

Guidelines for Industrial Hemp Licence Applicants

The Misuse of Drugs (Industrial Hemp) Regulations 2006 (“the Regulations”) came into force on 1 August 2006. The object of the Regulations is to enable the cultivation and distribution of industrial hemp under a licensing regime that ensures that other forms of cannabis are not cultivated and distributed under the guise of industrial hemp.

These Regulations are administered by the Medicines Control Team within the Ministry of Health.

Every reference in the Regulations to the Director-General of Health has been officially delegated to the Licensing Authority (“the Authority”).

All correspondence with the Authority should be sent to:

**Licensing Authority
Medicines Control
Ministry of Health
No. 1 The Terrace
PO Box 5013
Wellington 6145**

These guidelines provide some information to assist a grower to understand the requirements of a licensee within the Regulations.

Legislation

Every license holder issued a Licence to Cultivate Industrial Hemp (“the Licence”) is required to be familiar with their obligations within the Regulations. This applies to both General Licences or Research and Breeding Licences.

These regulations can be viewed at www.legislation.govt.nz or purchased at the following outlets listed in Appendix One.

The Application

There are two application forms, one for company applicants or body corporate applicants and one for individuals, which are available on the Ministry of Health website, www.moh.govt.nz/moh.nsf/indexmh/medicinescontrol-industrialhemp, or by contacting the Medicines Control Office on (04) 496 2018.

Applications need to be completed in full and an original signed form sent to the Authority at the above address.

The information requested on the application form is required by the Authority for consideration in approving the licence application. It enables the Authority to have a

clear picture of the activities the applicant is undertaking. This is in line with the objective of the Regulations, being to enable the cultivation and distribution of industrial hemp under a licensing regime that ensures that other forms of cannabis are not cultivated and distributed under the guise of industrial hemp.

The Authority must be satisfied that the applicant is eligible to hold the Licence sought under these Regulations.

What the Licence means

The Licence document, once issued, is very specific and details the exact activities that can be undertaken on the specific location involving a specified area of land growing only those cultivars listed on the Licence.

The Authority can impose conditions on the Licence that they consider necessary or appropriate to meet the objectives of these Regulations (as detailed above).

The Licence must be kept in a secure place at all times, and be able to be produced upon request.

Duration of a Licence

A Licence is issued for a period of one year.

An application for renewal of a Licence should be made not more than 90 days and not less than 30 days before the expiry of the existing licence. This enables the existing licence to continue in force until a decision on the application for renewal of the licence is determined.

An applicant may apply to the Authority to extend the duration of an existing licence up to three years in total. Each such application will be assessed on its merits and consider the history of the grower and any other circumstances the Authority deems appropriate.

Changes to details on the Licence

A licence holder may not make any of the following changes without first gaining the approval of the Authority:

- Composition of the board of directors of a body corporate or partnership
- The locations specified on the licence
- The cultivars specified on the licence
- Any responsible person listed on the licence.

An application to change any of these matters must be submitted in writing, accompanied by the licence, to the Authority at least 30 days before the proposed change. If approved, an amended licence will be provided.

Unanticipated changes caused by exceptional circumstances (for example accidental or untimely death) need to be notified to the Authority as soon as reasonably practical.

Changes to other details provided on the application

The Authority must be notified within 15 days of any changes to the location of the registers (refer to page 4 for register details) or changes in the address or contact details of a responsible person.

Responsible persons

All activities listed on the Licence must be undertaken under the control of the responsible person(s) listed on the Licence.

These persons are also responsible for dealing with the hemp in their possession or control in a way that guards against the risk of misuse of the hemp for unlawful purposes.

Security

It is a requirement that the location used for the cultivation of the hemp be safe and that all hemp be stored in a building or container that is securely locked or guarded.

To satisfy the Authority this means the crop needs to:

- not be visible from a main public road. This is due to the appearance of hemp being indistinguishable from any other form of cannabis. If visible from a farm access road, applicants will need to detail how security of the crop is ensured (for example close to the farm house)
- be protected against unauthorised access by individuals or wandering animals
- be located at least 5 kilometres from an area zoned residential (unless approved by the Licensing Authority)
- have suitable secure storage. The Authority would expect storage to comprise of a building or container of solid construction (e.g. made of metal) which is securely locked.

Planting

The local Police must be notified (as soon as practicable) after sowing or planting of the hemp crop.

Registers

Within the Regulations is the requirement to keep records of all hemp transactions. These records are called registers and can be on paper or in electronic form and must be readily accessible, retrievable, and secure from tampering.

The registers must be kept in a place notified to the Authority and must state the name of the person responsible for recording any matter in them.

These registers include:

1. A Seed register that lists:
 - (a) the amount by weight of the seeds supplied or procured;

- (b) the cultivar or variety of those seeds;
- (c) the date when those seeds were supplied or procured;
- (d) the name of the person to whom those seeds were supplied or from whom they were procured;
- (e) the number of the licence issued under these regulations to the person named under paragraph (d);
- (f) a maintained tally of the seeds that are at any time in the licence holder's possession.

2. A Cultivation register that lists:

- (a) for each occasion on which hemp seeds are sown,
 - (i) the amount by weight of the seeds sown;
 - (ii) the cultivar or variety of those seeds;
 - (iii) the location where those seeds are sown;
 - (iv) the date of the sowing;
- (b) for each occasion on which hemp plants are planted,
 - (i) the number of plants planted;
 - (ii) the cultivar or variety of those plants;
 - (iii) the location where those plants are planted;
 - (iv) the date of the planting;
- (c) for each occasion on which hemp seeds or hemp plants are destroyed, (destroy includes compost)—
 - (i) the amount by weight of the seeds destroyed or the number of plants destroyed;
 - (ii) the cultivar or variety of those plants or seeds;
 - (iii) why those plants or seeds were destroyed;
 - (iv) the date on which those plants or seeds were destroyed.

(The method of destruction used should be recorded in the register. Methods can include composting, mulching or burning).

3. A Harvest register that lists:

- (a) the quantity of the hemp plants harvested (quantity being expressed as number of plants, or volume/weight of plants);
- (b) the cultivar or variety of those plants;
- (c) the location from which those plants were harvested;
- (d) the amount by weight of any seeds obtained from harvested plants;
- (e) the cultivar or variety of the plants from which those seeds were obtained;
- (f) for each supply of any of those plants or seeds or of any material derived from them,—
 - (i) the quantity of plants, seeds, or material supplied;
 - (ii) the state of those plants, seeds, or materials, and, in particular, whether the plants are fresh or dried, and whether the seeds are viable or are treated to be non-viable;

- (iii) the name of the person to whom those plants, seeds, or materials were supplied (this excludes bare stalks);
- (iv) the number of the licence issued under these regulations to the person named under subparagraph (iii);
- (v) the date of the supply.

The Authority can request copies of these registers at any time and these copies must be provided in either paper or electronic form.

Annual Report

For every 12 month period that a Licence is held, the licensee is required to provide a report of the activities undertaken on the Licence.

This report should include copies of the registers, details of any processing of hemp undertaken, and the progress of any research and breeding programmes undertaken. The Authority is not seeking to obtain commercially sensitive information but requires some feedback on the licensed activity undertaken. Research and Breeding licensees should contact the Authority if they are unsure what information should be included in the Annual Reporting.

Annual Reports should be submitted to the Authority before July 31 of each year.

Unauthorised removal, loss or activity

The Police and the Authority must be notified immediately upon discovery if the following occurs:

- the licence is removed without authority or lost;
- any hemp in the licence holders possession or control is removed without authority or lost;
- there is any unauthorised activity at a place where hemp is cultivated or stored.

Seeds not sown or crop failure

The licence holder must notify the Authority if seeds intended for sowing are not sown, if the crop fails to germinate, or any crop of hemp plants fails to attain maturity.

A written report regarding seeds intended for sowing, that are not sown, or a crop that fails to germinate must be sent to the Authority within 30 days after the seed would normally have been sown, or 30 days after failure to germinate becomes apparent. A report regarding any crop of hemp plants failing to attain maturity should be sent to the Authority as soon as practicable.

Testing of samples

The Authority can request testing of samples of the hemp crop. A condition may be placed on the Licence to require testing of the crop at least two weeks before harvest.

Details of the testing protocols are listed in a separate document entitled “Guidelines for the sampling of industrial hemp for testing”.

For further questions about the sampling process contact:
Medicines Control 04 496 2018

Supply of hemp

Every person is permitted to possess, use or trade in hemp products (being products of a kind derived in whole or part from industrial hemp, e.g. hemp soap) and bare stalks of hemp.

However, licensees are reminded it is an offence to supply hemp¹ to a person who is not authorised under a licence to procure hemp of the kind supplied or cultivate a cultivar or variety of hemp that is not included on their licence.

¹ In the Regulations hemp means cannabis plant, seed or fruit. (This includes industrial hemp).

Appendix One

The Regulations can be purchased from:

Retail outlets that stock New Zealand legislation

Bennetts Government Bookshops

Auckland

wau@bennetts.co.nz

Hamilton

Bennetts Campus Bookshop, University of Waikato, Gate 5 Hillcrest Road, PO Box 13 066, Hamilton, Phone 07 856 6813, Fax 07 856 2255, Email wku@bennetts.co.nz

Palmerston North

Bennetts, C/- Whitcoulls, 38–42 Broadway Ave, PO Box 1820, Palmerston North, Phone 06 358 3009, Fax 06 358 2836

Bennetts University Bookshop, Massey University, Palmerston North, Phone 06 354 6020, Fax 06 354 6716, Email massey@bennetts.co.nz

Wellington

Bennetts Government Bookshop, Bowen House, Cnr Lambton Quay & Bowen Street, PO Box 5334, Wellington, Phone 04 499 3433, Fax 04 499 3375, Email gbs@bennetts.co.nz

Christchurch

Bennetts, C/- Whitcoulls, 111 Cashel Street, Private Bag, Christchurch, Phone 03 379 7142, Fax 03 379 5075

Dunedin

Bennetts, C/- Whitcoulls, 143 George Street, PO Box 1104, Dunedin, Phone 03 477 8294, Fax 03 477 4127

Key stockists

Beattie & Forbes, 223 Lower Emerson Street, PO Box 186, Napier, Phone 06 835 8968, Fax 06 835 8726

Benny's Books, 21–23 Devon Street East, New Plymouth, Phone 06 759 4350, Fax 06 759 4190

Books A Plenty, 28 Grey Street, PO Box 13106, Tauranga, Phone 07 578 6607, Fax 07 578 6606

Chapters & Verses, 272 Stafford St, Timaru, Phone 03 688 6491, Fax 03 688 4436

Hedleys Bookshop, 150 Queen Street, PO Box 746, Masterton, Phone 06 378 2875, Fax 06 378 2570

McLeod's Booksellers, 1269 Tutaneikai Street, PO Box 623, Rotorua, Phone 07 348 5388, Fax 07 349 0288

Muir's Bookshop, 62 Gladstone Road, PO Box 156, Gisborne, Phone 06 869 0651, Fax 06 869 0652

Paper Plus, 51 Cameron Street, PO Box 75, Whangarei, Phone 09 438 2582, Fax 09 430 0597

Paper Plus, Trafalgar Square, Taupo Quay, Wanganui, Phone 06 348 0351, Fax 06 348 0308

Whitcoulls, 52–54 Esk Street, PO Box 829, Invercargill, Phone 03 218 6063, Fax 03 218 3372