining to the policy governing this requirement, or any of the new federal hemp regulations, please refer to the USDA website (<https://www.ams.usda.gov/rules-regulations/hemp>).

If you have any other questions relating to hemp in Massachusetts or information from the Department, please email us at mahemp@mass.gov.