

# Industrial Hemp Registration Frequently Asked Questions: CRIMINAL HISTORY REPORT

**Q: Who must submit a criminal history report?**

A: A criminal history report for all key participants in the entity producing industrial hemp. Key participant, as defined in Section 4890(a)(18) in Title 3 of California Code of Regulations (CCR), includes:

- a sole proprietor,
- a partner in a partnership,
- a person with executive managerial control in a corporation producing industrial hemp, and
- a person with executive managerial control over the entity producing industrial hemp (i.e. CEO, COO, CFO, etc.).

Key participant does not include any individual in a management position or member of the leadership of the established agricultural research institution with no executive managerial control over hemp production (i.e. farm, field, or shift managers).

**Q: I have a felony conviction. Will I be able to cultivate industrial hemp?**

A: A key participant that has been convicted of a disqualifying conviction before, on, or after January 1, 2020 is ineligible to participate in the Industrial Hemp Program during a 10-year period following the date of the conviction.

Disqualifying conviction, as defined in 3 CCR Section 4890(a)(10), is any plea of guilty or nolo contendere, or any finding of guilt for a State or Federal felony related to controlled substance except:

- when the finding of guilt is subsequently overturned or appeal, pardoned, or expunged, or
- where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed.

**Q: I am planning to register for different registration classes in multiple counties. Do I need to submit multiple criminal history reports?**

A: Applicants must provide copies of the criminal history report(s) for each registration in each county that the applicant intends to register. The copies of the criminal history report may be provided with each application as long as the criminal history report is no more than 60 days from the date of the application submission.

**Q: How do I obtain a criminal history report?**

A: The criminal history report must be a Federal Bureau of Investigation (FBI) Identity History Summary. For information on how to request a FBI Identity History Summary, please visit <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

**Q: There has been a change in key participants. What do I need to do?**

A: 3 CCR Section 4901 (b)(2)(A) requires registrants to provide any changes to key participants within 15 calendar days of the change. Changes in key participants must be submitted on the [Industrial Hemp Application to Amend Registered Contact/Business/Key Participant Information](#) along with the criminal history report for each new key participant.

**Q. A key participant has been convicted of a felony. Do I need to report it?**

A: 3 CCR Section 4902 (b)(4) requires the registrant to notify the county agricultural commissioner within 48 hours of the registrant or a key participant receiving a disqualifying conviction. The registrant and/or key participant is ineligible to participate in the Industrial Hemp Program for ten years from the date of the conviction.