

Hemp in Nevada

Frequently Asked Questions



What is hemp?

Hemp is a plant variety derived from the genus *Cannabis sativa* L. It is among the same species as marijuana; however, it differs in that it contains a low concentration of Tetrahydrocannabinol (THC), a chemical compound known for its hallucinogenic effects. According to state and federal law, **hemp must contain less than 0.3 percent delta-9 THC on a dry weight basis**. Hemp plants are processed into an array of commodities **which can include CBD, fiber, seed, seed oil, textiles and other commodities**. The Nevada Department of Agriculture (NDA) regulates the production of hemp and hemp seed, as well as the processing of **raw** hemp in Nevada. End-consumer products are regulated by your local health authority.

Am I still required to register with the state now that hemp is federally legal per the 2018 Farm Bill?

Yes, the United States Department of Agriculture (USDA) requires states with a hemp program to provide oversight on all growers and handlers of raw hemp or hemp seed. All hemp production is carefully monitored by the state to ensure hemp crops are compliant with state and federal regulations, which includes registration of production sites, drug-related criminal history of applicants, and crop testing to ensure compliance with THC requirements. [Nevada state regulations on hemp can be found here.](#)

How can I confirm the validity of a hemp certificate?

All hemp certificate holders are recorded in the NDA's database and listed on the [NDA website](#), which is updated monthly. If you do not see a business listed, contact the NDA to ensure they aren't a new registrant that hasn't been added to the list. To confirm a certificate, send a copy or image of the certificate to [NDA Hemp program](#) staff, who will confirm its validity.

How can hemp be used and sold?

Hemp is a highly diverse crop that can be used for fiber, grain, hemp seed oil, Cannabidiol (CBD) oil and other processed products. If hemp is used for the production and sale of CBD oil, the product must not be marketed with any medical/health claims or used as a food ingredient, [per the U.S. Food & Drug Administration \(FDA\)](#). Hemp may be used for various food products upon approval from your local health authority, however FDA's restriction applies to CBD products specifically.

Can hemp be used for commercial animal feed?

Hemp is not approved for commercial feed. The [Association of American Feed Control Officials \(AAFCO\)](#) and the FDA have not recognized hemp as an approved ingredient for commercial animal feed.

What are the limitations on hemp processing?

The NDA oversees the agricultural production and limited initial processing of raw hemp. Limited initial processing can include grinding, oil extraction from the plant, seed cleaning, among other processing methods of the raw plant. The NDA does not regulate processed products for consumption. The Food and Drug Administration (FDA) as well as state and local health authorities regulate processed products intended for human consumption. Most recent FDA comments regarding CBD and CBD derivatives can be found [here](#).

Can I sell food containing hemp or hemp-derived products?

Contact your local public health authority for more information on general rules and restrictions that may apply to any hemp products that are intended for human consumption. The NDA regulates the growth and handling (which involves limited processing) of raw hemp **but does not regulate processed hemp products ready to be consumed, like CBD oil, seed oil, hemp hearts and other processed products**. Refer to the [FDA](#) or your local health authority for any product intended for human consumption.

Where can I learn how to grow hemp?

The NDA is a regulatory agency and cannot advise on how to produce or sell hemp. To learn how to grow hemp, applicants are encouraged to contact other [Nevada growers](#), and/or the [National Hemp Association](#). The [University of Nevada Cooperative Extension \(UNCE\)](#), and other state extension offices, may have additional resources.



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How do I become a certified hemp grower or handler?

Individuals interested in growing or handling hemp must complete the application provided on the [NDA website](#). Approved applicants will receive a certificate that is valid through Dec. 31 each year, regardless of the date of approval. Per federal law, applicants with a drug-related felony within 10 years of application submission do not qualify to be registered hemp handlers or growers. Previous non-compliances can also impede eligibility.

How long does it take to process hemp applications?

On average, application processing takes approximately three to four weeks. However, volume of applications received will impact processing. The application deadline is on or before July 1 of the applied year. For quickest processing time, applicants must submit a thorough and complete application. Incomplete applications will be rejected and returned for resubmission.

How do I secure city and/or county approval for growing or handling hemp?

Each local jurisdiction may have different requirements or restrictions involving hemp production and handling. Applicants are required to secure approval from local jurisdictions. The applicant must provide verification of jurisdictional approval on the application, or the application will not be approved. Failure to receive appropriate approval from local authorities will lead to applications being denied or certification being revoked. Expectations of your local jurisdiction requirements may include the following (**not all inclusive**):

- ensuring the operation is zoned appropriately for production and handling
- securing appropriate water rights
- a fire inspection has been performed (if combustible solvents are being used)
- a certificate of occupancy has been secured (if making any changes to the building)

If I don't know what my jurisdiction's approval process is, can I still apply?

No, appropriate jurisdictional approval specific to your proposed operation is required and the responsibility of the applicant. Failure to complete this process or falsely reporting this process will lead to applications being denied or certification being revoked.

If I'm not selling hemp, can I still grow it without NDA certification?

No, this violates state and federal law. Anyone growing hemp must be certified with the NDA, and there are no exemptions for personal use.

What do I need to include in a hemp grower application?

The application requires information on the location, parcel number, jurisdictional approval, varieties, land- owner approval, among other criteria. All information must be current, and the [application](#) must include proof of land ownership and a map of the intended hemp production location. All areas with production activities (germination to harvest) should be addressed on the map. If the applicant is not the landowner, a notarized letter of landowner approval **must** be included with the application submission. Private contracts are encouraged since landowner approval is required to receive and maintain certification. Landowners can revoke this approval at any time, which could be mitigated through provisions of a private contract. Incomplete applications will not be approved. If plants are being started in a greenhouse in a separate location that is non-contiguous land, a separate application is required. A Criminal History report must also be included with the application. The report must be current within 120-days from the date on the application. The NDA only accepts Criminal History Reports conducted by the [Nevada Department of Public Safety](#) (NDPS).

What are compliance requirements after I become a certified grower or handler?

Once an applicant becomes a certified grower or handler, an NDA inspector will visit the location to verify compliance with terms of the application. Certifications may be revoked if there are any discrepancies from the application. All hemp products, whether raw or processed, must be tested for THC concentrations. Handlers may have finished products tested through third party labs, but growers **must** have products tested for compliance by NDA.

What is the additional compliance requirements for certified growers?

For certified growers and seed producers, a second inspection will take place to sample the crop prior to harvest. Certified growers must notify the NDA (using [this form](#)) a minimum of 30 days prior to harvest to coordinate crop sampling. The crop must be tested by the NDA and confirmed to be less than 0.3 percent delta-9 THC, post-decarboxylated or equivalent method. The NDA lab has a measurement of uncertainty of 0.06 percent, so compliant crops for Nevada must be 0.36 percent delta-9 THC or less. Growers may have hemp additionally assessed by a third-party lab, but the testing to verify state and federal compliance must be performed by the NDA lab. The current lab testing procedure is for total potential THC, which is subject to change upon guidance from USDA.



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What is the NDA's role with processing raw hemp? How do I apply?

Per [Senate Bill 396](#) from the 2017 Nevada Legislature, the NDA registers hemp handler facilities that perform **agriculture-specific processing**. Handler certification is required for processes like seed cleaning, grinding of raw hemp, or extraction. The NDA does not regulate finished products and only oversees handling steps that involve the processing of raw hemp. Growers that only sell raw hemp, including just the flower, are not required to receive a handler certificate. Threshing, bailing and seed harvesting are all normal agricultural production activities and would not fall under a hemp handler license. If creating products using CBD oil, you do not qualify for a handler license and proposed products could be restricted by FDA.

What additional requirements are needed to obtain a handler certificate?

Per [NRS 557](#), hemp handlers must provide a business license, and the facility location must be approved for hemp processing by the corresponding local jurisdiction. Applicants who will be retrofitting facilities are required to provide a certificate of occupancy. For facilities using combustible solvents, a fire inspection is required, and the facility must be properly zoned. The applicant is responsible for meeting and maintaining all jurisdictional requirements. City and/or county officials may have additional requirements.

If I'm transporting or brokering raw hemp, do I need a handler license?

No, handler licenses are only for those who are processing raw hemp using agricultural processing methods. Please contact the NDA's [Animal Industry division](#) for broker and dealer licenses on all agricultural products.

What hemp varieties should I choose?

Hemp testing data can help guide farmers during variety selection; however, the NDA cannot recommend any specific variety. Farmers can choose varieties they believe to be most suitable for their production purposes; however, variety correlation to THC levels that exceed compliance requirements should be considered. Hemp crops must remain below 0.3 percent delta-9 THC regardless of the variety type. Variety selection, climate conditions, harvest timing, plant stress levels, among other factors can impact the THC concentration within the hemp plant. It is critical certificate holders assess these influential factors and their potential impact on THC levels throughout crop production.

What happens if my hemp tests above 0.3 percent THC?

Cannabis sativa L. that tests above 0.3 percent delta-9 THC is marijuana, under state and federal law, and must be disposed of or remediated under NDA supervision per [Nevada Revised Statute \(NRS\) 557](#) and federal requirements. Crops out of compliance must be disposed of or remediated in accordance a [USDA approved method](#). In the absence of a plan submission, the NDA will provide a required disposal plan.

Can certified marijuana producers also grow hemp?

The hemp regulations under [Nevada Administrative Code \(NAC\) 557](#) do not prohibit a marijuana business from also growing hemp. If a licenses marijuana grower wishes to grow outdoors, a request for verification of adequate isolation must be submitted to the NDA for review of potential cross-pollination with hemp crops grown nearby per [NAC 453D.615](#).

Once I'm certified, do I need to have a sign posted indicating my state approval?

No, but this is a good practice to mitigate false reports of illegal marijuana production.

What do I need when sourcing clones?

Clones must be provided by an individual or business with both a [nursery license](#) and hemp grower certificate. If clones are being received from out of state, the source must also have a [phytosanitary certificate](#). Growers must ensure mother plants are under the 0.3 percent delta-9 THC threshold and should consider climate and production practices that could impact the THC levels of the crop.



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Are there any isolation requirements relating to the production of hemp?

Cross-pollination of industrial hemp and marijuana is a concern throughout the industry. If the location of a proposed industrial hemp field/facility is within close proximity (defined on a case-by-case basis) to an existing outdoor marijuana operation, the application may be denied. Additionally, seed production may be restricted to indoors if there is significant concern that pollen flow may impact adjacent fields/facilities. Due to isolation concerns, growers who wish to produce certified seed must contact the [Seed Certification program](#). If there are concerns regarding isolation practices, the NDA recommends contacting Hemp program staff to verify whether other registered sites are in close proximity to your proposed location.

Can I source seed from out of state?

Hemp seed can be sourced from out of state; however, the source must be a seed producer registered with the state or country of production. If using a broker or dealer, growers must verify the compliance status of the seed producer. The seed producer must provide the corresponding certificate and lab analysis.

Where can I buy certified hemp seed?

Certified hemp seed can be purchased from outside the U.S. through the Organization for Economic Cooperation and Development (OECD) or from a specific state within the U.S where in-house certification programs evaluate seed varieties. The NDA Seed Certification program has the authority to recertify seed that has been grown from certified seed. There is an Association of Official Seed Certifying Agencies (AOSCA) sponsored [National Variety Review Board \(VRB\)](#) for hemp, which reviews and accepts new industrial hemp varieties into the seed certification track. The certified seed supply in the U.S. is currently limited, but is available.

What must I do to sell hemp seed?

Hemp seed must be sourced from a certified hemp handler or a seed producer that has been approved by their state's hemp program. If sourcing from a broker, ensure they have provided documentation from the seed source. To become a hemp handler or seed producer complete the appropriate application(s) provided on the [NDA website](#). Please note that hemp seed producers are also required to be registered hemp growers. Approved seed producers may have contingency requirements that production take place indoors if pollen distribution issues could impact other growers. Please note that NRS 587.093 includes seed labeling requirements.

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