INDUSTRIAL HEMP CULTIVATION

Criminal History Reports and Other New Registration Requirements

April 2020

The County of San Diego
Department of Agriculture, Weights & Measures (AWM)
WHY CRIMINAL HISTORY REPORTS ARE NOW REQUIRED

January 1, 2020: A new law took effect

Individuals with a felony conviction related to a controlled substance are ineligible to participate in the Industrial Hemp Cultivation Program for 10 years from the date of conviction.

California Food and Agricultural Code §81012

California Code of Regulations §4901 and §4902

Current registrants and new applicants must provide Criminal History Reports for all key participants to verify they do not have a disqualifying conviction.

March 17, 2020: New regulations took effect
HOW TO OBTAIN CRIMINAL HISTORY REPORTS

- Criminal History Reports must be obtained via the FBI’s Identity History Summary Check
  - The website includes directions for obtaining fingerprints and submitting requests electronically or by mail.

No other forms of background check will be accepted
HOW TO OBTAIN CRIMINAL HISTORY REPORTS

The following options and response times are available:

- **Electronic** (3-5 business day response)
  - Fingerprint services available at 2 US Post Offices in San Diego County: [https://www.edo.cjis.gov/#/org/USPS](https://www.edo.cjis.gov/#/org/USPS)

- **Mail** (2-4 week response)
  - Fingerprint instructions are on FBI’s website.

- **FBI-Approved Channeler**
  - Contracted private businesses to expedite the delivery of Identity History Summary information on behalf of the FBI
  - [List of FBI-Approved Channelers](#)
  - Response time varies by channeler; may be as little as 24 hours
  - Contact each Channeler for costs, processing times, and availability in your area.
WHO CRIMINAL HISTORY REPORTS ARE REQUIRED FOR

• Must be submitted for all key participants.

  • **Key participants** include:
    • Any person who is a sole proprietor, partner in partnership, or person with executive managerial control (e.g. CEO, COO, CFO)

  • Key participants do **not** include:
    • A person in a management position with no executive managerial control, such as farm, field, or shift managers.
WHEN TO SUBMIT CRIMINAL HISTORY REPORTS

Current registrants:
• Must submit Criminal History Reports for all key participants by **April 30, 2020**
  • Or be subject to **registration cancellation**
    • Any crop in production at that time will be subject to abatement.

New applicants:
• Must submit Criminal History Reports for all key participants with their application
  • Or be subject to **registration denial**
WHAT TO SUBMIT WITH CRIMINAL HISTORY REPORTS

Current registrants amending their registration:
- Submit CHRs with an amendment application and any other items you wish to update on your registration

New applicants or those renewing their registration:
- Submit with grower or breeder application and all other required registration documents

Applications are located on CDFA’s website under “Forms” tab:
https://www.cdfa.ca.gov/plant/industrialhemp/
HOW TO SUBMIT CRIMINAL HISTORY REPORTS

• Criminal History Reports can be submitted to AWM by e-mail or mail.

E-mail:
AgStandards.AWM@sdcounty.ca.gov

Mail:
Department of Agriculture, Weights and Measures
Agricultural Standards Program
9325 Hazard way, Suite 100
San Diego, CA 92123

Select the option to have your CHR submitted directly to AWM by entering the e-mail or mailing address above.
WHAT HAPPENS AFTER YOU SUBMIT

AWM will review and verify:

• **Correct type** of Criminal History Report (CHR) submitted for each key participant
  • Must be **FBI Identity History Summary**

• Each CHR dated within 60 days prior to submission
  • **Example**: a CHR submitted on April 30, 2020, must be dated no earlier than March 1, 2020.

• No key participants have **disqualifying convictions**, defined as:
  • Any finding of guilt for a State or Federal felony related to a controlled substance.
WHAT HAPPENS AFTER YOU SUBMIT

If any key participants have disqualifying convictions:
  • Registration will be denied
  • May re-apply when 10 years from date of conviction have passed; New registration fee and application required

If all requirements for registration are met:
  • AWM will issue your new, renewed, or amended registration listing all key participants

Current registrants:
If registration is cancelled or denied for any reason, any crop in production at that time will be subject to abatement.
OTHER THINGS TO KNOW

- Criminal history reports (CHRs) must be dated within **60 days** prior to submission.
- New CHRs must be provided each year to renew registration.
- Registration must be amended within **15 days** of any change to key participants, and a CHR provided for any new key participants.
- Registrants must notify AWM within **48 hours** of a key participant receiving a disqualifying conviction.
- Any person who materially falsifies information on an application or CHR will be ineligible to participate in the Industrial Hemp program.
OTHER NEW REGISTRATION REQUIREMENTS

• CDFA has posted new application forms on their website under the “Forms” tab: https://www.cdfa.ca.gov/plant/industrialhemp/
  • Old application forms will not be accepted.

• Applications received with missing or incomplete information will result in a “Notice of Incomplete Application”
  • Applicants have 30 days to provide the requested information/documents or the application will be cancelled
  • New application and registration fee required to re-apply

• Registrations will not be issued without any approved cultivars or sites
  • Must provide all information and documentation for cultivar(s) and site(s) with application, or receive a “Notice of Incomplete Application”
Contact Information

County of San Diego Department of Agriculture, Weights & Measures – Industrial Hemp Cultivation Program
Phone: (858) 614-7786
Email: AgStandards.AWM@sdcounty.ca.gov
Website: https://www.sandiegocounty.gov/awm/industrialhemp.html

California Department of Food and Agriculture – Industrial Hemp Program
Phone: (916) 654-0435
Email: industrialhemp@cdfa.ca.gov
Website: https://www.cdfa.ca.gov/plant/industrialhemp/