

Instructions

- **Deadline:** Applications must be received by the Department no later than April 30.
- Complete all parts of the following form to apply for a MA Hemp Processor License. *Incomplete applications will not be processed.*
- Submit this application with all required maps, attachments, and the \$100 application fee.
- Upon approval, you will be billed for a Licensing fee, due prior to issuance. You may not conduct any hemp production or processing activities until your license has been issued.
- Production or Processing of Hemp without a license is a violation of state and federal law and may result in legal action.
- Hemp Licenses are **NOT transferrable or assignable** and cannot be used by any other individual or entity not included in this application.

**Mail completed form, fees
and attachments to:**

Massachusetts Department of Agricultural Resources
 225 Turnpike Road; Room 302
 Southborough, MA 01772
 attn.: **Hemp Program**

Make checks payable to: *Commonwealth of Massachusetts*

Instructions for Licensing Sites

- Each Processing site must be designated by a specific property address or parcel number. You may license multiple properties with different addresses by attaching additional copies of the Processing Site Licensing page.
- MDAR may license any or all the proposed Sites. Processing may only occur at locations that are covered by the license.
- Hemp Processing must be located in areas zoned for such use and conducted in accordance with any other applicable legal requirements including, but not limited to, the State Building Code, the Comprehensive Fire Safety Code, the Massachusetts Board of Fire Prevention Regulations promulgated at 527 CMR 1.00, and any other state or local regulation that governs the type of processing activity proposed. MDAR will require proof of permits or approvals from both the municipal fire safety official and the municipal building official that the proposed activities are in compliance with applicable fire codes, safety codes, and applicable building and other zoning requirements.
- For each processing site, you are required to provide an **aerial photograph map** with this application. All maps must include:
 - Aerial photograph of the site
 - Site Name and Address or Parcel Number
 - GPS coordinates in **decimal degrees** (ex. 42.3664, -71.0588)
 - Site features including *clearly marked boundaries of the proposed processing areas*

Additional Resources:

Instructions for creating an aerial map: <https://www.mass.gov/doc/instructions-how-to-create-a-map-of-your-site/download>

Find your GPS Coordinates: <https://www.mass.gov/doc/instructions-how-to-find-your-gps-coordinates-latitude/longitude/download>

Please type or print clearly. Incomplete or illegible forms will be returned. MDAR Hemp Licenses are valid ONLY for the Licensee as indicated here and for the location(s) designated and approved within this application. You MUST include any business name, including your d/b/a. Any businesses that are considered "legally" separate may not be covered under a single license. Each d/b/a, LLC, corporation, or other lawfully created entity under the laws of the Commonwealth or any other state must submit a separate license application. Licenses are non-transferable and may not be assigned to any other individual or entity. The use of a license by anyone other than the licensee may result in the suspension or revocation of the license.

Applicant Information

Applicant Name (may be individual or business entity – this is the name that will appear on your license):

Primary Contact Name:

Business Name (if applicable):

Mailing Address:

City:

State:

ZIP Code:

Primary phone: ☐ cell ☐ home ☐ work

Email:

EIN number (if applicable – Do NOT use your individual social security number):

Each Processing site must be designated by a specific property address or parcel number. You may license multiple sites with different addresses by attaching additional copies of this page.

Processing Site Licensing Information

Site Name:

Physical Address:

City:

State:

Zip Code:

Latitude:

Longitude:

Site Description:

Statement of Property Ownership: Are you the owner of the property listed above? ☐ Yes ☐ No

If No, (please initial): _____ I certify that I have permission to use the property listed above for processing of hemp. MDAR is not responsible for any issues that arise between a licensee and property owner.

Property Owner or Manager Name (if different from Applicant):

Owner/Manager Phone:

Owner/Manager Email:

Property Type: ☐ Farm/Agricultural ☐ Commercial ☐ Residential ☐ Industrial ☐ Other _____

Type of Processor (please check all that apply)

☐ **Extractor:** removes a product from the hemp plant such as fiber, seed, oil, resin, etc.

☐ **Manufacturer:** makes an intermediate or finished product that uses any hemp or hemp-derived material and that will be packaged, labeled and ready for sale to an end user or wholesale.

Processor Certifications:

By signing this application and initialing where required, the individual signing hereby acknowledges that they have the legal authority to bind the applicant and agrees to the following:

(please initial): _____ I understand that it is my responsibility to ensure that any hemp or hemp-derived material used for processing shall only be obtained from a producer or processor licensed by MDAR, USDA, under a USDA-approved plan from a jurisdiction outside the Commonwealth, or as otherwise authorized under federal law, and shall be accompanied by all required paperwork.

(please initial): _____ I understand that any products made are subject to state and federal law, including but not limited to, the Federal Food, Drug, and Cosmetic Act, M.G.L. c. 128, Sections 116 through 123, and 105 CMR 590.001, and that it is my responsibility to ensure compliance of all products that are offered for sale in the Commonwealth or introduced into interstate commerce. I further understand that failure to comply with any of these requirements may result in further legal action, including the destruction of products found out of compliance and suspension or revocation of any hemp license.

(please initial): _____ I understand that I may not use any cannabis material for processing that is not in compliance with state and federal law, regardless of whether the term “hemp” is used on the package, accompanying documents, or used in any way to market such material.

(please initial): _____ I understand that it is my responsibility to ensure that any hemp or hemp extract received for processing complies with the testing requirements set forth by MDAR, including that it meets all THC limitations, and any other applicable testing requirements or standards set by local, state, or federal law.

(please initial): _____ I understand that it is my responsibility to read and understand all applicable state and federal laws, regulations, and rules that govern hemp in the Commonwealth, including but not limited to, the Federal Food, Drug, and Cosmetic Act, M.G.L. c. 128, Sections 116 through 123, the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production, 105 CMR 590.001, and any rules, policies, or regulations promulgated thereunder.

(please initial): _____ I understand that all finished products must be processed and manufactured in accordance with the MA Hemp Processor Policy and any other local, state, or federal requirements and must include, at minimum, the MDAR License number and Licensee Name as it appears on the license issued, batch numbers for the finished product, potency, ingredients, and statements.

(please initial): _____ I understand that all hemp and finished products must comply with all applicable requirements set by MDAR and the Cannabis Control Commission in order to be deemed in compliance with M.G.L. c. 94G, Section 12(f). I understand that if I am found to be processing, in possession, selling, or otherwise transferring any hemp or hemp-derived material or products not otherwise in compliance with these requirements that such activity may result in further legal action, including but not limited to, the destruction of products found out of compliance, and suspension or revocation of any hemp license.

(please initial): _____ I understand that the manufacture and use of any synthetically derived cannabinoid including, but not limited to delta-8 THC, THCO, THC10, HHO, THC-o-acetate, is prohibited to the extent that synthetic cannabinoids are not included in the definition of hemp under state or federal law.

General Certifications: *By signing this application and initialing where required, the individual signing hereby acknowledges that they have the legal authority to bind the applicant and agrees to the following:*

(please initial): _____ I understand that the production of hemp in Massachusetts must be done so in accordance with applicable state and federal law, including but not limited to, the Agricultural Improvement Act of 2018, USDA's Final Hemp Production Rule at 7 CFR 990 ("USDA Final Rule"), M.G.L. c. 128, Sections 116 through 123, and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production. I further understand that producing hemp in violation of federal and state law may include further legal action as authorized by applicable federal and state law. This includes destruction of any crops produced in violation of applicable state and federal law.

(please initial): _____ I understand that processing hemp must be done so in accordance with applicable state law, including but not limited to, M.G.L. c. 128, Sections 116 through 123 and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production. I further understand that processing hemp in violation of state law may include further legal action as authorized by applicable state law. This includes the destruction of any hemp or hemp-derived products processed in violation of applicable state law.

(please initial): _____ I understand that it is my responsibility to ensure that I obtain any other applicable licenses, permits, or approvals required by local or state law for the type of activity to be conducted and that failure to do so may result in enforcement action, included but not limited to, the loss of my hemp license. This includes, but is not limited to, approvals under any applicable state statute or regulation or municipal regulation, ordinance, or bylaw, including but not limited to, wetland regulations, M.G.L. c. 131, Section 40, the Wetlands Protection Act, or M.G.L. c. 131A, the Massachusetts Endangered Species Act. I further understand that these licenses, permits, or approvals, may be needed prior to any activity begins and that any hemp license does not supersede or exempt the activity from any other applicable law.

(please initial): _____ I understand that any individual or entity registered by MDAR to produce or process hemp shall be subject to audit, inspection, and testing pursuant to the USDA Final Rule, as applicable, M.G.L. c. 128, Sections 116 through 123, and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production at the discretion of MDAR.

(please initial): _____ I hereby give consent for MDAR to conduct both scheduled and random inspections of and around the premises on which hemp is being sown, grown, harvested, stored, and/or processed.

(please initial): _____ I understand that upon approval of my application, MDAR may share the location of my grow and processing sites with municipal officials, including but not limited to, the chief elected or appointed official, local law enforcement, and fire safety officials in the municipality where hemp will be produced or processed. I further understand that any information obtained by MDAR may be disclosed without further notice unless otherwise prohibited by law.

(please initial): _____ I understand that upon approval of my application, my MDAR Hemp License is valid only for the licensed entity at the locations indicated within this application. Licenses are not transferrable or assignable and may not be used by unlicensed entities under any circumstances.

(please initial): _____ I understand that this license is valid only for the processing of hemp. This license does not allow for retail or wholesale of hemp products other than those produced or manufactured by a licensee, under the terms of their license and in accordance with state and federal law. I understand that products manufactured or sold may be subject to additional state and federal law, including but not limited to, regulations promulgated by the Massachusetts Department of Public Health and/or the United States Food and Drug Administration.

Property Certifications:

By signing this application and initialing where required, the individual signing hereby acknowledges that they have the legal authority to bind the applicant and agrees to the following:

(please initial): _____ I certify that the Production and Processing Site Map(s) accurately represent the proposed area(s) to be used for Hemp Processing and/or Production, including storage and drying, and are attached to this application.

(please initial): _____ I certify that I have permission to use all Site locations listed in this application for the production and/or processing of hemp. I further understand that if the property owner rescinds permission to use any or all of the Site locations listed in this application that this will result in the suspension, revocation, or non-renewal of my license. MDAR is not responsible for any issues that arise between me and the property owner.

(please initial): _____ I understand that if any Site is subject to an Agricultural Preservation Restriction ("APR") or Agricultural Covenant held by MDAR, all activity must be conducted in accordance with the terms of the APR or Agricultural Covenant. I further understand that it is my responsibility to review and understand the terms and conditions set forth in the APR or Agricultural Covenant before commencing operation.

(please initial): _____ I understand that all processing sites must be in areas zoned for such use and activities conducted in accordance with any other applicable legal requirements including, but not limited to, the State Building Code, the Commonwealth of Massachusetts established requirements through its Comprehensive Fire Safety Code, Massachusetts Board of Fire Prevention Regulations promulgated at 527 CMR 1.00, and any other state or local regulation that governs the type of processing activity proposed. I further understand that MDAR may require written approvals from municipal fire and/or building officials in order to ensure compliance prior to the issuance of any license. I understand that failure to provide MDAR with this information may result in the denial of my license application.

Is any property listed on this application subject to an APR? ☐ Yes ☐ No

If yes, please contact MDAR's APR Program to ensure compliance with any applicable requirements of the APR. <https://www.mass.gov/agricultural-preservation-restriction-apr-program>

Is any property listed on this application subject to an Agricultural Covenant? ☐ Yes ☐ No

If yes, please contact MDAR's Farm Viability Program to ensure compliance with the terms of the Agricultural Covenant. <https://www.mass.gov/service-details/farm-viability-enhancement-program-fvep>

I hereby certify that, to the best of my knowledge, all information provided in this application is true and accurate. I understand that providing false, inaccurate, or misleading information is grounds for renewal denial, suspension, or revocation pursuant to the USDA Final Rule, M.G.L. c. 128, Sections 116 through 123, and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production. I further understand that my license to produce or process hemp in the Commonwealth expires on December 31st and that if I fail to submit a renewal application and obtain a license for the following year, I am no longer considered licensed to produce or process hemp under state or federal law.

I hereby certify that I acknowledge and understand that all information provided to MDAR as part of this renewal application and as part of my participation in the program is subject to the public records law and may be disclosed unless otherwise protected by state or federal law.

I hereby certify that I will comply with applicable state and federal laws, regulations, and rules that govern the production and/or or processing of hemp, including but not limited to, M.G.L. c. 128, Sections 116 through 123, and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production, and any rules, policies, or regulations promulgated thereunder, and the USDA Final Rule. I understand that failing to comply with such requirements may result in the denial, suspension, or revocation of any license, may subject me to fines in accordance with M.G.L. c. 128, Section 123, may result in the destruction of any non-compliant cannabis material or products, and/or further legal action as authorized by state and federal law.

I have read this license application, understand the requirements in it, and I agree to hold harmless and release the Commonwealth of Massachusetts, its officers, employees, contractors or agents from any and all claims, actions, suits, damages, judgments, attorneys' fees, or prosecution of any kind, that may arise due to my cultivation of industrial hemp conducted in accordance with the Industrial Hemp Program administered by the Massachusetts Department of Agricultural Resources pursuant to the USDA Final Rule, M.G.L. c. 128, Sections 116 through 123, and the regulation promulgated thereunder at 330 CMR 32.00, Hemp Production.

Signature: _____

Printed Name: _____ Date: _____

For official use

Date Received:

Payment: ☐ Check ☐ Money Order

Number:

Amt.: \$

Application Attachments Checklist

- ☐ Map for each processing site that includes:
 - Site Name
 - Address or Parcel Number
 - GPS coordinates in **decimal degrees** (ex. 42.3664, -71.0588)
 - Clearly marked boundaries of the growing and processing areas
 - Instructions for creating a map: <https://www.mass.gov/doc/instructions-how-to-create-a-map-of-your-site/download>
 - Find your GPS Coordinates: <https://www.mass.gov/doc/instructions-how-to-find-your-gps-coordinates-latitude/longitude/download>
- ☐ For each processing site:
 - Letter of approval from the municipal fire safety official that the proposed activities are in compliance with applicable fire and other safety codes.
 - Letter of approval from the municipal building official that the proposed activities are in compliance with applicable building and other zoning requirements.
- ☐ \$100 non-refundable application fee
- ☐ Please keep a copy of this application for your records.

Please mail application, supporting materials, attachments, and payment to:

MDAR Hemp Program

225 Turnpike Road; Room 302
Southborough, MA 01772

Make checks payable to:

Commonwealth of Massachusetts

Questions? mahemp@mass.gov

Or visit: <https://www.mass.gov/industrial-hemp-program>