Wyoming
DEPARTMENT OF Agriculture

HEMP REGULATORY PROGRAM

USDA PROGRAM ADMINISTRATION PROPOSAL

JANUARY 2020

Wyoming
DEPARTMENT OF Agriculture

The State of Wyoming respectfully submits our plan to regulate hemp production and processing in the State of Wyoming. Enclosed in this plan you will find the following:

- Chapter 58 Rules Pertaining to Hemp
- 2019 Hemp, Cannabidiol and Other Controlled Substance Regulation Act
- WDA Hemp Plan Department Policies
- Hemp License Application
- Hemp License Amendment Application
- Harvest Report
- Certification Statement
- Sampling Guidelines For Hemp
- Testing Guidelines for Hemp
- State and Tribal Hemp Annual Report Form
- State Producer Report Form
- Laboratory Test Results Report Form
- State Hemp Disposal Report Form
- USDA Rubric Outlining All Completed Requirements for Delegated Authority
- Hemp Plan Signature Page

This plan puts Wyoming in a position to effectively regulate hemp in our great state. We look forward to a quick review and approval of this plan so our producers and processors can take advantage of the 2020 growing season. If you have any questions, please don't hesitate to contact us at 307-777-6569.

2020

WYOMING DEPARTMENT OF AGRICULTURE

CHAPTER 58 RULES PERTAINING TO HEMP

2020 Chapter 58 DRAFT

Rules Pertaining to Hemp

Section 1. Authority. These rules are written in accordance with the authority provided in Wyoming Statute 11-51-105.

Section 2. Definitions. Any applicable term defined in W.S. 11-51-101 shall have the same meaning throughout these rules.

a. "Acceptable Hemp THC Level" means that when a laboratory tests a sample, it must report the delta-9 tetrahydrocannabinol content concentration level on a Dry Weight Basis and the Measurement of Uncertainty. The Acceptable Hemp THC Level for the purposes of compliance with the requirements of this rule is when the application of the Measurement of Uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a Dry Weight Basis produces a distribution or range that includes 0.3% or less. This definition of "Acceptable Hemp THC Level" affects neither the definition of "hemp" nor the definition of "marihuana" or "marijuana" in Wyoming Statutes.

b. "Batch" means the hemp or hemp products processed during a period indicated by a specific code.

c. "Cannabis" means a genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species, and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. For the purposes of these rules, Cannabis refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a Dry Weight Basis has not yet been determined.

d. "Certified Laboratory" means a DEA certified and ISO/IEC 17025 accredited laboratory accredited for the testing of potency of cannabinoids, including THC in Cannabis.

e. "Controlled Substances Act" or "CSA" means the Controlled Substances Act as codified in 21 U.S.C. 801 *et seq.*

f. "Criminal History Report" means the United States Federal Bureau of Investigation's Identity History Summary.

g. "Culpable Mental State Greater Than Negligence" means to act intentionally, knowingly, willfully, or recklessly.

h. “Department” means the Wyoming Department of Agriculture.

i. “Drug Enforcement Administration” or “DEA” means the United States Drug Enforcement Administration.

j. “Dry Weight Basis” means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a Dry Weight Basis means the percentage of THC, by weight, in a Cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

k. “Geospatial Location” means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

l. “Handle” means to Harvest or store hemp plants or hemp plant parts prior to the delivery of such plants or plant parts for further processing.

m. “Harvest” means the collection of any portion of a Cannabis plant from a Licensed Area at any time.

n. “Hemp Statute” means W.S. 11-51-101 through -107.

o. “Key Participant” means a sole proprietor, a partner in a partnership, a member of a limited liability company, a director of a corporation, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, chief financial officer, principal, officer, member, manager, and director. This definition does not include non-executive managers such as farm, field, or shift managers.

p. “Licensed Area” means a field, greenhouse, hoop house, high tunnel, building, or other structure on or in which a licensee plans to produce or process hemp that is licensed by the Department. A Licensed Area may include land, buildings, or other structures that are not used for producing or processing hemp.

q. “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Cannabis throughout the area.

r. “Measurement of Uncertainty” means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

s. “Negligence” or “Negligent” means failure to exercise the level of care that a reasonably prudent person would exercise in complying with the provisions of the Hemp Statute or these rules.

t. “Official Test Result” means an official result prepared by a Certified Laboratory about the analytical testing it performed and the results of the testing, including the Department's Official Test Results.

Section 3. Licensing.

a. Each applicant for a license shall submit a signed, complete, accurate, and legible application.
In addition to submitting the Department’s application form, an applicant must submit the following:
   i. A copy of the applicant's government issued photo identification or, if a business entity, a Wyoming Secretary of State certificate of good standing.
   ii. An aerial map or photograph (e.g., from Farm Service Agency, Google, or Bing) of all the Licensed Areas on which the applicant plans to **grow** hemp, showing the boundaries and dimensions of each Lot in acres or square feet.
   iii. An aerial map or photograph (e.g., from Farm Service Agency, Google, or Bing) of all the Licensed Areas on which the applicant plans to **process** hemp, showing the boundaries and dimensions of each licensed facility in acres or square feet.
   iv. An official Criminal History Report for all Key Participants of the applicant dated within 60 days prior to the application submission date.
   v. If the applicant intends to process hemp, a description of all hemp products the applicant plans to make.
   vi. If the applicant intends to process hemp, a statement of the intended end use for all hemp material received for processing.

b. In addition to the application, each applicant shall submit the license fee set by W.S. 11-51-103(c)(ii).

c. The Department will not begin reviewing an application until it receives the fee specified in W.S. 11-51-103(c)(ii).

d. Licenses cannot be assigned or transferred.

e. To amend a license, including changing a Licensed Area or activity, a licensee must submit the Department's amendment request form and receive the Department's approval.

f. A licensee must report any changes to contact information listed on the licensee’s application form within 10 days of the change by completing the Department’s amendment request form and submitting it to the Department by email.

g. A license shall be valid for the remainder of the current calendar year in which the application was approved. All licenses will expire on December 31 of each year.

Section 4. Hemp Producer Reporting and Record Keeping Requirements.

a. A licensee who plans to produce hemp shall report to the USDA Farm Service Agency:

   i. Hemp crop acreage;

   ii. Total acreage of hemp planted, Harvested, and destroyed;

   iii. License number;

   iv. Street address for each Licensed Area;

   v. Geospatial location(s) of each Lot or greenhouse where hemp will be produced; and

   vi. Acreage or indoor square footage of any greenhouse dedicated to the production of hemp.

b. A licensee must keep all records specified in this section for at least three years.

c. A licensee must make available for inspection by the Department during reasonable business hours the following records:

   i. Records regarding acquisition of Cannabis plants;

   ii. Records regarding production and handling of Cannabis plants;

   iii. Records regarding storage of Cannabis plants; and

   iv. Records regarding destruction of all Cannabis plants that do not meet the definition of hemp.

d. Harvest Reports

   i. Fifteen days prior to anticipated Harvest, each licensee shall file a Harvest report on the Department's form, via email, which must include the estimated Harvest date(s) and location of each Lot to be Harvested within a Licensed Area.

Section 5. Hemp Producer Inspection and Sampling Protocol.

a. Within that 15 day time period, the Department will sample each Lot to be Harvested. The licensee may not Harvest prior to Department sampling.

b. A licensee must notify the Department immediately of any changes in the reported Harvest date(s) in excess of five days. If any such changes are made, the Department may require additional sampling prior to Harvest.

c. A licensee shall not Harvest any portion of a Lot before the Department takes samples of that Lot.

d. All licensees are subject to inspection and sampling to verify that the THC concentration level of all Cannabis does not exceed the Acceptable Hemp THC Level.

e. During an inspection, the licensee or a designated employee shall be present at the Licensed Area and shall provide the Department with complete and unrestricted access during reasonable business hours to all Licensed Areas and to all documents specified in Section 4 of these rules. When the Department collects samples during an inspection, the licensee or a designated employee must accompany the Department's representative throughout the sampling process.

f. The Department shall only use samples collected and analyzed by the Department to determine compliance with these rules.

g. Any Official Test Results showing that a sample's THC concentration level is greater than the Acceptable Hemp THC Level shall constitute evidence that all Cannabis in the sampled Lot has a THC concentration level greater than the Acceptable Hemp THC Level and that the licensee is therefore not in compliance with the Hemp Statute and these rules. Upon receipt of such an Official Test Result, the Department will notify federal, state, or local law enforcement and request destruction of each non-compliant Lot. The Department will also negotiate a corrective action plan with the licensee as provided in Section 12.

h. If a licensee believes that an Official Test Result is in error, and pays for a retest of the originally submitted sample, the Department will retest the sample.

i. If Cannabis in a Lot has a THC concentration level that does not exceed the Acceptable Hemp THC Level, it is considered hemp and may enter the stream of commerce.

j. Cannabis with a THC concentration level exceeding the Acceptable Hemp THC Level constitutes marijuana, a schedule I controlled substance under the CSA, and must be destroyed in accordance with the CSA and 21 CFR part 1317.

Section 6. General Hemp Processing Requirements.

a. A licensee must assign to each Batch a unique number or way to identify the product at the time of processing.

b. A licensee that extracts THC from hemp must submit for approval by the Department a plan that ensures the THC is destroyed in accordance with 21 CFR part 1317 and that accounts by Batch number for all THC destroyed.

c. The licensee may not accept hemp for processing from any source other than a person licensed by the Department, the United States Department of Agriculture (USDA), or a state or tribe with a plan approved by USDA.

d. The Department will require destruction of Cannabis discovered at a Licensed Area for processing for which records are not available to prove that the Cannabis was received from a person licensed by the Department, USDA, or a state or tribe with a plan approved by USDA. Any Cannabis commingled with Cannabis for which those records are not available will also be subject to destruction.

e. A licensee may not process or Handle any Cannabis that is not hemp.

f. A licensee may process or Handle hemp only on Licensed Areas.

Section 7. Hemp Processor Record Requirements

a. A licensee who processes hemp must keep the following documentation available for inspection by the Department:

    i. Copies of all written agreements with licensed growers;

    ii. Official Test Results for all hemp products sampled and tested by the licensee or by a Certified Laboratory.

b. A licensee must keep and update monthly records and make them available for inspection by the Department upon request. These records must include:

    i. Hemp intake records, which must include:

        1. The name, location, and license number (Wyoming license number or other specific hemp grower identification number) for each grower from whom the licensee accepts hemp for processing;

2. The date(s) on which hemp is received;

3. The amount of each variety received;

4. The hemp products for which each variety of hemp received will be used; and

5. The Official Test Results providing evidence that the THC concentration level of all hemp received does not exceed the Acceptable Hemp THC Level.

ii. Destruction records for all non-compliant Cannabis or Cannabis products, which must include:

1. The date a person authorized by 21 CFR part 1317 destroyed or took possession of the non-compliant Cannabis or Cannabis products;

2. The method of destruction, if known;

3. The location at which a person authorized by 21 CFR part 1317 destroyed or took possession of the non-compliant Cannabis or Cannabis products; and

4. The name and title of the person authorized by 21 CFR part 1317 who destroyed or took possession of the non-compliant Cannabis or Cannabis products, and if possible, the person's signature.

iii. Processing records, which must include:

1. A list of hemp products made by the licensee; and

2. A list of buyers or recipients of hemp products, including:

a. The final destination of hemp products after leaving the licensee's facility;

b. The description of each product sold or otherwise distributed;

c. The quantity of each product sold or otherwise distributed; and

d. The date of distribution.

c. A licensee must keep copies of all records, documents, and information required by these rules for at least three years and in a manner such that they can be readily provided to the Department upon request during reasonable business hours.

Section 8. Hemp Processor Inspection and Laboratory Testing.

a. Each licensee shall select a random sample from every Batch of hemp products made at each of the licensee's facilities that is of sufficient quantity to perform the required tests.

b. Unless otherwise indicated by the Department, a licensee shall have a Certified Laboratory test every hemp product sample to determine whether the sample's THC concentration level exceeds the Acceptable Hemp THC Level. The licensee must obtain an Official Test Result from the Certified Laboratory for each sample tested.

c. An Official Test Result showing that the THC concentration level of a sample of a Batch does not exceed the Acceptable Hemp THC Level is evidence that the whole Batch's THC concentration level does not exceed the Acceptable Hemp THC Level.

d. A licensee shall not sell or otherwise distribute a hemp product unless the hemp product's THC concentration level does not exceed the Acceptable Hemp THC Level and meets all of the other processing requirements in these rules.

Section 9. Storage of Hemp.

a. Only licensees are authorized to store hemp.

b. A licensee may store hemp obtained from a person licensed by the Department, USDA, or a state or tribe with a USDA approved plan if:

   i. The licensee identifies each storage facility on the license application;

   ii. The storage facility is owned or leased by the licensee; and

   iii. The licensee keeps complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, the varieties stored at each storage facility, and the amount of each hemp variety stored at each storage facility;

c. A licensee may not warehouse or otherwise store hemp that are not owned by the licensee.

d. A licensee must separate Harvested Lots in storage in such a manner that maintains the unique identity of each Harvested Lot. Hemp from one Lot may not be commingled with hemp from other Lots.

e. If a licensee stores Cannabis or Cannabis products that have a THC concentration level that exceeds the acceptable hemp level and that Cannabis or Cannabis products have been commingled with hemp or hemp products, then the noncompliant Cannabis or Cannabis products and the hemp or hemp products must all be destroyed in accordance with the CSA and 21 CFR part 1317.

f. The licensee must permit the Department to inspect all storage areas during reasonable business hours.

g. The licensee must keep inventory records for hemp or hemp products stored, which must include:

    i. The date of inventory;

    ii. The location of stored hemp;

    iii. The total amount of each hemp product on hand;

    iv. The total amount of hemp and hemp seed of each variety on hand;

    v. The total amount of unusable hemp and hemp seed of each variety on hand; and

    vi. The name, signature, and title of the employee performing inventory.

Section 10. Incorporation by Reference.

a. For all regulations incorporated by reference in these rules:

    i. The Department has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

ii. The incorporation by reference does not include any amendments or editions of the incorporated matter later than January 1, 2020;

iii. The agency originally issuing the incorporated matter has copies of it readily available to the public; and

iv. The Department maintains the incorporated regulations, which is available for public inspection and copying at cost at 2219 Carey Avenue, Cheyenne, WY 82002.

b. The following regulations are incorporated by reference in these rules:

i. 21 CFR part 1317 (2019), found electronically at: https://www.ecfr.gov/cgi-bin/text-idx?SID=b533c23fd52fec42d48af83dc9f5a2c3&mc=true&node=pt21.9.1317&rgn=div5

Section 11. Violations.

a. The Department will initiate a corrective action plan or revoke the license of any licensee who violates the requirements of the Hemp Statute or these rules.

b. Specific examples of violations that the Department could determine to be Negligent include:

i. Failure to provide a legal description of land on which the licensee produces Cannabis.

ii. Failure to obtain a license.

iii. Producing Cannabis with a THC concentration level that exceeds the Acceptable Hemp THC Level.

c. A licensee may not provide false, misleading, or incorrect information pertaining to production or processing of hemp to the Department, including information provided in any application, report, or record.

d. A licensee may not continue producing or processing hemp if, after receiving a license, the licensee is convicted of or pleads nolo contendre to a state or federal controlled substance felony.

e. Persons with a revoked license shall not sell, Handle, transport, or otherwise allow into the stream of commerce any Cannabis or Cannabis product.

f. If the Department revokes a license, the Department will require that each Lot of Cannabis or Batch of Cannabis products currently being produced or processed under that license must be destroyed unless the ex-licensee has a Official Test Result showing that each Lot or Batch has a THC concentration level that does not exceed the Acceptable Hemp THC Level.

g. Destruction of Non-Compliant Cannabis and Cannabis Products

   i. All destruction of noncompliant Cannabis and Cannabis products must be in accordance with the CSA and 21 CFR part 1317.

   ii. If the Official Test Result of a Cannabis or Cannabis product sample shows that the sample's THC concentration level exceeds the Acceptable Hemp THC Level, all Cannabis or Cannabis products in the Lot, Batch, or other unit from which the sample was taken must be destroyed. The licensee is responsible for the cost of destruction. USDA will be notified and supplied test results of hemp samples above the Acceptable Hemp THC Levels. Hemp in non-compliant Lots or Batches are prohibited from further Handling, processing, or entering the stream of commerce.

   iii. No person may move or transport Cannabis or Cannabis products subject to destruction except those persons authorized by 21 CFR part 1317.

Section 12. Corrective Action Plan.

a. A licensee that Negligently violates the requirements of the Hemp Statute or these rules must comply with a corrective action plan as prescribed by the Department.

b. The corrective action plan for licensee violations that the Department determines to be Negligent shall include:

   i. A reasonable date by which the licensee will correct the Negligent violation.

   ii. A requirement that the licensee shall provide all requested compliance reports to the Department for a period of two years following the date of the Negligent violation.

c. A licensee's Negligent violation will not be subject to criminal enforcement action by the federal, state, or local government.

d. A licensee that violates the provisions of the Hemp Statute or these rules three times in a five year period shall be ineligible for a license to produce or process hemp for a period of five years beginning on the date of the third violation.

e. The Department shall conduct inspections to determine if a corrective action plan has been implemented.

f. If a subsequent violation occurs while a corrective action plan is in place, the Department will either:

    i. Institute a new corrective action plan, which may include quality control, training, or other quantifiable action requirements; or

    ii. Proceed to revoke the licensee's license.

g. If the Department determines that a licensee has violated the Hemp Statute or these rules with a Culpable Mental State Greater Than Negligence the Department shall:

    i. Immediately report the licensee to the United States Attorney General and the State of Wyoming Attorney General; and

    ii. Either institute a corrective action plan or proceed to revoke the licensee’s license.

Section 13. License Denial, Revocation, and Appeals.

a. The Department will deny a license application if:

    i. The applicant has made a materially false statement(s) on the application;

    ii. The applicant failed to submit the appropriate fee;

    iii. The applicant failed to submit a correct and complete application; or

    iv. Any applicant or Key Participant of the applicant has been convicted of or pled nolo contendre to a state or federal controlled substance felony within the past 10 years. An exception applies to a person who was lawfully growing hemp under the federal Agricultural Act of 2014 before December 20, 2018, and whose conviction or nolo contendre plea also occurred before that date.

b. The Department may deny a license application if the applicant has failed to comply with the Hemp Statute or these rules.

c. If the Department denies a license application, the Department shall provide the applicant with a notice that includes:

    i. The specific reasons for the denial and citations to the applicable provisions of the Hemp Statute or these rules;

    ii. The actions, if any, that the applicant must take to qualify for a license;

    iii. Notice of the applicant's right to request a hearing; and

    iv. The legal authority under which the hearing is to be held.

d. If the applicant wants a hearing to contest the denial, the applicant must request a hearing within 20 days of receiving the notice.

e. If a hearing is requested, the Department shall schedule a time and place for the hearing, to be held not later than 30 days from the date of the request unless a later date is agreed to by the parties.

f. The Department shall notify the applicant of the time, date, and place of the hearing at least seven days before the hearing date.

g. If prior to the hearing the applicant supplies evidence of correction and all other license requirements have been met, the Department may issue a license and cancel the hearing.

h. If the Department decides to revoke a license, the Department will provide the licensee with a revocation notice, which shall state:

    i. That the license shall be revoked 15 days after receipt of the revocation notice and that all operations shall cease at that time unless a contested case hearing is requested;

    ii. The reasons for revocation and citations to the applicable provisions of the Hemp Statute or these rules;

    iii. That the licensee may request a hearing by submitting a request to the Department within 15 days of the receipt of the notice of revocation;

    iv. The name and address of the Department representative to whom a request for a hearing may be made;

    v. That if a hearing is requested, the hearing shall be conducted by a hearing officer in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-107

through -115, and the Department's Rules of Practice and Procedures for Contested Case Hearings; and

vi. That the licensee may appear in person or by counsel licensed to practice in the State in Wyoming.

i. The Department shall send all notices in this section by certified mail, return receipt requested.

j. If the licensee does not confirm attendance at the requested hearing within five days of the scheduled hearing, the Department will cancel the hearing.

k. The director of the Department shall issue the final decision, accompanied by written findings of fact and conclusions of law.

l. The Department shall deliver the final decision to the licensee by certified mail, return receipt requested.

m. Hearings.

i. All hearings provided for in these rules shall be conducted in accordance with the Department's Rules of Practice and Procedures for Contested Case Hearings. Appeal from any final order of the Department may be made as provided by the Wyoming Administrative Procedure Act.

2020

WYOMING DEPARTMENT OF AGRICULTURE

HEMP, CANNABIDIOL AND OTHER CONTROLLED SUBSTANCE REGULATION ACT

Chapter 173

ORIGINAL HOUSE
BILL NO. HB0171

ENGROSSED

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to food and drugs; amending substances regulated by the controlled substances act; requiring the commissioner of drugs and substances control to conform controlled substances regulation to federal law within a specified period; providing for hemp production and hemp processing; providing rulemaking authority; providing a penalty; authorizing the use and possession of hemp and hemp products; repealing conflicting provisions; requiring the department to submit a state plan for the regulation of hemp; providing appropriations; requiring a report; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 11-51-101 through 11-51-107 are created to read:

CHAPTER 51
HEMP PRODUCTION

11-51-101. Definitions.

(a) As used in this article:

(i) "Corrective action plan" means a plan the department develops in consultation with a licensee to correct any violation of this article;

(ii) "Disposal" means activities to alter or treat hemp or hemp products that contain an amount of THC in excess of the amount authorized in this article to ensure that the THC is reduced to bring the hemp or hemp product into compliance with this article or, if compliance is not attainable, that the THC is rendered inaccessible;

(iii) "Hemp" or "hemp product" means all parts, seeds and varieties of the plant cannabis sativa l., whether growing or not, or a product, derivative, extract, cannabinoid, isomer, acid, salt or salt of isomer made from that plant with a THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis when using post-decarboxylation or another similarly reliable testing method;

(iv) "Licensee" means a person licensed under this article to produce, process or test hemp;

(v) "Produce" means all acts necessary to produce and market hemp including, without limitation, planting, cultivating, harvesting, cloning, producing seeds, handling, transporting and selling;

(vi) "Process" means converting hemp into another product that contains no more than three-tenths of one percent (0.3%) THC on a dry weight basis when using post-decarboxylation or another similarly reliable testing method;

(vii) "THC" means tetrahydrocannabinol, the psychoactive component of the cannabis plant, with the scientific name trans-delta 9-tetrahydrocannabinol.

11-51-102. Hemp as agricultural crop; use of hemp.

(a) Hemp is an agricultural crop in this state. Upon meeting the requirements of this article, a person may produce or process hemp.

(b) Notwithstanding the requirements of this article, the possession, purchase, sale, transportation and use of

hemp and hemp products by any person is allowable without restriction.

11-51-103. Licensing.

(a) No person shall produce or process hemp unless the person has obtained a license from the department on a form provided by the department.

(b) The application for a license under this section shall include:

(i) The name and address of the applicant;

(ii) The physical address and legal description of all land and property where the production or processing will occur;

(iii) A statement that the applicant has not been convicted of or pled nolo contendre to a controlled substance felony within the past ten (10) years, or in the event the applicant is not an individual, a statement that no member, principal, officer or director of the applicant has been convicted of or pled nolo contendre to a controlled substance felony;

(iv) Authorization for reasonable access by the department for random inspections related to production or processing activities; and

(v) Verification that the applicant is a business entity organized under the laws of Wyoming or a Wyoming resident, as defined by rule of the department.

(c) The department shall issue a license, or renewal thereof, which is valid for one (1) year if:

(i) The requirements of subsection (b) of this section are met including that the applicant has not been convicted of or pled nolo contendre to a controlled substance felony within the past ten (10) years; and

(ii) Seven hundred fifty dollars ($750.00) is received for each annual license or renewal application. This fee shall be reduced to five hundred dollars ($500.00) for a nonprofit or educational organization.

(d) Licenses under this section may authorize producing hemp and processing hemp products at more than one (1) location for the same licensee.

(e) Any person possessing hemp or hemp products only for the purpose of testing THC levels may, but shall not be required to, obtain a license under this article.

11-51-104. Enforcement; penalties.

(a) The department shall perform inspections and provide chemical analysis of a random sample of licensees to determine compliance with this article.

(b) Any licensee who violates any provision of this article or any regulation promulgated pursuant to this article shall be subject to a corrective action plan. The corrective action plan may include reporting requirements, additional inspections, suspension of a license, steps necessary to restore a license, or requirements related to disposal of hemp or hemp products that contain in excess of three-tenths of one percent (0.3%) THC on a dry weight basis.

The plan may require rendering THC inaccessible by using hemp or hemp products as a soil amendment material or by destruction of the hemp or hemp product as authorized by rule of the department.

(c) Any person who intentionally violates this article is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00), imprisonment for not more than six (6) months, or both.

(d) If any person has three (3) or more violations of this article or any regulation promulgated pursuant to this article within five (5) years, the department shall revoke the license and the person shall be ineligible for licensure under this article for five (5) years.

11-51-105. Rules; agreements; research activities.

(a) The department shall adopt rules necessary to implement the provisions of this article.

(b) The department may enter into agreements with tribal governments related to hemp production and the processing of hemp products.

(c) The department, the University of Wyoming and Wyoming community colleges may produce or process hemp for research purposes.

11-51-106. Disposition of fees.

All fees collected under this article shall be deposited with the state treasurer in a separate account which is continuously appropriated to the department for the administration of this article.

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

11-51-107. Exception if this article is not implemented.

Nothing in this article shall preclude any person from applying for and receiving authorization to produce and process hemp from another authorized entity if the department does not receive authority to do so or is otherwise not implementing this article.

Section 2. W.S. 35-7-1011(d) and 35-7-1063(a)(i), (iii) and by creating a new subsection (b) are amended to read:

35-7-1011. Control of substances.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law ~~and notice thereof is given to the commissioner,~~ the commissioner shall ~~similarly~~ control the substance under this act ~~after the expiration of~~ in the same manner as federal law within thirty (30) days ~~from~~ after receiving notice of the change but not later than thirty (30) days after the first publication of the change in the Federal Register. ~~of a final order designating a substance as a controlled substance, or rescheduling, or deleting a substance unless within that thirty (30) day period,~~ Under this subsection, the commissioner shall control the substance in the same manner as federal law through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act. If the commissioner objects to ~~inclusion~~ the designation, rescheduling or deletion~~. In that case~~ of a substance, the commissioner shall within the same period required to control the substance publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing,

the commissioner shall publish his decision which shall be final unless altered by statute. Upon publication of an objection to ~~inclusion~~ designation, rescheduling or deletion under this act by the commissioner, control under this act is stayed until the commissioner publishes his final decision. Any final decision that ultimately controls the substance under this act in the same manner as federal law shall be finalized through the promulgation of an emergency rule, followed by promulgation of a permanent rule under the Wyoming Administrative Procedure Act.

35-7-1063. Exceptions to provisions.

(a) The provisions and penalties of this chapter shall not apply to:

(i) The ~~medical~~ possession or use of hemp ~~extract when used in accordance with the provisions of W.S. 35-7-1901 through 35-7-1903~~ or hemp products for any purpose or application;

(iii) ~~Industrial~~ Hemp ~~farming~~ production, processing or testing in accordance with the provisions of ~~W.S. 35-7-2101 through 35-7-2109, or industrial hemp grown for research purposes by the university or the department of agriculture~~ W.S. 11-51-101 through 11-51-107.

(b) As used in this section "hemp" or "hemp product" means all parts, seeds and varieties of the plant cannabis sativa l. or a product made from that plant with a trans-delta 9-tetrahydrocannabinol (THC) concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.

Section 3. W.S. 35-7-1901 through 35-7-1903 and 35-7-2101 through 35-7-2109 are repealed.

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

Section 4.

(a) Not later than thirty (30) days after the effective date of this act, the department of agriculture, after consulting with the governor and the attorney general, shall submit a state plan to the United States secretary of agriculture for primary regulatory authority of hemp in Wyoming as provided in the Agriculture Improvement Act of 2018, Section 10113.

(b) The department of agriculture shall receive and process license applications for the production and processing of hemp as provided in W.S. 11-51-103, created under section 1 of this act, immediately upon approval of the state plan submitted under subsection (a) of this section.

(c) There is appropriated one hundred twenty-thousand dollars ($120,000.00) from the general fund to the department of agriculture. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for the purpose of administering this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

(d) There is appropriated three hundred fifteen thousand dollars ($315,000.00) from the general fund to the department of agriculture. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for building maintenance, employee training, laboratory supplies and equipment and maintenance agreements

necessary to implement this act. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. This appropriation shall not be included in the department of agriculture's 2021-2022 standard biennial budget request.

(e) The department of agriculture shall provide a report to the joint agriculture, public lands and water resources interim committee and the joint appropriations committee on the production and processing of hemp as provided in this act. The report required under this subsection shall be provided on October 1 of each year beginning in 2019 and ending after the report is submitted in 2021.

ORIGINAL HOUSE
BILL NO. HB0171

ENGROSSED

ENROLLED ACT NO. 110, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: 10:42 AM

DATE APPROVED: 6 March 2019

I hereby certify that this act originated in the House.

Chief Clerk

RECEIVED
MAR 6 2019
WYOMING
SECRETARY OF STATE

2020

WYOMING DEPARTMENT OF AGRICULTURE

WDA HEMP PLAN DEPARTMENT POLICIES

Wyoming Hemp Plan Department Policies

Wyoming Department of Agriculture (WDA) hereby adopts the following policies regarding the Wyoming Hemp Regulatory Program:

- WDA will collect, maintain and provide to USDA contact and real-time information for each hemp producer licensed or authorized in Wyoming, including a legal description of the land on which the producer will produce hemp, including, to the extent practicable, its geospatial location.
    - WDA will procure an adequate software program to support this data collection and relay.
- WDA will maintain and report to USDA the status of licensed producers (and any changes) and license or authorization numbers of producers.
- WDA Analytical Services Lab will maintain DEA certification and ISO/IEC 17025 Standard Accreditation.
- WDA shall conduct random audits of licensees to verify hemp is being produced in accordance with the provisions of Chapter 58 Rules Pertaining to Hemp.

WDA will routinely report to USDA.

- WDA will report the following to USDA:
- (a) By the first of each month (but not later than every 30 days), a report providing the contact information and the status of the license or other authorization issued for each producer covered under the Wyoming Hemp Plan.
    - The report shall contain the following information:

(1)

(i) For each new producer who is an individual and is licensed or authorized under the State plan, the report shall include the full name of the individual, license or authorization identifier, business address, telephone number, and email address (if available).

(ii) For each new producer that is an entity and is licensed or authorized under the State plan, the report shall include the full name of the entity, the principal business location address, the EIN, license or authorization identifier, and the full name, title, and email address (if available) of each key participant for whom the entity is required to submit a criminal history record report.

(iii) For each producer that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information.

(2) The status of each producer's license or authorization.

(3) The period covered by the report.

(4) Indication that there were no changes during the current reporting cycle, if applicable.

WDA will provide a State Hemp Disposal report.

If a producer has produced Cannabis exceeding the acceptable hemp THC level, the Cannabis must be disposed of in accordance with the Controlled Substances Act and DEA regulations found at 21 CFR part 1317. WDA will submit to USDA, by the first of each month, a report notifying USDA of any occurrence of non-conforming plants or plant material, including test results, and providing a disposal record of those plants and materials. This report will include information regarding name and contact information for each producer subject to a disposal during the reporting period, and the date disposal was completed.
The report shall contain the following information:

(1) Name and address of the producer.

(2) Producer license or authorization identifier.

(3) Location information, such as lot number, location type, and geospatial location or other location descriptor for the production area subject to disposal.

(4) Identification of a retest.

(5) Test result.

(6) Information on the person handling the disposal.

(7) Disposal completion date.

(8) Total acreage.

Annual report.

WDA shall submit an annual report to USDA. The report form shall be submitted by December 15 of each year and contain the following information:

(1) Total planted acreage.

(2) Total harvested acreage.

(3) Total acreage disposed.

The Department will maintain all relevant records and information regarding licensees and facilities at which hemp is produced or processed in Wyoming, including a legal description for property on which each processing facility is located, for a period of not less than three (3) calendar years.

These Policies are to take effect January 31, 2020.

_____

Doug Miyamoto
Wyoming Department of Agriculture, Director

2020

WYOMING DEPARTMENT OF AGRICULTURE

HEMP LICENSE APPLICATION

Wyoming DEPARTMENT OF Agriculture

2219 CAREY AVE. | CHEYENNE, WY 82002 | PHONE: 307-777-7321 |

TECHNICAL SERVICES DIVISION - HEMP LICENSE APPLICATION

PLEASE TYPE OR PRINT CLEARLY (Incomplete or illegible forms will be rejected.)

PLEASE INDICATE: ☐PRODUCER ☐PROCESSOR ☐BOTH

SECTION 1: INDIVIDUAL APPLICANT INFORMATION

(Only complete this section if you are an individual applying. Business entities proceed to section 2.)

NAME: _____ DATE OF BIRTH: ___/___/_____
LAST FIRST MI

PRINCIPAL ADDRESS*: _____
STREET CITY STATE ZIP

MAILING ADDRESS: _____
STREET CITY STATE ZIP

PHONE NUMBER: (____) _____-_____ ALTERNATE PHONE NUMBER:(____) _____-_____

EMAIL ADDRESS: _____

SECTION 2: BUSINESS APPLICANT INFORMATION

Only complete this section if you are a business entity.
Individuals complete section 1, additional Key Participants proceed to section 2a.

BUSINESS NAME: _____

CONTACT NAME: _____ DATE OF BIRTH: ___/___/_____
LAST FIRST MI

PRINCIPAL ADDRESS*: _____
STREET CITY STATE ZIP

MAILING ADDRESS: _____
STREET CITY STATE ZIP

PHONE NUMBER: (____) _____-_____ ALTERNATE PHONE NUMBER:(____) _____-_____

EMAIL ADDRESS: _____

TYPE OF BUSINESS (CIRCLE ONE): CORPORATION LLC PARTNERSHIP OTHER: _____

EIN # _____

PLEASE ATTACH WYOMING SECRETARY OF STATE CERTIFICATE OF GOOD STANDING

* Principal address must be a physical address and not a Post Office Box.

WDA OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE PROCEED TO SECTION 3.)

Date Application Rec'd: ___/___/_____

Payment: Cash Check Check #_____ Amount: $_____

License Number: _____ Processed Date: ___/___/_____

SECTION 2a: KEY PARTICIPANTS

"Key participant" means a sole proprietor, a partner in a partnership, a member of a limited liability company, a director of a corporation, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, chief financial officer, principal, officer, member, manager, and director. This definition does not include non-executive managers such as farm, field, or shift managers. Please list them below and attach official criminal history reports for each key participant.

Name:_____ Title:_____

Name:_____ Title:_____

Name:_____ Title:_____

Name:_____ Title:_____

Name:_____ Title:_____

Name:_____ Title:_____

SECTION 3a: LICENSED PRODUCING AREA(S)

Multiple production areas can be attached to a single application. Please make additional copies of this page as necessary. Please name and number each licensed area lot. GPS coordinates must be included and obtained from the approximate center of each licensed area Lot. Each field is considered a licensed area Lot. An aerial map (FSA, Google, Bing, etc) indicating the outer boundaries of each licensed area lot must also be included.

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

SECTION 3b: LICENSED PROCESSING AREA(S)

Multiple processing areas can be attached to a single application. Please make additional copies of this page as necessary. Please name and number each individual processing area. GPS coordinates must be included and obtained from the approximate center of each processing area. Each building is considered an individual processing area. An aerial map (FSA, Google, Bing, etc) indicating the outer boundaries of each processing area must also be included.

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE):_____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

SECTION 4: LANDOWNER AGREEMENT

This section is to be completed if you are leasing the licensed area from another real property owner. Please make additional copies of this form as necessary.

The landowner of any non-owned licensed area used for production/processing hemp or hemp products MUST consent for the area to be used for hemp production/processing.

I, _____ (print name), the undersigned, am the lawful owner of real property located at the referenced licensed area number _____ in Section 3 of this application, and I hereby consent to the use of such property for the purpose of production/processing hemp consistent with and for all purposes allowed under federal law, Wyoming law, and the rules of the Wyoming Department of Agriculture ("WDA"). I further acknowledge and agree to the following terms and conditions for Applicant's license from WDA to produce/process hemp on said property.

1. Any information obtained by WDA with respect to this application and the production/processing of hemp on my property may be disclosed to the public and/or provided to law enforcement agencies without further notice to me or my representative(s).
2. I agree to allow any inspection or sampling of my property at the referenced licensed area number ____ in Section 3 of this application that WDA deems necessary relative to this application for a hemp production/processing license.
3. I agree to allow WDA to use any right of way or another entry point to access the field for inspection.

Landowner's Signature: _____ Date: ___/___/_____

Landowner Contact Information: (Please print)

Name: _____

Phone: (____) ____-_____ Alternate Phone: (____) ____-_____ Email address: _____

Section 5: ACKNOWLEDGEMENT

Please affirm the applicant's agreement to the following terms and conditions for a hemp license.

I,_____ (print name), having legal authority to bind the applicant to the terms and conditions of this application for a hemp license, hereby acknowledge those regulations governing the production and processing of hemp under federal law, Wyoming law, and the rules of the Wyoming Department of Agriculture ("WDA"). I further acknowledge, understand, and agree to each of the following terms and conditions of a license from WDA to produce and/or process hemp.

1. Any information provided to the Department may be publicly disclosed in accordance with the Wyoming Public Records Act (W.S. § 16-4-201 through 16-4-205) and may be provided to law enforcement agencies without further notice to the license applicant or licensee. License and harvest information will also be shared with the appropriate sections of the United States Department of Agriculture or other federal agencies.
2. I agree to allow any inspection or sampling that WDA deems necessary pursuant to Wyoming law during reasonable business hours.
3. In accordance with Wyoming hemp law, I agree to pay all fees for inspection, sampling, and analysis.
4. I agree that failure to pay any invoice sent to me by WDA within 60 days of the invoice date may result in license revocation.
5. I agree to submit all reports or records requested by WDA pertaining to this license application, hemp production, and hemp processing by the applicable due dates specified by WDA.
6. I agree to produce or process hemp only in a licensed area.
7. I affirm that I have not been convicted of or pled nolo contendere to a controlled substance felony within the past 10 years.
8. If the applicant is a business entity, I affirm that no key participant of the applicant has been convicted of or pled nolo contendere to a controlled substance felony within the past 10 years.
9. I affirm that all documents and information submitted in support of this application for a hemp license are correct and complete.
10. I affirm that I have read and understand the Rules of the Wyoming Department of Agriculture, Chapter 58, Rules Pertaining to Hemp, available at http://rules.wy.gov.
11. I acknowledge that WDA will determine my compliance with Wyoming hemp laws based solely on samples collected by WDA and analysis performed by WDA.

Applicant Name (Please print): _____

Applicant Signature: _____

Date: ___/___/_____

SECTION 6: APPLICATION CHECKLIST

Please ensure that all items listed below are included in this application packet. Any incomplete applications will be rejected and returned to the applicant.

✓	**APPLICATION ITEM**
	Completed and signed application for Hemp License
	Photo Identification
	Key Participant List
	Wyoming Secretary of State Certificate of Good Standing (Business Applications Only)
	Maps of Licensed Area (FSA, Google, Bing, etc.)
	Landowner Agreement (If applicable)
	Acknowledgement Form
	Criminal History Report for applicant or, if the applicant is a business entity, each Key Participant
	License Application Fee - $750.00 ($500 for an educational or nonprofit organization) non-refundable

Approved hemp licenses will be valid for the remainder of the current calendar year.
All licenses expire on December 31 of each year

2020

WYOMING DEPARTMENT OF AGRICULTURE

HEMP LICENSE AMENDMENT APPLICATION

Wyoming
DEPARTMENT OF Agriculture

Wyoming DEPARTMENT OF Agriculture

2219 CAREY AVE. | CHEYENNE, WY 82002 | PHONE: 307-777-7321 |

TECHNICAL SERVICES DIVISION
HEMP LICENSE AMENDMENT

PLEASE TYPE OR PRINT CLEARLY (Incomplete or illegible forms will be rejected.)

PLEASE INDICATE: ☐PRODUCER ☐PROCESSOR ☐BOTH

SECTION 1: *INDIVIDUAL APPLICANT INFORMATION AMENDMENT*

(Only complete this section if there was a name change. Business entities proceed to section 2.)

NAME: _____ DATE OF BIRTH: ___/___/_____
LAST FIRST MI

PRINCIPAL ADDRESS*: _____
STREET CITY STATE ZIP

MAILING ADDRESS: _____
STREET CITY STATE ZIP

PHONE NUMBER: (____) _____-_____ ALTERNATE PHONE NUMBER:(____) _____-_____

EMAIL ADDRESS: _____

WYOMING HEMP LICENSE NUMBER: _____

SECTION 2: *BUSINESS APPLICANT INFORMATION AMENDMENT*

Only complete this section if you are a business entity. Additional Key Participants proceed to section 2a.

BUSINESS NAME: _____

CONTACT NAME: _____ DATE OF BIRTH: ___/___/_____
LAST FIRST MI

PRINCIPAL ADDRESS*: _____
STREET CITY STATE ZIP

MAILING ADDRESS: _____
STREET CITY STATE ZIP

PHONE NUMBER: (____) _____-_____ ALTERNATE PHONE NUMBER:(____) _____-_____

EMAIL ADDRESS: _____

TYPE OF BUSINESS (CIRCLE ONE): CORPORATION LLC PARTNERSHIP OTHER: _____
EIN #: _____

WYOMING HEMP LICENSE NUMBER: _____

* Principal address must be a physical address in Wyoming and not a Post Office Box.

WDA OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE PROCEED TO SECTION 3.)

Initial Application Date Rec'd: ___/___/_____

Amendment Process Date: ___/___/_____

SECTION 2a: *KEY PARTICIPANTS* ***AMENDMENT***

"Key participant" means a sole proprietor, a partner in a partnership, a member of a limited liability company, a director of a corporation, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, chief financial officer, principal, officer, member, manager, and director. This definition does not include non-executive managers such as farm, field, or shift managers. Please list them below and attach official criminal history reports for each key participant.

Initial Name:_____ Title:_____

New Name:_____ Title:_____

Initial Name:_____ Title:_____

New Name:_____ Title:_____

Initial Name:_____ Title:_____

New Name:_____ Title:_____

SECTION 3a: *LICENSED PRODUCING AREA(S)* ***AMENDMENT***

Production areas can be added or amended in the application. Please make additional copies of this page as necessary. Please name and number each licensed area Lot to be amended. GPS coordinates must be included and obtained from the approximate center of each licensed area lot. Each field is considered a licensed area lot. An aerial map (FSA, Google, Bing, etc) indicating the outer boundaries of each licensed area Lot must also be included.

ORIGINAL AREA LOT

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED

AMENDED AREA LOT

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

ORIGINAL AREA LOT

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED

AMENDED AREA LOT

LICENSED AREA LOT: _____ FIELD NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

LICENSED AREA LOT SIZE: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each non-owned field)

SECTION 3b: *LICENSED PROCESSING AREA(S)* ***AMENDMENT***

Processing areas can be added or amended. Please make additional copies of this page as necessary. Please name and number each individual processing area. GPS coordinates must be included and obtained from the approximate center of each processing area. Each building is considered an individual processing area. An aerial map (FSA, Google, Bing, etc) indicating the outer boundaries of each processing area must also be included.

ORIGINAL LICENSED PROCESSING AREA

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED

AMENDED LICENSED PROCESSING AREA

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

ORIGINAL LICENSED PROCESSING AREA

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED

AMENDED LICENSED PROCESSING AREA

LICENSED AREA: _____ BUILDING NAME: _____

LEGAL DESCRIPTION: _____
Section Township Range

GPS: (LATITUDE): _____ (LONGITUDE): _____

PROCESSING AREA: _____ (sq/ft or acres)

OWNERSHIP (Circle One): OWNED LEASED (if area is leased, please complete Section 4 for each building)

SECTION 4: *LANDOWNER AGREEMENT* ***AMENDMENT***

This section is to be completed if you are leasing the licensed area from another real property owner. Please make additional copies of this form as necessary.

The landowner of any non-owned licensed area used for production/processing hemp or hemp products MUST consent for the area to be used for hemp production/processing.

I, _____ (print name), the undersigned, am the lawful owner of real property located at the referenced licensed area number _____ in Section 3 of this application, and I hereby consent to the use of such property for the purpose of production/processing hemp consistent with and for all purposes allowed under federal law, Wyoming law, and the rules of the Wyoming Department of Agriculture ("WDA"). I further acknowledge and agree to the following terms and conditions for Applicant's license from WDA to produce/process hemp on said property.

1. Any information obtained by WDA with respect to this application and the growing/processing of hemp on my property may be disclosed to the public and/or provided to law enforcement agencies without further notice to me or my representative(s).
2. I agree to allow any inspection or sampling of my property at the referenced licensed area number ____ in Section 3 of this application that WDA deems necessary relative to this application for a hemp production/processing license.
3. I agree to allow WDA to use any right of way or another entry point to access the field for inspection.

Landowners Signature: _____ Date: ___/___/_____

Landowner Contact Information: (Please print)

Name: _____

Phone: (____) ____-_____ Alternate Phone: (____) ____-_____

Section 5: *ACKNOWLEDGEMENT OF AMENDMENT*
Please affirm the applicant's agreement to the amendment of a hemp license.
Applicant Name (Please print): _____ Applicant Signature: _____ Date: ___/___/_____

2020

WYOMING DEPARTMENT OF AGRICULTURE

HARVEST REPORT

Wyoming DEPARTMENT OF Agriculture

2219 CAREY AVE. | CHEYENNE, WY 82002 | PHONE: 307-777-7321 | FAX: 307-777-6593

TECHNICAL SERVICES DIVISION
HEMP HARVEST REPORT

PLEASE TYPE OR PRINT CLEARLY (Incomplete or illegible forms will be rejected.) **REPORT IS DUE AT LEAST 15 DAYS PRIOR TO HARVEST.** A LICENSEE MUST NOTIFY THE DEPARTMENT IMMEDIATELY, BY SUBMITTING AN UPDATED HARVEST REPORT, OF ANY CHANGES MADE IN THE REPORTED HARVEST DATE(S) IN EXCESS OF 5 DAYS (+/-). IF ANY SUCH CHANGES ARE MADE, THE DEPARTMENT MAY REQUIRE ADDITIONAL SAMPLING AND TESTING PRIOR TO HARVEST.
NO PLANTS SHALL BE HARVESTED WITHOUT NOTIFICATION VIA A HARVEST REPORT BEING SUBMITTED at LEAST 15 DAYS **PRIOR TO SUCH ACTION BEING TAKEN.**

"Harvest" means the collection of any portion of a cannabis plant from a licensed area at any time.

Return forms to WDA Hemp Program email: wes.brown@wyo.gov

DATE OF SUBMISSION:_____

LICENSE NUMBER: _____

CONTACT NAME: _____
LAST FIRST MI
(MUST BE APPLICANT OR KEY PARTICIPANT ON APPLICATION)

BUSINESS NAME*: _____

BUSINESS ADDRESS: _____
STREET CITY STATE ZIP

PHONE NUMBER: (____) _____-_____ ALTERNATE PHONE NUMBER:(____) _____-_____

EMAIL ADDRESS: _____

I attest, to the best of my knowledge, that the following statements are complete and true:

All crop(s) reported in this Hemp Harvest Report are of the variety and/or cultivar that have been reported as planted, and were planted, within the location of the acreage or square footage as stated in the application previously submitted to the Department AND:

If crops died, please explain: _____
_____
_____

Print Name: _____ Signature: _____

HARVEST REPORT

For each Lot to be harvested, provide the following: Variety Name, Acreage or Square Footage planted, Description of each unique location where each variety is planted, and GPS coordinates (in decimal degree - i.e. 40.12345, -104.1234) of each location. If a map is attached of the licensed area, outline the boundaries of each unique location for each lot.

Please print additional copies of this page if additional lots need to be reported.

Lot #_____	Variety Name:			
	PLEASE INDICATE INDOOR OR OUTDOOR: *(CHECK ONLY ONE BOX FOR EACH SEPARATE LOCATION FOR THIS VARIETY)*	Indicate Whether Plant or Seed	Anticipated Harvest Date: Must report at last 15 days prior to harvest	Grow Site Size (i.e. 1,000 sq ft or acres)
	☐ Indoor ☐ Outdoor			

GPS COORDINATES of center of lot: GPS - Longitude & Latitude - in decimal degree format (Lat 44.2345, Long -108.1235)

Descriptions of Location: (include adequate detail to clearly define i.e.; 1000 sq ft greenhouse in SW Corner or 100 sq ft shed on N border of licensed area.

Lot # _____	Variety Name:			
	PLEASE INDICATE INDOOR OR OUTDOOR: *(CHECK ONLY ONE BOX FOR EACH SEPARATE LOCATION FOR THIS VARIETY)*	Indicate Whether Plant or Seed	Anticipated Harvest Date: Must report at last 15 days prior to harvest	Grow Site Size (i.e. 1,000 sq f or acrest)
	☐ Indoor ☐ Outdoor			

GPS COORDINATES of center of lot: GPS - Longitude & Latitude - in decimal degree format (Lat 44.2345, Long -108.1235)

Descriptions of Location: (include adequate detail to clearly define i.e.; 1000 sq ft greenhouse in SW Corner or 100 sq ft shed on N border of licensed area.

Lot #_____	Variety Name:			
1	**PLEASE INDICATE INDOOR OR OUTDOOR:** *(CHECK ONLY ONE BOX FOR EACH SEPARATE LOCATION FOR THIS VARIETY)*	Indicate Whether Plant or Seed	Anticipated Harvest Date: Must report at last 15 days prior to harvest	Grow Site Size (i.e. 1,000 sq ft or acres)
	☐ Indoor ☐ Outdoor			

GPS COORDINATES of center of lot: GPS - Longitude & Latitude - in decimal degree format (Lat 44.2345, Long -108.1235)

Descriptions of Location: (include adequate detail to clearly define i.e.; 1000 sq ft greenhouse in SW Corner or 100 sq ft shed on N border of licensed area.

Lot #_____	Variety Name:			
	PLEASE INDICATE INDOOR OR OUTDOOR: *(CHECK ONLY ONE BOX FOR EACH SEPARATE LOCATION FOR THIS VARIETY)*	Indicate Whether Plant or Seed	Anticipated Harvest Date: Must report at last 15 days prior to harvest	Grow Site Size (i.e. 1,000 sq ft or acres)
	☐ Indoor ☐ Outdoor			

GPS COORDINATES of center of lot: GPS - Longitude & Latitude - in decimal degree format (Lat 44.2345, Long -108.1235)

Descriptions of Locations: (include adequate detail to clearly define i.e.; 1000 sq ft greenhouse in SW Corner or 100 sq ft shed on N border of licensed area.

PLEASE READ CAREFULLY

I (print name)_____, declare under penalty of perjury that the foregoing is true and correct and that I am the owner or person with legal control of and authority to bind, the herein named applicant, and that I have read and understand all of the conditions and obligations stated herein.

Print Name_____ Signature _____

Title _____ Date _____

2020

WYOMING DEPARTMENT OF AGRICULTURE

CERTIFICATION STATEMENT

Certification Statement

As part of the 2019 Hemp, Cannabidiol and Other Controlled Substance Regulation Act, the WDA received an appropriation of $120,000 for the purpose of administering this program and $315,000 for building maintenance, employee training, laboratory supplies and equipment and maintenance agreements necessary to implement this act. Appropriations will be used for implementation of this program and purchasing/installation of the equipment needed to provide sound scientific testing of cannabis samples in order to regulate this crop and product. In addition, the Department will charge $750 license fees, as well as testing fees.

2020

WYOMING DEPARTMENT OF AGRICULTURE

SAMPLING GUIDELINES FOR HEMP

Sampling guidelines for hemp growing facilities

Purpose:

1. Standard sampling guidelines are specified for field and greenhouse sampling of hemp.

2. Samples are taken to obtain specimens for the measurement of tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the THC content in a "lot" of hemp crop acreage as identified by the producer. Hemp producers may not harvest hemp prior to the hemp being sampled and tested for THC concentration. Testing procedures are provided in a separate document.

Scope:

1. Samples collected under this procedure are acceptable for submission to a qualified, DEA-registered laboratory for determination of THC in hemp.

2. Since the THC content of hemp generally peaks as the plant ripens, the timing of when sampling occurs is important to accurately measure THC concentration and monitor compliance with the USDA hemp production program.

3. Samples must be collected by a USDA approved sampling agent, or a Federal, State or Tribal law enforcement agent authorized by USDA to collect samples. It is the responsibility of the licensed producer to pay any fees associated with sampling.

Summary of Practice:

1. This practice provides procedures for entering a growing area and collecting the minimum number of plant specimens necessary to represent a homogeneous composition of the "lot" that is to be sampled. An authorized representative enters a growing area, strategically examines the growing area, establishes an approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.

2. Cuttings from each "lot" of hemp crop acreage, as identified by the producer, and submitted to and uniquely identified by the Farm Service Agency per the requirements of the USDA hemp production program, shall be organized as composite samples. For the purposes of these procedures, a "lot" is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. "Lot" is to be defined by the producer in terms of farm location, field acreage, and to be reported as such to the FSA.

Equipment and Supplies:

1. Garden pruners/shears (Cleaned prior to and following each composite sample. Some examples of appropriate cleaning agents and supplies to use on garden pruners/shears are bleach, rubbing alcohol, steel wool, and/or sandpaper.)
2. Sample bags, paper.
   2.1. The size of the bags will depend upon the number of clippings collected per lot.
   2.2 The bags should be made from material known to be free from THC.
3. Security tape
4. Permanent markers
5. Sample collection forms
6. GPS Unit
7. Disposable gloves – Nitrile

Sampling Guidelines:

1. The licensee or designated employee shall accompany the sampling agent throughout the sampling process.
2. Surveillance of the growing area.
   2.1. The inspector shall verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to USDA.
   2.2. The inspector shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the flowering material, meaning inflorescences (flowers/buds).
   2.3. The inspector shall visually establish the homogeneity of the stand to establish that the growing area is of like variety.
3. Time of Sampling:
   3.1. Within 15 days prior to the anticipated harvest of cannabis plants, an approved Federal, State, local, or Tribal law enforcement agency or other State or Tribal designated person shall collect representative samples from such cannabis plants for THC concentration level testing.
4. Field Sampling:
   4.1. For purposes of determining the number of individual plants to select for sampling, the size of the growing area shall be considered. For sampling purposes, samples from separate "lots" must be kept separate and not be comingled.
   4.2. For lots of less than one acre, including greenhouses, select a minimum of 1 plant, then take a cutting from the plant to form a sample. For lots of 2 to 10 acres, including greenhouses, select a minimum of one plant per acre, then take cuttings of each plant, then combine to form a composite sample.
   4.3. For growing areas larger than ten (10) acres, including greenhouses, the number of plants that will be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.
      4.3.1. The sample size is estimated in a two-step process. The first step is to estimate the number of primary plants to be sampled. The second step is to adjust the estimate of primary plants by the acreage under cultivation.
      4.3.2. The initial number of primary plants is estimated using

$$n_o = \frac{\ln(1-p)}{\ln(1-i)}$$

where p is the confidence level to detect hemp plants having THC content greater than the acceptable hemp THC level and i is the proportion of hemp plants having THC content greater than the acceptable hemp THC level. The values for i are based on past experience in the same or similar growing areas.

4.3.3. The initial primary plants estimate is adjusted by the number of acres to calculate the minimum number of primary plants for composting as follows:

$$n = \frac{n_o}{1 + \frac{(n_o - 1)}{N}}$$

where n is the minimum number of primary plants to be selected for forming a composite sample, n_o is the initial number of primary plants, and N is the number of acres under cultivation.

4.3.4. Example 1 : The initial primary plant sample size is 299 with a confidence level of 95% to detect hemp plants having THC content greater than the acceptable hemp THC level and a proportion of hemp plants having THC content of greater than the acceptable hemp THC level equal to 0.01 is considered appropriate. The adjusted primary plant sample sizes for fields from 11 to 173 acres in size are shown in the following table:

Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"
11	11	40	36	75-76	61	119-120	86
12	12	41-42	37	77	62	121-122	87
13	13	43	38	78-79	63	123-124	88
14	14	44	39	80-81	64	125-126	89
15	15	45-46	40	82	65	127-128	90
16	16	47	41	83-84	66	129-130	91
17	17	48	42	85-86	67	131-132	92
18-19	18	49-50	43	87	68	133-134	93
20	19	51	44	88-89	69	135-136	94
21	20	52	45	90-91	70	137-138	95
22	21	53-54	46	92	71	139-140	96
23	22	55	47	93-94	72	141-143	97
24	23	56	48	95-96	73	144-145	98
25-26	24	57-58	49	97-98	74	146-147	99
27	25	59	50	99	75	148-149	100
28	26	60-61	51	100-101	76	150152	101
29	27	62	52	102-103	77	153-154	102
30	28	63-64	53	104-105	78	155-156	103
31-32	29	65	54	106-107	79	157-157	104
33	30	66-67	55	108	80	159-161	105
34	31	68	56	109-110	81	162-163	106
35	32	69-70	57	111-112	82	164-166	107
36	33	71	58	113-114	83	167-168	108
37-38	34	72-73	59	115-116	84	169-170	109
39	35	74	60	117-118	85	171-173	110

Example 2: The adjusted primary plant sample sizes for fields from less than 1 to 10 acres in size are shown in the following table:

Number of Acres "N"	Sample Size "n"
Less than 1	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

6. Collecting Samples from each lot:

6.1. Sampling agents shall always walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot.

6.2. While walking through the growing area, the inspector shall cut at least "n" flowering material, meaning inflorescences (the flower or bud of a plant) at random but convenient distances. Avoid collecting too many specimens from the borders of the field/greenhouse.

6.3. The cut shall be made just underneath a flowering material, meaning inflorescence (the flower or bud of a plant), located at the top one-third {1/3) of the plant. (See figure below.) The sample size must be of adequate volume to accommodate laboratory tests.

6.4. Utilize a paper sample bag for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, n, as calculated by 4.3.3, or in the Example Tables 1 and 2.

6.5. Seal each bag and record the sample number.

7. Sample identification:

7.1 The inspector shall seal each bag and record the sample identification number. The sample shall also be identified with the following information:

(1) The sample ID shall include: Sampling agent contact information ; name and contact information of the producer; producer hemp license or authorization number ; date of sample; and “lot” ID as provided by the USDA Farm Service Agency; any other information that may be required by States, Tribes, Law Enforcement Authorities, mail delivery services, customers or groups of customers.

2020

WYOMING DEPARTMENT OF AGRICULTURE

TESTING GUIDELINES FOR HEMP

Wyoming
DEPARTMENT OF Agriculture

Testing guidelines for Identifying Delta-9 Tetrahydrocannabinol (THC) Concentration in Hemp

Purpose:

1. Standard testing procedures are specified for samples taken in accordance with the Sampling Procedures for the USDA Hemp Program to measure the delta-9 tetrahydrocannabinol (THC) concentration levels of those samples on a dry weight basis. Hemp testing laboratories are not required to be ISO accredited, although USDA strongly encourages adherence to the ISO 17025 standard.

2. The results are intended to measure the THC content of composite hemp samples collected from a designated "lot" of hemp crop acreage designated by a hemp producer and as reported to the USDA Farm Service Agency as required under the USDA hemp production program. The purpose of the measurements are to determine whether the THC concentration of the tested material is within the acceptable hemp THC level.

3. As required under USDA hemp production program regulation, laboratories conducting testing of hemp must conduct analytical testing for purposes of detecting the concentration levels of delta-9 tetrahydrocannabinol THC and shall meet the following standards:

(a) Laboratory quality assurance must ensure the validity and reliability of test results;

(b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

(c) The demonstration of testing validity must ensure consistent, accurate analytical performance; and

(d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this part.

(e) At a minimum, analytical testing of samples for delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting these requirements include, but are not limited to, gas chromatography and high-performance liquid chromatography.

(f) The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

(g) Any sample test result showing with at least 95% confidence that the THC content of the sample is higher than the acceptable hemp THC level shall be conclusive evidence that the lot represented by the sample is not in compliance with this part.

4. Laboratories approved for THC testing must also be registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

5. In order to provide flexibility to States and Tribes in administering their own hemp production programs, alternative testing protocols will be considered if they are comparable and similarly reliable to the baseline mandated by section 297B(a)(2)(ii) of the Agricultural Marketing Act of 1946 and established under the USDA plan and procedures. Alternative testing protocols must be requested of USDA in writing and approved in writing by USDA, provided they meet the requirements of this guidance.

General Sample Preparation and Testing Procedures are as follows:

1. Laboratory receives sample.
2. Dry sample to remove the majority of water.
3. Mill and "manicure" sample though a wire screen no larger than 1.5 x 1.5mm to discard mature seeds and larger twigs and stems.
4. Separate sample into a test and retain specimens.
    a. Test specimen: go to step 5
    b. Retain specimen: package and store until needed. When needed go to step 5.
5. Determine moisture content or dry to a consistent weight (meeting criteria).
6. Perform chemical analysis.
7. Calculate total THC on a dry weight basis. Test results should be determined and reported on a dry weight basis.

(A) Samples shall be received and prepared for testing in a DEA registered laboratory as follows:

(1) Once the composite sample is received by the laboratory, the laboratory shall dry all of the leaf and flower (not obvious stem and seeds) of the composite sample until brittle in a manner that maintains the THC level of sample. Samples are to be dried to a consistent loss (typically 5-12% moisture content) so that the test can be performed on a dry weight basis, meaning the percentage of THC, by weight, in a cannabis sample, after excluding moisture from the sample. The moisture content is expressed as the ratio of the amount of moisture in the sample to the amount of dry solid in the sample.

(2) The laboratory shall mill and manicure samples though a wire screen no larger than 1.5 x 1.5mm to discard mature seeds and larger twigs and stems.

(3) The laboratory shall form sieve a "Test Specimen" and a "Retain Specimen." One sample part shall be selected for analysis and labeled "Test Specimen". The other sample part shall be marked "Retain Specimen" and shall be packaged and stored in a secured place.

(4) The laboratory shall then determine moisture content or dry to a consistent weight.

(5) The laboratory will then perform chemical analysis on the sample using post-decarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic *acid* (THCA) into THC.

Testing methodologies meeting these requirements include those using gas chromatography and high-pressure liquid chromatography. *High-performance liquid chromatography*. High-performance liquid chromatography (HPLC) or (LC) is a scientific method (specifically, a type of chromatography) used in analytical chemistry used to separate, identify, and quantify each

component in a mixture. It relies on pumps to pass a pressurized liquid solvent containing the sample mixture through a column filled with a solid adsorbent material to separate and analyze compounds. Under the terms of this part, HPLC is one of the valid methods by which laboratories may test for THC concentration levels. Ultra-Performance Liquid Chromatography (UPLC) is an additional method that may also be used as well as other liquid or gas chromatography with detection.

(6) The laboratory will then calculate total THC on a dry weight basis.

References:
E. Small and H. D. Beckstead. 1973. Common Cannabinoid Phenotypes in 350 stocks of Cannabis. J. of Natural Products. 36(2): 144-165.
United Nations Office on Drugs and Crime: Recommended Methods for the Identification and Analysis of Cannabis and Cannabis Products. ISBN 978-92-1-148242-3.

(B) Testing Methods The total available THC, derived from the sum of the THC and THCA content, shall be determined and reported on a dry weight basis. Alternative testing protocols will be considered if they are comparable to the baseline mandated by the 2018 Farm Bill and established under the USDA plan and procedures. Alternative sampling and testing procedures must be requested in writing and approved in writing by USDA.

Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty. Laboratories shall meet the AOAC International standard method performance requirements (SMPR) for selecting an appropriate method. The range of estimated uncertainty is reported as a ± value and is the same unit as the hemp THC threshold (0.3% THC), following best practices for significant figures and rounding.

There are resources available for defining, guiding, and calculating measurement uncertainty. They include the GUM, ISO, and Eurachem. It is necessary for the laboratory to determine the uncertainty of accuracy (u_{bias}), repeatability (u_r), and reproducibility (u_R) for each validated method. Once the expanded measurement uncertainty (U) is determined, then the confidence interval can be calculated around a designated threshold such as the hemp THC threshold (0.3% THC).
Based on the aforementioned resources, the following equation is recommended:

Equation:

$$U = k \times u_c$$

Where,

$$u_c = \sqrt{u_r^2 + u_R^2 + u_{bias}^2}$$

And:
u = standard uncertainty (standard deviation)
u_r = uncertainty due to repeatability
u_R = uncertainty due to reproducibility
u_{bias} = uncertainty due to accuracy (bias)
u_c = combined standard uncertainty
U = Expanded uncertainty = $\frac{u}{Mean} * k_{95\%\ confidence\ level}$, k = 2
k = coverage factor, use 2 for a 95% confidence level

References:

ISO 17025. General requirements for the complete testing and calibration laboratories.

Food and Drug Administration, Office of Regulatory Affairs, *ORA Laboratory Manual Volume III Section 4,* Basic Statistics and Data Presentation (current version).

AOAC Standard Method Performance Requirements (draft) AOAC SMPR 2019.XXX; Title: Quantitation of cannabinoids in plant materials of hemp (low THC varieties 4 *Cannabis* spp.).

JCGM 100:2008, Evaluation of measurement data – Guide to the expression of uncertainty in measurement (GUM).

ISO/IEC Guide 98, Expression of Uncertainty in Measurement.

EURACHEM/CITAC Guide "Quantifying Uncertaity in Analytical Measurement" Second edition (2000). A Williams, S L R Ellison, M Roesslein (eds.) ISBN 0 948926 15 5. Available from the Eurachem Secretariate.

(C) Test results exceeding 0.3% THC. Any sample test result showing with at least 95% confidence that the THC content of the sample is higher than the acceptable hemp THC level shall be conclusive evidence that one or more cannabis plants or plant products from the lot represented by the sample contain a THC concentration in excess of that allowed under the Act. If the results of a test conclude that the THC levels of a sample are conclusively higher than the acceptable hemp THC level, the laboratory will promptly notify the producer and USDA or its authorized agent.

(D) Retest Procedures. Any hemp program licensee may request that the laboratory retest samples if it is believed the original THC concentration level test results were in error. If this occurs, the laboratory shall follow the same procedures as described in paragraphs (A)-(C) above that were followed to conduct the initial test. The licensee requesting the retest of the second sample will pay the cost of the test. The retest results shall be issued to the licensee requesting the retest and a copy shall be provided to USDA or its agent.

(E) Information Sharing with USDA. Laboratories performing THC testing for hemp produced under this program are required to share test results with the licensed producer and USDA. USDA will provide instructions to all approved labs on how to electronically submit test results to USDA. Laboratories may provide test results to licensed producers in whatever manner best aligns with their business practices, but producers must be able to produce a copy of test results. For this reason, providing test results to producers through a web portal or through electronic mail, so the producer will have ready access to print the results when needed, is preferred.

2020

WYOMING DEPARTMENT OF AGRICULTURE

STATE AND TRIBAL HEMP ANNUAL REPORT FORM

Wyoming
DEPARTMENT OF Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
USDA DOMESTIC HEMP PRODUCTION PROGRAM
STATE AND TRIBAL HEMP ANNUAL REPORT

States and Tribes must submit this form to the U.S. Department of Agriculture (USDA) by December 15th of each year.

This report should be submitted to USDA using a digital format compatible with USDA's information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail:
USDA/AMS/Specialty Crops Program
Hemp Branch
470 L'Enfant Plaza S.W.
Post Office Box 23192
Washington, D.C. 20026

Or via Email at:
FarmBill.Hemp@usda.gov

Or via Fax at:
(202) 720-8938

State or Tribe Plan: _____ **Date Submitted: _____**

Total Planted Acreage	Total Acreage Disposed	Total Harvested Acreage

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

2020

WYOMING DEPARTMENT OF AGRICULTURE

STATE PRODUCER REPORT FORM

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
USDA DOMESTIC HEMP PRODUCTION PROGRAM
STATE AND TRIBAL HEMP PRODUCER REPORT

Reporting Period: _____ to _____

State or Tribe Name: _____ Date Submitted: _____

The USDA Domestic Hemp Production Program requires states and tribes with approved plans to submit contact information and the status of the license for each producer under their plan.

Instructions:
This information must be submitted to the U.S. Department of Agriculture (USDA) on the 1st day of each month. If this date falls on a holiday or weekend, the reports are due the next business day. Each monthly report is for new producers and changes to existing producer information only.

Producers: Report all required information for each producer licensed under the Plan.

Changes to Producer Information: Report any changes to reported information for producers that were included in previous reports. These changes include but are not limited to; a change of license status, an address change, a change in the key participant of a business or an updated phone number.

This report should be submitted to USDA using a digital format compatible with USDA's information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail:
USDA/AMS/Specialty Crops Program
Hemp Branch
470 L'Enfant Plaza S.W.
Post Office Box 23192
Washington, D.C. 20026

Or via Email at:
FarmBill.Hemp@usda.gov

Or via Fax at:
(202) 720-8938

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and the Paperwork Reduction Act of 1995. The authority for requesting this information to be supplied on this form is the 7 CFR Part 990 Domestic Hemp Program (Program). The purpose of collecting this information is for USDA to administer the Program and the information provided on this form will be used to monitor Program participants. Failure to provide the information requested on this form may result in ineligibility to participate in the Program.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

List all producers and business entities in the space below:

Individual or Entity Name	Name of Producer(s)/Key Participant(s)	License Identifier or other Authorization Identifier	New Producer? *(Yes, No)*	Business Address of Producer(s) or Entity	Telephone #	Email Address *(if available)*	Status of License *(active, revoked, suspended)*

(Use additional pages if needed)

Employees Submitting Criminal History Record Report by Entity:

Individual or Entity Name	Name of Employee	Title of Employee	Employee Email Address (if available)

(Use additional pages if needed)

Document any changes to existing producer information in the space below:

	Individual or Entity Name	Name of Licensee(s)	License Identifier or other Authorization Identifier	Business Address of Producer(s)	Telephone #	Email Address (if available)	Status of License *(active, revoked, suspended)*
Current Information							
New Information							
Current Information							
New Information							
Current Information							
New Information							
Current Information							
New Information							

(Use additional pages if needed)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

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WYOMING DEPARTMENT OF AGRICULTURE

LABORATORY TEST RESULTS REPORT FORM

Wyoming
DEPARTMENT OF Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
USDA DOMESTIC HEMP PRODUCTION PROGRAM
LABORATORY TEST RESULTS REPORT

Hemp laboratory test data shall be reported to the U.S. Department of Agriculture (USDA) in accordance with 7 CFR Part 990. USDA Domestic Hemp Production Program. Laboratories providing testing services for producer hemp samples for the Domestic Hemp Production Program shall use this reporting instruction and template. The data shall be submitted to USDA using a digital format comparable with USDA's information sharing systems, whenever possible. If this is not possible, this report may be submitted to the following:

By Mail:	Or via Email at:	Or via Fax at:
USDA/AMS/Specialty Crops Program Hemp Branch 470 L'Enfant Plaza S.W. Post Office Box 23192 Washington, D.C. 20026	FarmBill.Hemp@usda.gov	(202) 720-8938

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a) and the Paperwork Reduction Act of 1995. The authority for requesting this information to be supplied on this form is the 7 CFR Part 990 Domestic Hemp Program (Program). The purpose of collecting this information is for USDA to administer the Program and the information provided on this form will be used to monitor Program participants. Failure to provide the information requested on this form may result in ineligibility to participate in the Program.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue,
SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Laboratory_ Name	Laboratory_ City	Laboratory_State	Laboratory _DEA Registration_#

Producer_ID	Producer_ Name	Producer_ Street	Producer_City	Producer_ State	Lot_ID	Testing_ Date	Results_ Reported _Date	Test	Result_ % THC	Measurement Uncertainty	**Pass_ Fail**

Add additional rows if necessary.

Column Heading	Field Description	Instructions on Field Format and Values
Producer_ID	This field is the license or authorization identifier of the producer the sample and test result is attributed to.	Use the producer's license or authorization number as assigned by the State, Indian Tribe, or USDA.
Producer_Name	This field is the name of the producer that the sample and test result will be attributed to.	Producer names should match the name associated with the license or authorization number as assigned by the State, Indian Tribe, or USDA.
Producer_Street	This field is the street address of the producer.	Building Number, Street Name, Street Type is given its own column to facilitate electronic management and analysis of data.
Producer_City	This field is the city of the producer.	City is given its own column to facilitate electronic management and trend analysis of data.
Producer_State	This field is the state of the producer.	State is given its own column to facilitate electronic management and trend analysis of data.
Laboratory_Name	This field is the name of the laboratory issuing the test result.	Use the laboratory name associated with the DEA registration number.
Laboratory_City	This field is the city of the laboratory issuing the test result.	City is given its own column to facilitate electronic management and trend analysis of data. This data facilitates differentiation between facilities under a corporation name.
Laboratory_State	This field is the state of the laboratory issuing the test result.	State is given its own column to facilitate electronic management and trend analysis of data. This data facilitates differentiation between facilities under a corporation name.
Laboratory_DEA registration	This field is the DEA registration number of the laboratory issuing the test result.	This should match the format (alpha-numeric) provided by the DEA.
Lot_ID	This field is the identifier of the lot represented by the sample.	Use the identification number (alpha, numeric, or combination) provided on the sample form. Exercise consistency throughout entering and reporting of these values (i.e., general formatting of data entered should be the same throughout all cells of this column--spacing, underscoring, symbols, capitalization, font, font size) and ensure that lot numbers can be sorted in order.

Testing_Date	This field is the date the sample is tested by the laboratory.	Use a consistent format (i.e., YYYYMMDD)
Result_Reported_Date	This field is the date the result is reported to the producer by the laboratory.	Use a consistent format (i.e., YYYYMMDD)
Test	This field is to identify if the result is of the initial test or a re-test.	Report as “Initial” or “Re-test”
Result_% THC	This field is the quantified concentration of THC determined by the laboratory.	Report percent (%) THC on a dry weight basis to the nearest ten thousandth, or 4 decimal places (Ex. .3999) “Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding all moisture from the item.
Measurement Uncertainty	This field is to identify the measurement uncertainty of the hemp test.	Report measurement uncertainty as a percent (%) + or - to the nearest ten thousandth, or 4 decimal places (Ex. .3999) The measurement uncertainty is parameter associated with the accuracy of a result, which is the interval around the value of the measurement that characterizes the dispersion of the values.
Pass_Fail	This field is to identify if the hemp sample passes or fails the definition of the law to be called hemp.	Report as “Pass” or “Fail” Pass equates to “delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis + or – the measurement uncertainty” Fail equates to “concentration level of THC on a dry weight basis of higher than 0.3 percent + or – the measurement uncertainty”

2020

WYOMING DEPARTMENT OF AGRICULTURE

STATE HEMP DISPOSAL REPORT FORM

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
USDA DOMESTIC HEMP PRODUCTION PROGRAM
STATE AND TRIBAL HEMP DISPOSAL REPORT

If a producer has produced cannabis that tested above the acceptable delta-9 tetrahydrocannabinol (THC) level, the material must be disposed of in accordance with the Controlled Substances Act (CSA) and U.S. Drug Enforcement Administration (DEA) regulations because such material constitutes marijuana, a schedule I controlled substance under the CSA. Consequently, the material must be 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. This form is used to document the disposal process.

States and Tribes must submit this form and each corresponding disposition certificate to the U.S. Department of Agriculture (USDA) on the 1st day of each month. If this date falls on a holiday or weekend, the report is due the next business day. If no disposals occurred during the reporting cycle, check the box indicating there were no changes during the current reporting cycle. This report should be submitted to USDA using a digital format compatible with USDA's information sharing systems, whenever possible. If this is not possible, please submit report to:

By Mail:
USDA/AMS/Specialty Crops Program
Hemp Branch
470 L'Enfant Plaza S.W.
Post Office Box 23192
Washington, D.C. 20026

Or via Email at:
FarmBill.Hemp@usda.gov

Or via Fax at:
(202) 720-8938

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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB 0581-NEW. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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Reporting Period: _____ to _____

State or Tribe Plan: _____ Date Submitted: _____

List all licensees and locations where a disposal took place during this reporting cycle.

Producer or Entity Name	**Producer/Entity Address**	**License or Authorization identifier**	**Lot #**	**Location Type** *(Greenhouse, Indoor, Field)*	**Geospatial Location** **(***or other valid land descriptor)*	**Total Acreage**	**Date of Disposal**	**Disposal Agent Name and Organization**

(Add additional pages if needed)

OR

No disposals during this reporting cycle □

2020

WYOMING DEPARTMENT OF AGRICULTURE

USDA RUBRIC OUTLINING ALL COMPLETED REQUIREMENTS FOR DELEGATED AUTHORITY

2020

WYOMING DEPARTMENT OF AGRICULTURE

HEMP PLAN SIGNATURE PAGE

Wyoming
DEPARTMENT OF Agriculture

By signing below we signify our approval and support of the enclosed plan as submitted.

Mark Gordon, Governor
State of Wyoming

2-April 2019
Date

Bridget Hill, Attorney General
State of Wyoming

3/29/19
Date

Doug Miyamoto, Director
Department of Agriculture
State of Wyoming

3-29-19
Date