



Industrial Hemp Research Pilot Program

Program Guidance

Statutory Authority

Federal: Section 7606 of the 2014 federal Farm Bill provides that state departments of agriculture and institutions of higher education may undertake hemp research pilot programs to study the growth, cultivation, or marketing of industrial hemp, notwithstanding the fact that hemp is classified by the federal Drug Enforcement Agency (DEA) as a Class 1 Controlled Substance. Moreover, the federal Omnibus Budget bill of 2016, prohibits the DEA from spending appropriated funds on enforcement actions against institutions of higher education or state departments of agriculture involved in growing industrial hemp and also prohibits the spending of funds on enforcement against the transportation, processing, sale, or use of industrial hemp grown in accordance with an industrial hemp research program as allowed by the 2014 Farm Bill.

State: (AML) Article 29 §506 – The commissioner may authorize no more than ten sites for the growing or cultivating of industrial hemp as part of agricultural pilot programs conducted by the New York State Department of Agriculture and Markets (the Department) and/or an institution of higher education to study the growth and cultivation, sale, distribution, transportation and processing of such hemp and products derived from such hemp provided that the sites and programs used for growing or cultivating industrial hemp are certified by, and registered with, the Department. Regulatory Requirements: 1 NYCRR Part 159.

Applicants

Research of industrial hemp may only be undertaken in this State as part of an agriculture research pilot program, either conducted by the Department or institution of higher education with authorization from the Commissioner.

1) Institutions of Higher Education: Institutions of higher education may seek authorization to conduct industrial hemp research pilot program as set forth in the Department's [regulations](#) or may apply to the Department to become an industrial hemp research partner (Research Partner") in the Department's Industrial Hemp Research Pilot Program (the "Program"). Educational institutions that seek to become a Research Partner must submit an application and a New York State Hemp Research Partner Agreement provided by the Department (the "Research Partner Agreement"), signed by an authorized representative of the university acting in their official capacity. Additionally, university applicants must adhere to all established university protocols during the course of the hemp research project. Institutions of higher education may register with the DEA and procure their own DEA import permit.

2) Individuals or Business Entities: Those wishing to participate in the Industrial Hemp Research Pilot Program under the auspices of the Department (the "Program") must apply within the established application period and sign a New York State Hemp Research Partner Agreement.

Sourcing Material

Seed and propagative material can be obtained in two ways:

- 1) Obtaining seed and propagative material from international source: A federal DEA permit to import seed is required. Please note, this is a lengthy process and permits are issued at the discretion of the DEA. Information is available at https://www.deadiversion.usdoj.gov/imp_exp/357/357form.pdf
- 2) Obtaining seed and propagative material from domestic sources: There is uncertainty concerning the legality of transporting domestic industrial hemp seed and propagative materials across state borders from states with Industrial Hemp Research Programs. Therefore, Research Partners who procure domestic industrial hemp seed or other propagative materials do so at their own risk and the Department is not liable for Research Partner's interstate movement of hemp seed or other hemp plant materials.

Be aware of [plant variety protection \(PVP\) laws](#) and regulations and be certain that the seed procured is in compliance with PVP and all other applicable New York State seed laws and regulations. More information on New York's seed laws may be found at <http://www.agriculture.ny.gov/PI/commodities/ARTICLE9.pdf>.

Other Considerations

Losses sustained due to compliance actions, weather or any other condition during the course of the research are the responsibility of the participant. Applicants who are unable to bear the potential loss of assets and production costs of participating in the Industrial Hemp Research Pilot Program should not apply to become Research Partners.

Research Partners that import domestic or foreign seed may transfer seed only to other Department authorized hemp research pilots within New York State.

There are no pesticides registered nationally or at the state level for industrial hemp. Research Partners are warned that any pesticide applications made to industrial hemp crops are unregistered uses and may be subject to enforcement action from New York State Department of Environmental Conservation.

Annual Reports

All Research Partners are required to file an annual report summarizing the results of their research pilot project and sharing any data collected in the course of that research. Annual reports are due on the anniversary of the project start date. Failure to file annual reports in a timely manner is grounds for revocation of permit. The Department will make research results and annual reports available to the public.

Program Application Requirements:

- 1) A NYS Industrial Hemp Research Pilot Program application with the following:
 - Affidavit boxes filled in.
 - A detailed research plan.
 - A marketing plan, to include a letter of intent from any prospective buyer or processor.
 - A seed/propagule acquisition plan.
 - Evidence of relevant experience of the individual responsible for the research project.

2) A \$500 application fee (either a check payable to the New York State Department of Agriculture and Markets, or by calling the Department to pay by credit card).

3) Compliance with prior years' program reporting requirements, if applicable.

Program Guidance – Effective Date: March 1, 2017

For assistance with questions regarding the NYS Industrial Hemp Research Pilot Program, please call (877) 249-6841.