



Health Canada

Santé Canada

INDUSTRIAL HEMP GUIDE

SCHEDULE 1

CULTIVATION

Please read carefully. Incomplete or illegible applications cannot be processed and will be returned.

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SCHEDULE 1

INDUSTRIAL HEMP GUIDE — CULTIVATION

SCHEDULE SPECIFIC REGULATORY REFERENCES	
<i>Industrial Hemp Regulations</i>	Section 7
<i>Industrial Hemp Technical Manual</i>	Relevant Sections - attached <i>List of Approved Cultivars</i>

A. BACKGROUND:

These guidelines state generally applicable principles and practices that are acceptable to the Therapeutic Products Programme (TPP) and that should facilitate compliance with the *Industrial Hemp Regulations*.

1. All persons wishing to apply for licences, authorizations or permits should read the *Therapeutic Products Programme (TPP) Industrial Hemp Guide - Overview*. It provides the necessary background on the Regulations to make it easier for applicants to comply with the Regulations.
2. The definitions contained in the Regulations in Appendix I and the explanations in the Glossary of Terms in Section 4 of the Overview must be well understood by the applicant.
3. To be eligible to hold a licence, permit, or authorization, a person must be a resident of Canada. At least one of the partners in the case of a partnership (or, if the person is a corporation or cooperative), must have its head office in Canada or operate a branch office in Canada.

4. Approved cultivars

"Approved cultivar" means any variety of industrial hemp designated by the Minister in accordance with section 39 and set out in the *List of Approved Cultivars* published by the Department of Health, as amended from time to time. See Appendix II

(a) Cultivation

- Only approved varieties of industrial hemp seeds, as listed on Health Canada's *List of Approved Cultivars* may be planted.
- Growers are responsible for ensuring that their seed supplier is licensed by Health Canada
- To allow the use of non-certified seed of approved cultivars during a transition period, the Regulations have been modified to provide an exemption until January 1, 2000. However, seed must still be "of an approved cultivar".
- Commencing January 1, 2000, only pedigreed seeds of approved varieties may be planted.

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- Growers are required to identify their fields, including Global Positioning System (GPS) coordinates, and maintain records of production and distribution.
- Seed Growers are restricted to a 0.4 hectare minimum plot size.
- The 4 hectares minimum applies to growing for fibre or grain
- Seed growers are required to demonstrate current membership in the Canadian Seed Growers' Association (CSGA) as part of their licence application.
- Administrative guidelines will provide information concerning compliance action where the crop produced from approved varieties exceeds the 0.3% THC ¹ limit stated in the Regulations.
- Enforcement options range from immediate harvesting to destruction depending on the THC level.
- The cultivation of industrial hemp within one kilometre of any school grounds or any other public place usually frequented by persons under the age of 18 years is prohibited.

(b) **Plant Breeders**

Plant breeders are persons who, using known varieties, will be developing new Canadian varieties or producing breeder seed in Canada.

Breeders must:

- be recognized by the CSGA as a full plant breeder and obtain a certificate or other documentation to prove that recognition. Submit a copy of this documentation at the time of application for a licence.
- The pedigree seed restriction, which applies to growers in the year 2000, does not apply to plant breeders, nor does the limitation to the *List of Approved Cultivars*. However, varieties of breeder lines cultivated under the *Industrial Hemp Regulations* must produce a plant with 0.3% THC or less in its leaves and flowering parts.

(c) **Sampling**

- Sampling for THC content must be done when 50% of the seeds resist compression, that is, before seeds are mature.
- This monitoring will allow for better control over the varieties which are sown in Canada.

delta-9-tetrahydrocannabinol

- Sampling must be carried out by persons trained and experienced in seed sampling. The sampler shall be independent of any commercial interest which might influence the sampling duties being carried out. The national or provincial department of agriculture may be able to advise on who can provide this service.
- Field sampling of hemp stands must be conducted by provincially designated professional or technical agrologists (or equivalent for those provinces having no such designation process), with experience in crop production and sampling, or by pedigreed-seed crop inspectors recognized by the Canadian Seed Growers' Association for that purpose.

(d) Harvesting

- Details on the time of harvesting can be found in the *Industrial Hemp Technical Manual*.
- **Harvesting for fibre is normally done at the same time as sampling for THC content**, when 50% of the seeds resist compression. If harvested before this time, sampling must be performed at the time of harvest.
- **Harvesting for seed or viable grain is done when the seeds are mature** although sampling for THC content must be done when 50% of the seeds resist compression.

(e) Farm Equipment Cleaning:

Section 17. of the *Industrial Hemp Regulations* requires that a person who holds a licence to cultivate industrial hemp shall ensure that all equipment that is used to sow or harvest the hemp is thoroughly cleaned after each such use in order to avoid the accidental sowing of industrial hemp.

Failure to properly clean farm equipment could lead to “volunteer” plants in areas that are not licensed (outside the area identified with GPS coordinates) or appearing in other crops.

It is important to confine your cultivation of industrial hemp within licensed areas. If plants are observed outside the licensed areas, this could potentially lead to police action, the laying of charges and/or the denial of a future licence.

(f) Global Positioning System Coordinates (GPS)

GPS is a satellite based, radio navigation system which allows users to determine their three-dimensional position, velocity and time anywhere in the world. Based on current information, the available and affordable systems are able to provide a satisfactory level of accuracy as a surveying tool that is acceptable to Health Canada.

The *Industrial Hemp Regulations* clearly stipulate that GPS coordinates must be submitted as part of the application in the case of the cultivation of industrial hemp.

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Subparagraph **8(1)(g)** of the Regulations (see Appendix I) states that a person who applies for a licence or authorization shall submit certain information to the Minister, including the GPS coordinates to situate each site to be cultivated and a map showing the location of the site in terms of its legal description. Therefore, for an application to be complete, GPS coordinates sufficient to delimit the proposed site of cultivation **must** be included. Amendments to the licence may be made at a later date to describe slight variations that may occur, if necessary.

See Schedule 2 or Schedule 8 Guides for more details.

B. WHO MUST HAVE A LICENCE:

1. All persons who plan to cultivate industrial hemp.
2. Plant breeders who plan to do both commercial cultivation of industrial hemp and conduct the activities of a plant breeder, must complete both Schedule 1 and Schedule 8.
3. Researchers who plan to do both commercial cultivation of industrial hemp and conduct research activities, must complete both Schedule 1 and the Research Licence Application.

Exceptions:

- (a) Persons who will cultivate industrial hemp, **only** as a plant breeder, should complete Schedule 7.
- (b) Persons who will cultivate industrial hemp under the provisions of a research licence, should apply under a different licensing scheme, subject to the *Narcotic Control Regulations*.
- (c) Research Licence Applications may be obtained from the Bureau of Drug Surveillance or the Health Protection Branch contacts.

The rules and procedures for obtaining research licences are similar to those of previous years, except for a few important changes to harmonize with the requirements under the *Industrial Hemp Regulations*.

C. FORMS TO BE COMPLETED:

1. Industrial Hemp Licence Application
2. Schedule 1
3. Schedule 6 - if the applicant is a Corporation, Cooperative or Partnership
4. Schedule 7 (if a Plant Breeder)

D. COMPLETING THE SCHEDULE 1 FORM:

1. Applicant Information:

- (a) Provide the surname and given names, if the applicant is an individual .
- (b) Provide the Registered name if the applicant is a Corporation, Cooperative or Partnership.
- (c) The same name used on the Industrial Hemp Licence Application is to be used here.
- (d) Provide the complete legal description of the site to be licensed. A Post Office Box is not acceptable here.

Legal Description: There are several ways used to provide a legal description of the location to be licensed. Systems will vary from Province to Province and even within a Province. For example, the legal description for a cultivation site in Ontario may be:

North ½ of Lot 9
Concession II
Township of Goulburn
County of Carleton

Only in New Brunswick is it the 911 number, which is the accepted “legal description” in that province.

- (e) Provide the address at which the records, books, electronic data or other documents required by the Regulations will be kept. If the records are kept at a place other than the licensed site, the licence holder must make them available for inspection as necessary.

- A Post Office Box is not acceptable here.
- List the complete address at which Industrial hemp will be stored only and no other activity requiring a licence will take place.

Note: It is illegal to store industrial hemp at an unlicensed location. All such locations must be listed. If, however, sale or distribution is to take place at a location it should not be listed here since that site must be licensed or authorized for that activity.

- List all forms in which the industrial hemp will be stored.

2. About the Cultivation:

- (a) Indicate all forms for which the industrial hemp will be cultivated seed for sowing, grain or fibre. Check as many as necessary.

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- (b) If cultivating for seed, attach a copy of proof of membership in the Canadian Seed Growers' Association. *For new growers, this proof of membership may be in the form of a cancelled cheque for prepayment of membership fees, or other documentation provided by the Canadian Seed Growers' Association.*
- (c) Indicate whether or not the land on which the industrial hemp will be cultivated is owned by the applicant.
- If the applicant is not the owner, provide the name of the owner.
 - Attach the **original** of a signed statement by the owner consenting to the cultivation of industrial hemp on this site.
 - This requirement applies even when the land is leased.
- In the case of Indian Reserve lands, often referred to as "Band Lands", a Certificate of Possession issued under the *Indian Act* is required. Please note that an environmental impact statement may be required under other legislation for this purpose.
- (d) Provide the name of each approved cultivar which will be sown and the number of hectares which will be sown with each cultivar.
- (e) See *Industrial Hemp guide-Overview*, Appendix II for *List of Approved Cultivars for the 1999 Growing Season*.
- (f) State the number of hectares being cultivated for seed for sowing, viable grain and fibre. Attach additional pages if required.
- (g) Provide the number of hectares cultivated at each licensed location in each of the previous 2 years during which the applicant held a licence under the *Industrial Hemp Regulations*.
- This information must be provided for each site licensed. (1998 is the first year that can be recorded)
 - Attach additional pages if required.
 - Persons applying for the first time for cultivation in 1999 should leave this area blank.
 - **IMPORTANT NOTE: If you received a licence in 1998 and did not plant or did not meet the minimum field size, and do not plant in 1999 after receiving a licence you would be ineligible for licensing in the year 2,000.**
- (h) Attach a map indicating where on the land the cultivation for seed, grain and fibre will take place, the legal description of the land, the Global Positioning System Coordinates, the number of hectares and the variety being sown.
- See attached Guidelines for Map of Industrial Hemp Field for more details. Attachment 1

- (i) Provide the Global Positioning System Coordinates to
 - situate the total site being cultivated;
 - situate the site being cultivated for seed, if applicable;
 - situate the site being cultivated for grain; and
 - situate the site being cultivated for fibre.

3. Licence to Cultivate Industrial Hemp - Certification

- (a) Provide the name, title and telephone number of the person responsible for ensuring compliance with the Regulations.
- (b) In the case of a corporation, cooperative or partnership, the name provided must be of a person who has the authority to bind the company. This is usually a Director or officer.
- (c) The person signing may or may not be the person signing the Industrial Hemp Licence Application.

E. SUBMISSION TO HEALTH CANADA:

- 1. The Schedule 1 form submitted to Health Canada must bear an **original** signature. **A faxed or photocopied form will be considered incomplete and will be returned to the applicant.**
- 2. In the case of a corporation, cooperative or partnership, Schedule 6 must also be submitted.
- 3. Include all other documents which are required to satisfy the requirements of the Industrial Hemp Licence Application.

F. RECORDS TO BE KEPT A MINIMUM 2 YEARS INCLUDE:

- 1. Form and quantity in which industrial hemp purchased or sold.
- 2. Variety of industrial hemp cultivar purchased and sold.
- 3. Quantity of seed of each approved cultivar sown.
- 4. Quantity of seed or viable grain harvested.
- 5. Date of harvest and each shipment (sent or received)
- 6. Results of any tests required by the Regulations.

G. POINTS TO BE CONSIDERED BY LICENSED GROWER:

- 1. It is the responsibility of the licence holder to ensure compliance with the Regulations.

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2. Sampling to be performed by authorized sampler.
3. Must have the required THC test performed. These requirements are posted on the web and will be supplied as attachments to Industrial Hemp Licence.
4. Must clean seeding equipment thoroughly.
5. Must have adequate security.
6. Must report thefts to police and Bureau of Drug Surveillance.
7. Must ensure transportation and storage are secure.
8. Must purchase seed from licensed seed supplier.
9. Must only provide Industrial Hemp to licensed parties.
10. Must carry out the activities at licensed location only.

APPENDIX I

GUIDELINES FOR MAP OF INDUSTRIAL HEMP FIELD

The purpose of this section and the attached sample maps is to provide answers to some of the questions relating to the requirement for inclusion of Global Positioning System (GPS) coordinates on industrial hemp applications, what constitutes a "map" and what constitutes a "legal description".

Requirement for GPS coordinates:

The *Industrial Hemp Regulations* clearly stipulate that GPS coordinates must be submitted as part of the application in the case of the cultivation of industrial hemp. Subparagraph **8(1)(g)** of the Regulations (see Appendix I) states that a person who applies for a licence or authorization shall submit certain information to the Minister, including the GPS coordinates to situate each site to be cultivated and a map showing the location of the site in terms of its legal description. Therefore, for an application to be complete, GPS coordinates sufficient to delimit the proposed site of cultivation **must** be included. Amendments to the licence may be made at a later date to describe slight variations that may occur, if necessary.

Cultivation of seed and grain:

Subparagraph **8(1)(g)(v)** states that if any part of the site is to be cultivated for seed or viable grain, the GPS coordinates to situate that part of the site, and an indication on the map of its location within the site, must be provided. **For example, the minimum number of GPS coordinates required to situate a triangular site would be three, for a rectangular site would be four and for an "L" shaped site six would be required. The shapes so described must also appear on the map which is to be provided.** (See attached sample map).

Therefore, sufficient GPS coordinates must be provided to delimit the site to be licenced and each area within the site that will be cultivated.

As part of your application for a licence to cultivate industrial hemp, the *Industrial Hemp Regulations* require you to submit a map showing the location of the cultivation site in terms of its legal description along with the necessary GPS coordinates. If any part of the site is to be used to cultivate industrial hemp for seed or grain, then the map must also indicate the location of that part within the overall cultivation site.

Legal Descriptions:

There are several ways used to provide a legal description of a piece of land. Systems will vary from Province to Province and even within a Province. Your map must adequately describe the piece of land on which the industrial hemp is being cultivated, in reference to its legal description. For example, if the legal description of a 50 acre piece of land on which industrial hemp is to be cultivated is:

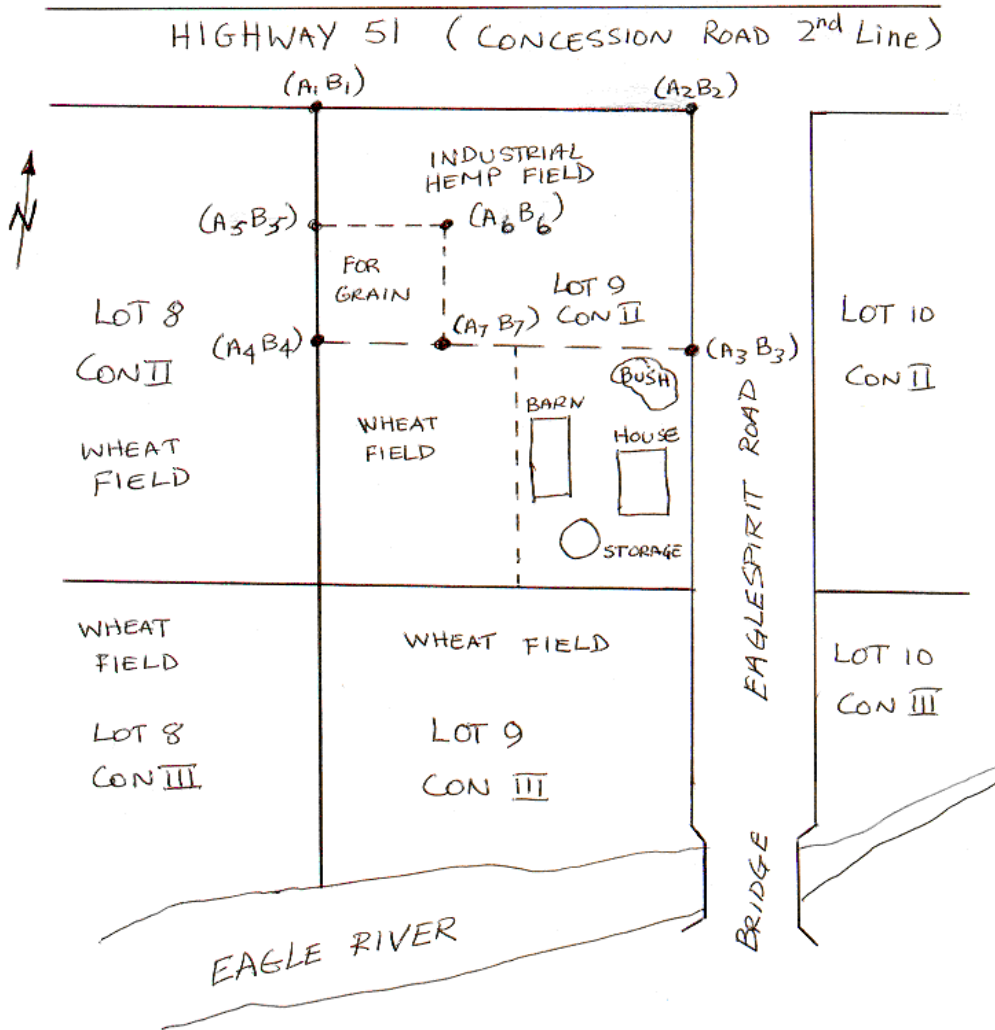
North ½ of Lot 9
Concession II
Township of Goulburn
County of Carleton

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Your map should look something like this:

SAMPLE MAP

On the sample map, example coordinates are shown in this format (Ax, Bx). However, your coordinates should be in one of the following forms:



For Latitude and Longitude:

For Universal Transverse Mercator Coordinates (preferred)

Lat. XX° XX' XX.XX" N

Zone XX

Long. XX° XX' XX.XX" W

XXX, XXX E

XX, XXX, XXX N

(Where the "Xs" represent applicable numbers for your location)

APPENDIX II

Excerpt from the *Industrial Hemp Regulations* relating to the requirement for GPS coordinates and Legal Descriptions

Application:

- Sec. 8. (1)** A person who applies for a licence or authorization shall submit the following information and documents to the Minister, on a form provided by the Health Canada:
- (g) in the case of the cultivation of industrial hemp:
 - (i) the approved cultivar that will be sown, or the variety of industrial hemp if the applicant is a plant breeder,
 - (ii) the number of hectares to be cultivated for seed or viable grain and the number of hectares to be cultivated for fibre,
 - (iii) the number of hectares cultivated for industrial hemp, at each site, in each of the previous two years,
 - (iv) the Global Positioning System coordinates to situate each site to be cultivated and a map showing the location of the site in terms of its legal description,
 - (v) if any part of the site is to be cultivated for seed or viable grain, the Global Positioning System coordinates to situate that part of the site, and an indication on the map of its location within the site,

Issuance:

- Sec. 9. (1)** Subject to subsection (2), the Minister shall, on receipt of an application containing the information and documents required under section 8, issue a licence or authorization that sets out the following:
- (a) the licence or authorization number;
 - (b) the name of the person to whom the licence or authorization is issued;