

To: **Grower Applicants** of the Vermont Hemp Program
From: Vermont Hemp Program
RE: FBI Criminal History Records

Beginning in the 2022 Hemp Program Registration year, the United States Department of Agriculture (“USDA”) requires a Grower applicant “key participant” to a domestic hemp production program to submit a criminal history record for evaluation, for felony drug convictions. In Vermont, the key participant is the person listed on the Vermont Hemp Program application as the “registrant”. Grower applicants must submit to the Vermont Hemp Program (“Program”) a criminal history report obtained through the Federal Bureau of Investigation (“FBI”). The Program provides this guidance to grower applicants on how to obtain criminal history records. This requirement does not apply to processor only registrants.

- 1) The key participant is the person listed on the application to the Vermont Hemp Program as the “registrant”. A key participant is not the secondary contact listed on the registration. No registrant applicant may have been convicted of a drug-related felony within the last ten (10) years. An exception exists for those who lawfully grew hemp under the pilot program authorized by 7 U.S.C. § 5940 before December 20, 2018, when their conviction also occurred prior to that date.
- 2) Criminal history reports must be submitted prior to approval of a hemp grower registration and must be dated within 60 days of the application submission date and payment. A registration application will not be considered complete without the required criminal history report. The registrant is responsible for submitting the criminal history report in a timely manner.
- 3) Go to the FBI Identity History Summary Checks webpage, <https://www.fbi.gov/services/cjis/identity-history-summary-checks> to access the steps required to request a criminal history report. Requests can be filed either electronically or via postal mail. Both options are explained on the FBI website.
- 4) Acquire Fingerprints: You are required to submit fingerprints to the FBI. You can have your fingerprints taken at any local, county, or state law enforcement agency. The FBI fingerprinting card (FD-258) is available for download from the FBI website (<https://www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view>), though the law enforcement agency may have these forms

available. Your fingerprint card should accompany your criminal history report request to the FBI. If you have any questions or concerns on the specifics of fingerprinting or the forms to be used, the Program suggests asking your local law enforcement agency or reaching out to the FBI directly. An applicant can also use third party fingerprinting services in the Vermont.

- 5) The criminal history report requests submitted to the FBI must include the applicant Information Form, the fingerprint card, and the appropriate payment to the FBI (all steps for either electronic or paper submissions can be found on the FBI website: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>). Processing times vary, and rough estimates can be found on the FBI website.
- 6) Once the criminal history report is received by the registrant, please mail directly to the Vermont Hemp Program, mailing address below. The reports should be submitted as hard copies and the results should be in an original sealed envelope, indicating no tampering has occurred. Applications will not be reviewed until the registrant criminal history report is received. All reports must be current to within sixty (60) days of the application date.

All criminal history reports should be sent to:

Agency of Agriculture, Food and Markets
Vermont Hemp Program
116 State Street
Montpelier, VT 05620-2901

If you have questions about obtaining a criminal history report or acquiring fingerprints, please refer to the Frequently Asked Questions on the FBI website (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>) or contact the FBI directly.

If you have questions pertaining to the policy governing this requirement, or any of the new federal hemp regulations, please refer to the USDA website (<https://www.ams.usda.gov/rules-regulations/hemp>).

If you have any other questions relating to hemp production or processing in Vermont, please email agr.hemp@vermont.gov, or call 802-828-1732.