



CSBS Cannabis Job Aid

Industrial hemp was legalized federally by the 2018 Farm Bill. States across the country are now establishing regulatory schemes for hemp production. The job aid is an examiner reference tool providing background as well as state-specific information, such as legalization status and related topics, on both hemp and marijuana. As federal and state cannabis laws change, we expect that frequent updates will be necessary to keep this job aid up to date.

The CSBS State Supervisory Processes Committee approved the release of this job aid to assist state examiners in the examination of a financial institution that may be banking cannabis-related businesses.

If you notice something in the job aid that needs to be edited contact Daniel Berkland (dberkland@csbs.org).

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Hemp Job Aid

Hemp Related Businesses ¹	Information for Examiners	Relevant Policy	Examiner Notes
<p>Part I - Background Information</p> <p>This section is designed to help examiners understand the hemp industry.</p>			
<p>1. What is hemp (or industrial hemp)?</p>	<ul style="list-style-type: none"> Hemp is any part of the Cannabis sativa L. plant that contains less than 0.3% of THC. The same plant produces marijuana and hemp – the difference is the amount of THC in that plant. 	<p>Hemp is defined as the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis</p>	
<p>2. What are the plans in place now for hemp production?</p>	<ul style="list-style-type: none"> Until new USDA plans were available as provided for in the 2018 Farm Bill, the plans that were applicable under the 2014 Farm Bill remain in effect. The old plans found at 7 USC 5940 are repealed on September 30, 2021. 	<p>The new USDA regulations, 7 CFR 990, were published in the Federal Register January 19, 2021 as a final rule effective March 22, 2021.</p> <p>Federal Register :: Establishment of a Domestic Hemp Production Program</p>	

¹ This job aid uses the term Hemp Related Business (HRB) to mean any business that is directly or indirectly related to the hemp industry.

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<p>3. When did the USDA issue its regulations on hemp?</p>	<ul style="list-style-type: none"> • The USDA interim final rule was published October 31, 2019. • The final rule was published on January 19, 2021. • The authority for hemp production provided in the 2014 Farm Bill was extended until January 1, 2022, by the Continuing Appropriations Act, 2021, (Pub. L. 116-260). 	<p>The USDA issued a final rule for domestic hemp production effective March 22, 2021 at 7 CFR 990.</p> <p>Hemp Production Program USDA web site.</p>	
<p>4. Must each state, territory, or tribe write plan that govern the local production of hemp?</p>	<ul style="list-style-type: none"> • Each state, territory, or tribe <i>may</i> create its own plan for governing hemp production following the 2018 Farm Bill's provisions. • The USDA has 60 days to review plans. • Federal rules will apply to jurisdictions that have not prohibited hemp, but which have not written their own rules. • The USDA estimates there will be 100 state and tribe plans with 5,500 producers in 2020 (along with 1,000 producers under USDA plan) going up to 8,000 state and tribal producers in 2022. 	<p>7 CFR 990.4 States, territories, and tribes may submit their plans for review by the USDA. The USDA has 60 days to review each plan.</p> <p>States may opt to continue to operate under their 2014 pilot plans until January 1, 2022.</p> <p>Current status of state and tribal plans under review is here. The first state and tribal plans were approved December 27, 2019.</p>	

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<p>5. What must be included in each state, territory, or tribe's plan?</p>	<ul style="list-style-type: none"> • Each plan must include processes to gather (and maintain for at least three years) the following: <ul style="list-style-type: none"> ▪ Specific land used for production ▪ Sampling and testing procedures ▪ Disposal of non-compliant plants <p>As well set up for reporting and information sharing with USDA</p> <ul style="list-style-type: none"> • State and tribal plans must be audited at least every three years by the USDA 	<p>7 CFR 990.3 specifies the requirements for state and tribal plans 7 CFR 990.5 specifies the audit requirements for state and tribal plans 7 CFR 990.70 specifies the reporting requirements for state and tribal plans</p> <p>States and tribes with approved plans must complete these forms – the producer report and the disposal report are required monthly and there is an annual report as well.</p>	
<p>6. Can hemp and hemp products be transported across state lines?</p>	<ul style="list-style-type: none"> • Interstate transportation of hemp and hemp products is specifically authorized by the 2018 Farm Bill. 	<p>7 CFR 990.63 No State or Indian Tribe may prohibit the transportation or shipment of hemp or hemp products (produced in accordance with an approved plan) through the State or the territory of the Indian Tribe, as applicable.</p>	
<p>7. What if my state prohibits the production of hemp?</p>	<ul style="list-style-type: none"> • States and tribes may prohibit the production of hemp. 	<p>7 CFR 990.20 States or tribes may put more restrictive parameters on the production of hemp but are not authorized to alter the definition of hemp or put in place policies that are less restrictive than the 2018 Farm Bill.</p>	
<p>8. What information is required to get a license to be a hemp grower?</p>	<ul style="list-style-type: none"> • To produce hemp, a grower must be licensed or authorized under a State hemp program, a Tribal hemp program, or the USDA hemp program 	<p>Information for hemp producers is found on the USDA site here The USDA maintains a list of all state grower contacts.</p>	

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<p>9. When is a hemp producer license required?</p>	<ul style="list-style-type: none"> • A valid license is required before producing, cultivating, or storing hemp. • A producer must secure a license from the state or tribal authority that has jurisdiction; if hemp is legal, but there is no governing state or tribal authority, the producer must secure a USDA license • USDA license applications will be accepted after December 2, 2019 • For the 2020 growing season license applications may be made anytime, but in subsequent years they will be accepted from August 1 to October 31 	<p>7 CFR 990.21 Any person producing or intending to produce hemp must have a valid license prior to producing, cultivating, or storing hemp.</p>	
<p>10. Can felons participate in hemp production?</p>	<ul style="list-style-type: none"> • There is a prohibition against hemp production by persons convicted of certain felonies. 	<p>7 CFR 990.20(b) Unless previously approved under the provisions of the 2014 Farm Bill, no person convicted of a felony related to a controlled substance may participate in hemp production for ten years following the date of conviction.</p>	
<p>11. How is hemp tested for THC levels to ensure it has not ‘gone hot’ (exceeded the THC limit)?</p>	<ul style="list-style-type: none"> • The crop must be harvested no later than 30 days after the testing samples are collected • Sampling must be sufficient at a confidence level of 95 percent that no more than one percent of the plants in the lot would exceed the acceptable THC limit 	<p>7 CFR 990.3(a)(2)(i) describes collection 7 CFR 990.24 - 25 describe testing The USDA delayed enforcement of the testing and disposal requirements. Latest information is here. Guidelines for sampling and testing; listing of approved hemp testing laboratories is here</p>	

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<p>12. Can hemp growers get federal crop insurance?</p>	<ul style="list-style-type: none"> On December 23, 2019 the USDA announced a pilot crop insurance program for hemp link that covers multi-peril crop insurance (MPCI) for eligible producers in certain counties in Alabama, California, Colorado, Illinois, Indiana, Kansas, Kentucky, Maine, Michigan, Minnesota, Montana, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Virginia, and Wisconsin. To be eligible for the MPCI pilot program, among other requirements, a hemp producer must comply with applicable state, tribal or federal regulations for hemp production, have at least one year of history producing the crop, and have a contract for the sale of the insured hemp. Producers also must be a part of a Section 7606 state or university research pilot, as authorized by the 2014 Farm Bill, or be licensed under a state, tribal or federal program approved under the USDA Agricultural Marketing Service (AMS) interim final rule issued in October 2019. 	<p>Hemp is now eligible for federal crop insurance. Section 502(b) of the Federal Crop Insurance Act 7 USC 1502(b) was amended to include hemp as a commodity eligible for federal crop insurance. link</p> <p>The USDA clarified on August 27, 2019 that farmers who were authorized under a Section 7606 state or university research pilot as part of the 2014 Farm Bill can get whole-farm revenue protection federal crop insurance.</p> <p>More information about USDA crop insurance is found at www.rma.usda.gov/en</p> <p>Details of the risk management programs for hemp producers were announced February 6, 2020 link</p>	

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13. Can growers get intellectual property protection for new varieties of hemp?	<ul style="list-style-type: none"> The USDA is now accepting applications for plant variety protection under the Plant Variety Protection Act. If granted the protection lasts 20 years. 	Plant variety protection site of the USDA.	
14. Can hemp seeds be imported?	<ul style="list-style-type: none"> 2018 Farm Bill, Section 10113, removed hemp and hemp seeds from the Drug Enforcement Administration's (DEA) schedule of Controlled Substances. This action removed hemp and hemp seeds from DEA authority for products containing THC levels less than 0.3 percent. DEA no longer has authority to require hemp seed permits for import purposes. 	<p>Hemp seeds can be imported from Canada if accompanied by either: 1) a phytosanitary certification from Canada's national plant protection organization to verify the origin of the seed and confirm that no plant pests are detected; or 2) a Federal Seed Analysis Certificate (SAC, PPQ Form 925) for hemp seeds grown in Canada. Hemp seed may be imported from other countries if accompanied by a phytosanitary certificate from the exporting county to verify the origin and lack of pests.</p> <p>Importation of seed is covered under USDA Animal and Plant Health Inspection Service regulations, so the new rule does not further address hemp seed imports or exports.</p>	
15. Can hemp be sent through the US mail?	<ul style="list-style-type: none"> The US Postal System allows hemp products to be mailed if the mailer complies with applicable federal, state, and local laws. The mailer must retain proof of compliance with such laws for at least two years after mailing. 	USPS web site policy document	

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<p>16. What is CBD or CBD oil? Is it legal?</p>	<ul style="list-style-type: none"> • One of the main byproducts of industrial hemp is cannabidiol or CBD oil. The Farm Bill authorizes CBD only to the extent that is contained in hemp grown in a manner consistent with the Farm Bill and other federal and state regulations. • Cannabidiol (CBD), which is regulated by the Food and Drug Administration, remains illegal for human consumption. • Hemp seeds and seed oil generally do not contain CBD. 	<p>While hemp is now off the Schedule 1 list, it remains subject to regulation by the Food and Drug Administration (FDA), which considers CBD a drug and an illegal food ingredient.</p> <p>One anti-seizure drug for children produced from CBD has been approved for use, Epidiolex.</p> <p>Hemp seed oil (which does not contain CBD) has been deemed “generally recognized as safe” by the FDA.</p>	
<p>17. Where is the most current information from the FDA on hemp?</p>	<ul style="list-style-type: none"> • The FDA maintains a question-and-answer website on cannabis with the latest information. 	<p>FDA website Q&A</p>	
<p>18. Hemp ingredients in alcohol beverages</p>	<ul style="list-style-type: none"> • The Alcohol and Tobacco Tax and Trade Bureau of Treasury previously banned hemp ingredients because it was a Schedule 1 drug. Their guidance is in process of being updated to reflect hemp's new legal status. 	<p>TTB Industry Circular 2019-1</p>	

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<p>19. Are financial institutions required to file Suspicious Activity Reports (SARs) for HRB?</p>	<ul style="list-style-type: none"> • Because hemp is no longer a Schedule 1 controlled substance under the Controlled Substances Act, institutions are not required to file a SAR on customers solely because they are engaged in the growth or cultivation of hemp in accordance with applicable laws and regulations. • Note this requirement is different than for marijuana-related businesses 	<p>For hemp-related customers, institutions are expected to follow standard SAR procedures, and file a SAR if indicia of suspicious activity warrants.</p> <p>Providing Financial Services to Customers Engaged in Hemp-Related Businesses</p> <p>FinCEN Guidance Regarding Due Diligence Requirements under the Bank Secrecy Act for Hemp-Related Business Customers June 29, 2020</p>	
<p>Part II - Current and Planned Activities</p> <p>The questions in this section are intended to help the examiner build an understanding of an institution's posture regarding the hemp industry.</p>			
<p>20. Is the institution currently banking any customers related to the hemp industry?</p>	<ul style="list-style-type: none"> • Hemp industry may include growers, transporters, processors, and manufacturers (among others). 	<p>Pursuant to the 2018 Farm Bill, hemp is no longer a Schedule 1 controlled substance, and it is legal under federal law to manufacture, distribute or dispense hemp.</p> <p>It may be illegal under state law.</p>	

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<p>21. What discussions have taken place at the Board of Directors about HRB?</p>	<ul style="list-style-type: none"> This question is intended to help develop an understanding of how the institution's management team views banking the HRB industry. It is not intended to imply that specific provisions or steps should have been taken by the institution. 	<p>Not addressed in federal policy.</p>	
<p>Part III - Risk Management Consideration</p> <p>The questions in this section are intended to build an understanding of the institution's posture regarding the hemp industry.</p>			
<p>22. What if my financial institution is engaged in banking HRB?</p>	<ul style="list-style-type: none"> The financial institution is making a risk management decision. Financial institutions considering whether to bank hemp-related businesses should be confident in their ability to assess the risk of agriculture operations of similar size and business models. 	<p>Federal regulators and the CSBS issued a statement clarifying the legal status of hemp production and the relevant requirements under the Bank Secrecy Act.</p>	
<p>23. What is the state's hemp regulatory setup?</p>	<ul style="list-style-type: none"> A state may prohibit the production of hemp (see 7 CFR 990.20). If not prohibited, the primary regulator may be the USDA if state regulatory plans have not been approved by the USDA. 	<p>See your state's department of agriculture for updated information. Links are provided in the <i>State by State Cannabis Policy</i> section. Current status of state and tribal plans under review is here</p>	

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<p>24. Did management perform a review of applicable federal and state laws prior to the banking of HRB customers?</p>	<ul style="list-style-type: none"> • Management would be expected to ensure that any applicable licenses or regulatory requirements have been met before establishing a relationship with any HRB. These reviews should occur on a regular basis to ensure that no licenses have lapsed, or no regulatory requirements have been missed by the HRB that could jeopardize their ability to operate their business. 	<p>Not addressed in federal policy.</p>	
<p>25. How will the financial institution monitor compliance with applicable state (or federal) requirements?</p>	<ul style="list-style-type: none"> • If the state is not the primary regulator of hemp the federal government is (unless hemp is prohibited by the state). 	<p>Not addressed in federal policy.</p>	
<p>26. Do the institution's policies address banking of HRBs?</p>	<ul style="list-style-type: none"> • There is no requirement that separate policies or procedures be developed for HRBs, but if an institution has HRB customers, the handling of such relationships should be addressed in existing or separate policies. 	<p>Not addressed in federal policy.</p>	
<p>27. Has the institution adjusted their risk management practices to include HRBs?</p>	<ul style="list-style-type: none"> • Risks specific to HRBs should be included in the institution's risk assessments if they have current or planned HRB relationships. 	<p>Not addressed in federal policy.</p>	
<p>28. What challenges has the institution encountered in banking HRBs?</p>	<ul style="list-style-type: none"> • Responses should help an examiner understand how HRBs have impacted the institution's risk profile. 	<p>Not addressed in federal policy.</p>	

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29. What training has been done for employees regarding HRBs?	<ul style="list-style-type: none">• Specific training requirements have not been articulated.	Not addressed in federal policy.	

Marijuana Job Aid

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>Part I - Current and Planned Activities The questions in this section are intended to build an understanding of the institution's posture regarding the marijuana industry.</p>			
<p>1. Is the institution currently banking any customers related to the marijuana industry?</p>	<ul style="list-style-type: none"> • The distinction between a direct marijuana relationship and an indirect marijuana relationship is not well defined. Customer due diligence (CDD) guidance requires that for customers who pose higher money laundering risks, enhanced procedures and processes should be followed. • The FFIEC BSA/AML Examination Manual discusses enhanced CDD for higher-risk customers, including obtaining the following from the customer: description of the business operations, the anticipated volume of currency and total sales, and a list of major customers and sales. 	<p>Pursuant to the Controlled Substances Act, 21 USC §812, marijuana is a Schedule 1 controlled substance, and it is illegal under federal law to manufacture, distribute or dispense marijuana.</p> <p>31 CFR 1020.210(b)(5) is the regulation governing CDD.</p>	

² This job aid uses the term marijuana related business (MRB) to mean any business that is directly or indirectly related to the marijuana industry. States may define the term MRB differently.

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>2. How does the institution determine whether current customers are related to the marijuana industry?</p>	<ul style="list-style-type: none"> • Be aware that the identification of MRBs, especially indirect MRBs, can be difficult. Use this question to assess the robustness of the institution's CDD processes and to identify whether gaps exist related to MRB identification. 	<p>2014 FinCEN Guidance (FIN-2014-G001) directs financial institutions, when assessing the risk of providing services to a MRB, to collect and verify the following information from relevant state authorities: whether the MRB is duly licensed and registered, if the MRB license application (and related documentation) was submitted by the business to the state authorities, and any available information about the MRB and related parties. State licensing authorities are listed on the <i>State by State Cannabis Policy</i> page within this Job Aid.</p>	
<p>3. Is the institution planning to permit the opening of relationships with MRBs? If so, when?</p>	<ul style="list-style-type: none"> • This question is intended to help develop an understanding of the institution's strategy (if any) related to banking MRBs. 	<p>2014 FinCEN Guidance (FIN-2014-G001) lays out factors that banks should consider when banking an MRB: 1) Whether the MRB is violating any Cole Memo Priorities, 2) whether money laundering is still occurring unrelated to marijuana, 3) whether the MRB can produce sufficient documentation for licensing, 4) whether the state cannabis board has levied an enforcement action, etc.</p>	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>4. Summarize the discussions that have taken place at Board of Directors meetings about banking MRBs.</p>	<ul style="list-style-type: none"> This question is intended to help develop an understanding of how the institution's management team views banking the MRB industry. It is not intended to imply that specific provisions or steps should have been taken by the management team. 	<p>2014 FinCEN Guidance (FIN-2014-G001) states that the decision to open, close or refuse any particular account or relationship should be made by each financial institution based on a number of specific factors to that institution, including: the institution's particular business objectives, an evaluation of the risks associated with offering a particular product or service, and its capacity to manage those risks effectively.</p>	
<p>If the answers to the first four questions indicate that this institution does not have any current or planned banking relationships that are related to the marijuana industry, the remaining questions on this job aid may be disregarded.</p>			
<p>5. What types of MRBs have relationships with the institution and approximately how many accounts does this include?</p>	<ul style="list-style-type: none"> Your state may have a regulatory body that issues certain license types to MRBs. As a starting point, identify the license types that your state licenses and ask whether any such customers have relationships at this institution. Links to state websites are listed in the <i>State by State Cannabis Policy</i> section. 	<p>Pursuant to the Controlled Substances Act, 21 USC §812, marijuana is a Schedule 1 controlled substance, and it is illegal under federal law to manufacture, distribute or dispense marijuana.</p>	
<p>Part II - Risk Management</p> <p>The questions in this section are designed to help examiners assess the sufficiency of the institution's risk management practices for MRBs.</p>			

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<p>6. Does the institution have policies and procedures specific to the banking of MRBs?</p>	<ul style="list-style-type: none"> • There is no requirement that separate policies or procedures be developed for MRBs, but if an institution has MRB customers, the handling of such relationships should be addressed in existing policies or separate policies. One important consideration is that MRBs may not be treated as non-listed businesses for Currency Transaction Report (CTR) purposes and are not eligible for an exemption from CTR requirements. 	<p>Financial institutions should adjust policies and procedures related to MRBs per FIN-2014-G001.</p>	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>7. Has the institution adjusted their risk assessment to include MRBs?</p>	<ul style="list-style-type: none"> Risks specific to MRBs should be included in the institution's risk assessment if they have current or planned MRB relationships. 	<p>FIN-2014-G001 lays out the following risk assessment priorities if a financial institution is considering banking MRBs:</p> <ol style="list-style-type: none"> 1) verifying with the appropriate state authorities if the business is duly licensed and registered; 2) reviewing the license application submitted by the business for obtaining a state license to operate its marijuana related business, 3) requesting from state licensing and enforcement authorities available information about the business and related parties, 4) developing an understanding of the normal and expected activity from the business, including types of products to be sold and the type of customers to be served, 5) ongoing monitoring of publicly available sources for adverse information about the business and related parties, 6) ongoing monitoring for suspicious activity and 7) refreshing information obtained as part of customer due diligence on a periodic basis and commensurate with the risk. 	

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<p>8. What challenges have been encountered through banking MRBs?</p>	<ul style="list-style-type: none"> Note - this question is not intended to elevate the current disagreement between state and federal legal status of marijuana. Rather, it is intended to encourage dialogue between the institution and examiner about specific account or relationship challenges that have been encountered. Responses should help an examiner understand whether MRB relationships at this institution have been unexpectedly challenging or are carrying more inherent risks. 	<p>FIN-2014-G001 gives guidance to financial institutions that deem it necessary to terminate a relationship with a marijuana-related business in order to maintain an effective anti-money laundering program. Financial institutions should file a SAR and note in the narrative the basis for termination. In this instance, financial institutions should use the term "MARIJUANA TERMINATION" in the narrative section. FinCEN encourages institutions that have been made aware of previous accountholders seeking banking relationships to utilize the voluntary information sharing process as outlined in Section 314(b) of the BSA.</p>	
<p>9. How have account opening procedures been adjusted to consider MRBs?</p>	<ul style="list-style-type: none"> There are no standards for account opening procedures specifically related to MRBs. However, if an institution is engaged in this industry, processes to help determine MRBs would be expected as part of customer due diligence. 	<p>Financial institutions should adjust policies and procedures related to MRBs per FIN-2014-G001.</p>	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>10. Did management perform a legal review of applicable federal and state laws prior to the banking of MRB customers?</p>	<ul style="list-style-type: none"> • Management would be expected to ensure that any applicable licenses or regulatory requirements have been met before establishing a relationship with any MRB. These reviews should occur on a regular basis to ensure that no licenses have lapsed, or no regulatory requirements have been missed by the MRB that could jeopardize their ability to operate their business. 	<p>FIN-2014-G001 directs financial institutions to file a "Marijuana Priority SAR" if the MRB violates state law or Cole Memo priorities.</p>	
<p>11. What processes are in place to identify whether existing loan customers have a relationship with an MRB?</p>	<ul style="list-style-type: none"> • This question is intended to encourage discussion about the institution's processes for reviewing loan customer relationships. For instance, if a borrower for a commercial property was leasing that property, or a portion of that property, to an MRB this would be an indirect MRB relationship. • Banks should have a process to identify if activity is suspicious in these indirect cases, but there is no expectation for them to scour their customer base or loans for activity that may be marijuana related. If they know about it, or identify it, then they should have a process to assess if a SAR filing is warranted. • Banks should fully document this process. 	<p>FIN-2014-G001 directs financial institutions to seek licensee information from the state licensing authority. In many instances, state law requires MRBs to disclose, through the licensing process, individuals that have financial interest in the MRB.</p> <p>Footnote 7 in FIN-201-G001 provides more detail on this topic.</p>	

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<p>12. Have the cash handling demands of the MRB been considered?</p>	<ul style="list-style-type: none"> Given the current legal disagreements between state and federal law related to marijuana, some MRBs may have substantial cash inflows or outflows. Institution management should evaluate, with the MRB, what level of cash services would be anticipated. Understanding these needs prior to the establishment of a relationship would allow the institution to better detect suspicious activities. 	<p>FIN-2014-G001 states that financial institutions should reach out to state licensing authorities to obtain data on MRBs. In many jurisdictions, MRBs are required to disclose transactional data. Contact your relevant state licensing authority for available information within your state.</p>	
<p>13. For MRB borrowers, has the institution evaluated, through their allowance for credit losses or otherwise, the impact a change in marijuana's legal status may have on the institution's collateral position as a creditor?</p>	<ul style="list-style-type: none"> This question is intended to help an examiner understand what, if any, contingency plans the institution or MRB has made for a change in legal status of marijuana. For example, if federal enforcement of marijuana law changes, there is a possibility that collateral securing the borrower's debt could be encumbered in an enforcement case or its value could deteriorate rapidly. 	<p>Not directly addressed in federal guidance, but financial institutions should consider preparing a strategy in the event of a legislative or policy change at the State or Federal level.</p>	

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<p>14. Does management have a contingency plan that considers a possible quick exit from this business should there be a change in the policies and forbearances from the Federal and State governments?</p>	<ul style="list-style-type: none"> As in the previous question, it would be prudent for an institution to have a plan to quickly exit or terminate MRB relationships. The assessment should consider liquidity, collateral positions, and other impacts an abrupt separation from these relationships were to become necessary. 	<p>This is not directly addressed in federal guidance, but financial institutions should consider preparing a strategy in the event of a legislative or policy change at the State or Federal level.</p>	
<p>15. Does the institution's blanket bond insurer require that MRB customer relationships be disclosed to the blanket bond insurance provider? If so, have those disclosures been made?</p>	<ul style="list-style-type: none"> Beyond what may be required by a bonding company or blanket bond provider, there are no requirements to notify the institution's bonding company of the existence of MRB customer relationships. This question is intended to determine whether the institution has taken whatever steps may be required under their specific blanket bond. 	<p>This is not directly addressed in federal guidance.</p>	
<p>16. What training has been provided to staff related to the marijuana industry?</p>	<ul style="list-style-type: none"> An effective risk management process includes maintaining an aware and well-trained staff. Training on MRBs for financial institution employees should consider BSA/AML risks, account opening procedures specific to the institution, and an internal escalation processes if an employee detects changes in a customer's risk profile. 	<p>This is not directly addressed in federal guidance.</p>	

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<p>Part III - Cole Memo Priorities</p> <p>A memo released by the Department of Justice, often known as "The Cole Memo," provided parameters around which federal enforcement of marijuana laws will be prioritized. While the provisions of the memo could not be considered a safe harbor for financial institutions, taking steps to comply with the provisions in the memo may have reduced the risk of federal enforcement. A link to The Cole Memo can be found on the "Reference Documents" table in this Job Aid. The Cole Memo provisions are the included in the FIN-2014-G001 guidance. In January 2018, the Cole Memo was rescinded by the Attorney General. However, FinCEN has not yet updated their guidance or reference to the Cole Memo provisions. FinCEN has advised FI's to continue to follow FIN-2014-G001 in its entirety as such examiners should continue to examine banks in compliance with that guidance.</p>			
<p>17. Is the institution aware of the following Cole Memo priorities? Pursuant to FinCEN guidance, if an insured depository institution (IDI) becomes aware of an MRB violating Cole Memo priorities and/or state law, then FIN-2014-G001 directs IDIs to file a Priority SAR.</p>	<ul style="list-style-type: none"> • Use the following questions to assess provisions of FIN-2014-G001. 		

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<p>a. Preventing the distribution of marijuana to minors</p>	<ul style="list-style-type: none"> • Each provision is separated and designed to be answered in a yes/no manner. 	<p>FIN-2014-G001 guidance directs institutions to consider whether an MRB implicates one of the Cole Memo priorities or related state law(s) when performing customer due diligence. Additionally, if a financial institution finds that an MRB has violated a Cole Memo priority, FIN-2014-G001 directs the institution to file a "Marijuana Priority" SAR. The guidance also lists several "red flags" that may indicate that an MRB may be engaged in activity that implicates one of the Cole Memo priorities, or violates state law.</p>	
<p>b. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels</p>	<p>See above</p>	<p>See above</p>	
<p>c. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states</p>	<p>See above</p>	<p>See above</p>	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
d. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity	See above	See above	
e. Preventing violence and the use of firearms in the cultivation and distribution of marijuana	See above	See above	
f. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use	See above	See above	
g. Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands	See above	See above	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
h. Preventing marijuana possession or use on federal property	See above	See above	
<p>Part IV - FinCEN Filings³</p> <p>FinCEN has provided guidance for financial institutions that governs how CTRs and SARs are to be handled for MRBs. The questions in this section are intended to help examiners assess an institution's understanding of, and compliance with, the provisions of this guidance.</p>			

³ Consistent with FinCEN regulations, the obligation to file a SAR is unaffected by any state law that legalizes marijuana-related activity.

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>1. Are SAR filing requirements understood and followed by institution employees?</p>	<ul style="list-style-type: none"> As an example, a financial institution providing financial services to an MRB that it reasonably believes, based on its customer due diligence, does not implicate one of the Cole Memo priorities or violate state law should file a "Marijuana Limited" SAR. The content of this SAR should be limited to the following information: (i) identifying information of the subject and related parties; (ii) addresses of the subject and related parties; (iii) the fact that the filing institution is filing the SAR solely because the subject is engaged in a marijuana-related business; and (iv) the fact that no additional suspicious activity has been identified. Financial institutions should use the term "MARIJUANA LIMITED" in the narrative section. FIN-2014-G001 established three new SAR filings pertaining to MRB's. These should be included in a Banks BSA/AML policy if they operate in a state where there is some form of legalized marijuana. 	<p>Pursuant to FAQs released by FinCEN regarding SAR filing in combination with FIN-2014-G001, financial institutions that do <u>not</u> suspect that MRB account holders have violated state law or Cole Memo priorities should file a continuing activity report, with the filing deadline being 120 days after the date of the previously related SAR filing. A "Marijuana Limited" SAR should be filed using those prescribed guidelines. A "Marijuana Priority" SAR should be filed on an MRB that the institution reasonably believes, based on customer due diligence, implicates one of the Cole Memo priorities or violates state law. A "Marijuana Termination" SAR should be filed if a financial institution deems it necessary to terminate a relationship with an MRB in order to maintain an effective anti-money laundering compliance program.</p>	

Marijuana Related Businesses ²	Information for Examiners	Relevant Policy	Examiner Notes
<p>2. Does management review customer information obtained as part of their customer due diligence program at least every 90 days to determine whether a change in SAR filing is warranted?</p>	<ul style="list-style-type: none"> An MRB's risk profile may change quickly. This question is intended to assess how an institution manages these changing risks and whether the necessary adjustments are made to remain in compliance with FinCEN plan and guidance. If management deems it necessary to terminate a relationship with a marijuana-related business the term "Marijuana Termination" should be used in the narrative portion of the accompanying SAR. 	<p>FIN-2014-G001 recommends refreshing information obtained as part of customer due diligence on a periodic basis and commensurate with the risk presented by the MRB. With respect to information the state licensure obtained in connection with such customer due diligence, a financial institution may reasonably rely on the accuracy of information provided by state licensing authorities, where states make such information available.</p>	

State by State Cannabis Policy

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Alabama	Yes	No	N/A	Yes	http://agi.alabama.gov/divisions/plant-protection/industrial-hemp	Hemp plan under review by USDA, but AL will continue to operate under its 2014 pilot rules. Medical marijuana legalized May 17, 2021.
Alaska	Yes	Yes	www.commerce.alaska.gov/web/amco/Home.aspx	Yes	http://plants.alaska.gov/industrialhemp.htm	Drafting a hemp plan for USDA review, but AK will continue to operate under its 2014 pilot rules.
Arizona	Yes	Yes	https://azdhs.gov/licensing/medical-marijuana/index.php#physician	Yes	https://agriculture.az.gov/plants-produce/industrial-hemp-program	Hemp plan under review by USDA Marijuana legalization passed on November 3, 2020.
Arkansas	Yes	No	www.healthy.arkansas.gov/programs-services/topics/medical-marijuana	Yes	www.agriculture.arkansas.gov/plant-industries/feed-and-fertilizer-section/hemp-home/	Hemp plan under review by USDA, but AR will continue to operate under its 2014 pilot rules.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
California	Yes	Yes	https://cannabis.ca.gov/	Yes	www.cdfa.ca.gov/plant/industrialhemp/	Drafting a hemp plan for USDA review The attorney general released new medicinal cannabis guidelines August 6, 2019. link
Colorado	Yes	Yes	https://colorado.gov/pacific/enforcement/marijuanaenforcement	Yes	www.colorado.gov/pacific/agplants/industrial-hemp	State hemp plan will be resubmitted to USDA, but CO will continue to operate under its 2014 pilot rules. Online portal for hemp growers to submit applications and payment.
Connecticut	Yes	No	https://portal.ct.gov/DCP/Medical-Marijuana-Program/Medical-Marijuana-Program	Yes	https://portal.ct.gov/DOAG/Regulatory/Regulatory/Hemp-Home-Page	State hemp plan under review, but CT will continue to operate under its 2014 pilot rules.
Delaware	Yes	No	http://dhss.delaware.gov/dph/hsp/medmarhome.html	Yes	https://agriculture.delaware.gov/plant-industries/hemp-program/	State hemp plan approved by the USDA as of January 28, 2020.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
District of Columbia	Yes	Yes	Medical Cannabis Program	No	N/A	Recreational marijuana in DC is not taxed and regulated in DC, but individuals over 21 are able to legally possess and cultivate limited amounts of marijuana for recreational use under Initiative 71 . Marijuana can be donated, but not sold.
Florida	Yes	No	http://knowthefactsmmj.com/	Yes	www.freshfromflorida.com/Cannabis/Hemp-CBD-in-Florida	State hemp plan approved by USDA as of April 16, 2020.
Georgia	Yes	No	https://dph.georgia.gov/low-thc-oil-registry	Yes	http://agr.georgia.gov/industrial-hemp-production.aspx	State hemp plan approved by USDA as of March 9, 2020. Qualified persons in Georgia can possess up to 20 fluid ounces of low THC oil.
Hawaii	Yes	No	http://health.hawaii.gov/medicalcannabis/	Yes	https://hdoa.hawaii.gov/hemp/	State will operate under USDA hemp rules.
Idaho	No	No	N/A	Yes	Hemp – Idaho State Department of Agriculture	Governor Little signed H.B. 126 legalizing hemp production in the state April 16, 2021 – Idaho was the last state to legalize hemp.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Illinois	Yes	Yes	www2.illinois.gov/sites/agr/Plants/MCPP/Pages/default.aspx	Yes	www2.illinois.gov/sites/agr/Plans/Pages/Industrial-Hemp.aspx	State hemp plan approved by the USDA as of October 19, 2020, but IL will continue to operate under its 2014 pilot rules. Illinois was the first state to fully legalize through the <u>legislative process</u> – effective January 1, 2020. Cannabis frequently asked questions link
Indiana	No	No	N/A	Yes	www.oisc.purdue.edu/hemp/index.html	State hemp plan approved by the USDA as of October 19, 2020. Medical use of CBD oil is allowed.
Iowa	Yes	No	http://idph.iowa.gov/omc	Yes	http://iowaagriculture.gov/hemp	State hemp plan approved by the USDA as of March 19, 2020. The Attorney General statement clarifying that CBD is not legal for products in Iowa and also FAQs .
Kansas	No	No	N/A	Yes	http://agriculture.ks.gov/divisions-programs/plant-protect-weed-control/industrial-hemp	State hemp plan approved by USDA as of April 16, 2020.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Kentucky	No	No	N/A	Yes	www.kyagr.com/marketing/hemp-pilot.html	State hemp plan under review by USDA, but KY will continue to operate under its 2014 pilot rules. Medical use of CBD oil is allowed.
Louisiana	Yes	No	http://www.ldaf.state.la.us/medical-marijuana/	Yes	http://www.ldaf.state.la.us/industrial-hemp/	State hemp plan approved by USDA December 27, 2019.
Maine	Yes	Yes	www.maine.gov/dafs/bbm/mmmp/	Yes	www.maine.gov/dacf/php/hemp/	State hemp plan approved by USDA as of September 2, 2020, but ME will continue to operate under its 2014 pilot rules.
Maryland	Yes	No	Maryland Medical Cannabis Commission	Yes	http://mda.maryland.gov/plants-pests/Pages/Industrial-Hemp.aspx	State hemp plan approved by USDA as of August 11, 2020.
Massachusetts	Yes	Yes	Cannabis Control Commission Massachusetts (masscannabiscontrol.com)	Yes	www.mass.gov/industrial-hemp-program	State hemp plan approved by the USDA as of May 11, 2020.
Michigan	Yes	Yes	www.michigan.gov/mra	Yes	www.michigan.gov/industrialhemp	State hemp plan approved by USDA as of October 19, 2020. www.michigan.gov/marijuana is a good landing page for a variety of marijuana-related information

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Minnesota	Yes	No	www.health.state.mn.us/people/cannabis/index.html	Yes	www.mda.state.mn.us/plants/hemp	State hemp plan approved by USDA as of July 15, 2020 effective January 1, 2021.
Mississippi	No	No	N/A	Yes	www.mdac.ms.gov/hemp-cultivation-in-ms/	Medical marijuana passed on November 3, 2020, but the state supreme court overturned that results on May 14, 2021. Hemp farmers will need a USDA license because no funds were appropriated for the hemp program this year. State Site
Missouri	Yes	No	https://health.mo.gov/safety/medical-marijuana/	Yes	http://agriculture.mo.gov/hemp-pilot/	State plan approved by USDA as of September 2, 2020. Updated application process
Montana	Yes	Yes	http://dphhs.mt.gov/marijuana/MMPForms	Yes	http://agr.mt.gov/Hemp	State hemp plan approved by the USDA as of March 9, 2020, but MT will continue to operate under its 2014 pilot rules. Marijuana legalization passed on November 3, 2020.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Nebraska	No	No	N/A	Yes	www.nda.nebraska.gov/hemp/	State hemp plan approved by the USDA as of January 28, 2020. On September 10, 2020 the Nebraska Supreme Court removed the medical marijuana legalization initiative from the November ballot.
Nevada	Yes	Yes	http://dpbh.nv.gov/Reg/Medical_Marijuana/	Yes	http://agri.nv.gov/Plant/Seed_Certification/Industrial_Hemp/Industrial_Hemp_Home/	State hemp plan approved by USDA as of June 1, 2021
New Hampshire	Yes	No	www.dhhs.nh.gov/oos/tcp/	Yes	www.agriculture.nh.gov/	State will operate under USDA hemp rules. HB 459 allows for hemp growing and set up a committee to study federal guidelines with a report due November 1, 2019.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
New Jersey	Yes	Yes	www.nj.gov/health/medicalmarijuana/ Cannabis Regulatory Commission Homepage (nj.gov)	Yes	www.state.nj.us/agriculture/news/hottopics/approved/topics190122.html	<p>Recreation use of marijuana passed on November 3, 2020. New state laws on cannabis signed on February 22, 2021.</p> <p>State hemp plan approved by USDA December 27, 2019.</p>
New Mexico	Yes	[Yes]	https://nmhealth.org/about/medical-services/	Yes	www.nmda.nmsu.edu/hemp-manufacturing-act-public-hearings-set-for-june-27-28/	<p>State hemp plan approved by the USDA as of October 19, 2020, but NM will continue to operate under 2014 pilot rules.</p> <p>Marijuana legalized for adults April 12, 2021 – retail sales are to begin by April 1, 2022.</p> <p>Updated hemp frequently asked questions link</p>

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
New York	Yes	Yes	www.health.ny.gov/regulations/medical_marijuana/ Office of Cannabis Management (ny.gov)	Yes	https://esd.ny.gov/industrial-hemp	NY will continue to operate under 2014 pilot rules. Recreational marijuana legalized March 31, 2021. Hemp legislation was signed into law on December 9, 2019 S 6184-A
North Carolina	No	No	N/A	Yes	www.ncagr.gov/hemp/	NC will continue under its 2014 hemp pilot rules.
North Dakota	Yes	No	www.ndhealth.gov/MM/	Yes	www.nd.gov/ndda/plant-industries/hemp	State hemp plan under review by USDA, but ND will continue to operate under its 2014 pilot rules.
Ohio	Yes	No	www.medicalmarijuana.ohio.gov/cultivation	Yes	https://agri.ohio.gov/wps/portal/gov/oda/divisions/hemp-program/hemp-program-lp	State hemp plan approved by USDA December 27, 2019. Senate Bill 57 legalized hemp and hemp-derived CBD on July 30, 2019.
Oklahoma	Yes	No	http://omma.ok.gov/	Yes	www.ag.ok.gov/cps/IndustrialHemp.htm	State hemp plan approved by USDA as of October 19, 2020.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Oregon	Yes	Yes	www.oregon.gov/olcc/marijuana/pages/default.aspx	Yes	oda.direct/hemp	State hemp plan under review by USDA, but OR will continue to operate under its 2014 pilot rules.
Pennsylvania	Yes	No	www.health.pa.gov/topics/programs/Medical%20Marijuana/Pages/Medical%20Marijuana.aspx	Yes	www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx	State hemp plan approved by the USDA as of March 3, 2020.
Rhode Island	Yes	No	www.health.ri.gov/healthcare/medicalmarijuana/for/patients/	Yes	www.dbr.ri.gov/divisions/medicalmarijuana/	State hemp plan approved by the USDA as of January 11, 2021.
South Carolina	No	No	N/A	Yes	www.agriculture.sc.gov/divisions/consumer-protection/hemp/	State hemp plan approved by the USDA as of March 31, 2020.
South Dakota	Yes*	Yes*	Medical Marijuana - Medical Cannabis (sd.gov)	Yes	South Dakota Industrial Hemp Program (sd.gov)	State hemp plan approved by USDA as of October 19, 2020. House Bill 1203 was signed into law March 25, 2021 authorizing banks to engage in business with hemp and marijuana licensees *Both ballot initiatives passed on November 3, 2020 and are effective July 1, 2021. Recreational use is currently being litigated.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Tennessee	No	No	N/A	Yes	www.tn.gov/content/tn/agriculture/farms/hemp-industry.html	Hemp plan approved by the USDA as of July 15, 2020, but TN will continue to operate under its 2014 pilot rules.
Texas	Yes	No	www.dps.texas.gov/rsd/CUP/index.htm	Yes	https://texasagriculture.gov/RegulatoryPrograms/Hemp.aspx	State hemp plan approved by the USDA as of January 28, 2020. Medical use of CBD oil is allowed.
Utah	Yes	No	https://ag.utah.gov/office-of-the-commissioner/cannabis-programs/	Yes	https://ag.utah.gov/industrialhempprogram/	State hemp plan approved by the USDA as of September 14, 2020, but UT will continue to operate under its 2014 pilot rules.
Vermont	Yes	Yes*	https://medicalmarijuana.vermont.gov/	Yes	https://agriculture.vermont.gov/public-health-agricultural-resource-management-division/hemp-program	State drafting new hemp rules, but VT will continue to operate under its 2014 pilot rules. *Despite legalization in 2018, retail sales are not expected to begin until May 2022.

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Virginia	Yes	Yes	N/A	Yes	Industrial Hemp (virginia.gov)	<p>VA will continue to operate under its 2014 pilot rules.</p> <p>Recreational marijuana was legalized to begin July 1, 2021.</p> <p><i>Historical Note - In 1619, the Virginia colony passed a law requiring farmers to grow hemp.</i></p>
Washington	Yes	Yes	https://lcb.wa.gov/mj-education/general-info	Yes	https://agr.wa.gov/departments/agricultural-products/hemp	<p>State hemp plan approved by the USDA as of February 26, 2020.</p> <p>Information on hemp for marijuana licensees link</p>
West Virginia	Yes	No	www.dhhr.wv.gov/bph/Pages/Medical-Cannabis-Program.aspx	Yes	https://agriculture.wv.gov/licenses/industrial-hemp-licenses/	<p>State hemp plan approved by the USDA as of March 31, 2020 but WV will continue to operate under its 2014 pilot rules.</p>
Wisconsin	No	No	N/A	Yes	DATCP Home Hemp Research Program (wi.gov)	<p>State hemp plan under review by USDA, but WI will continue to operate under its 2014 pilot rules.</p> <p>Medical use of CBD oil is allowed.</p>

State	Medical Use	Recreational Use	State Marijuana Authority	Hemp	State Hemp Authority	Additional Notes
Wyoming	No	No	N/A	Yes	http://agriculture.wy.gov/divisions/ts/wyindustrialhemp	State hemp plan approved by the USDA as of February 26, 2020. The governor issued an update on hemp August 6. link

Territory Cannabis Policy						
Territory	Medical Use	Recreational Use	Territory Marijuana Authority	Hemp	Territory Hemp Authority	Additional Notes
Guam	Yes	Yes	www.guamtax.com/ccb/index.html			Plan for cultivation and sale are expected in April 2020 - link to news report. The Cannabis Control Board issued a fact sheet on cannabis. Guam has not submitted a hemp plan to the USDA.
Northern Marianas	Yes	Yes	https://governor.gov.mp/priorities/cannabis/	Yes		Hemp rules pending legislation Recreational use law amended August 2019 Public Law 21-05
Puerto Rico	Yes	No		Yes	www.agricultura.pr/olicpr	Hemp plan approved by USDA as of July 15, 2020.
Virgin Islands	Yes	No	www.vibehigh.vi/virgin-islands-cannabis-advisory-board-vicab/	Yes	www.vifresh.com/index.php	Hemp plan approved by USDA as of May 29, 2020.

Indian Tribe Hemp Status

Tribe	Location	Tribe Web Site	Status of Tribal Plan
Assiniboine and Sioux Tribes of the Fort Peck Reservation	MT	www.fortpecktribes.org/	Tribe will use USDA Hemp Producer Licenses
Blackfeet Nation Tribal Council	MT	https://blackfeetnation.com/	Tribe hemp plan approved by USDA.
Cahuilla Band of Indians	CA	www.cahuilla.net/	Hemp plan under review
Cayuga	NY	https://cayuganation-nsn.gov/index.html	Tribe hemp plan approved by USDA.
Cheyenne and Arapaho Tribe	OK	https://cheyenneandarapaho-nsn.gov/	Tribe hemp plan approved by USDA.
Cheyenne River Sioux	SD	www.sioux.org/	Tribe hemp plan approved by USDA.
Chippewa Cree	MT	www.chippewacree-nsn.gov/	Tribe hemp plan approved by USDA.
Colorado River Indian Tribes	AZ CA	www.crit-nsn.gov/	Tribe hemp plan approved by USDA.
Comanche Nation	OK	https://comanchenation.com/	Tribe hemp plan approved by USDA.
Confederated Tribes of Warm Springs	OR	https://warmsprings-nsn.gov/	Tribe hemp plan approved by USDA.
Cow Creek Band of Umpqua Tribe of Indians	OR	www.cowcreek-nsn.gov/	Tribe hemp plan approved by USDA.
Eastern Tribe of Cherokee Indians	NC	https://ebci.com/	Tribe hemp plan approved by USDA.
Flandreau Santee Sioux	SD	https://santee Sioux.com/	Tribe hemp plan approved by USDA.
Fort Belknap Indian Community	MT	https://ftbelknap.org/	Tribe hemp plan approved by USDA.
Fort Peck Indian Reservation	MT	http://fortpecktribes.org/index.html	Hemp plan under review
Iowa Tribe of Kansas and Nebraska	KS NE	www.iowatribeofkansasandnebraska.com/	Tribe hemp plan approved by USDA.
Kanosh Band of Paiute Indians	UT	Paiute Indian Tribe of Utah	Hemp plan under review

Tribe	Location	Tribe Web Site	Status of Tribal Plan
La Jolla Band of Luiseno Indians	CA	www.lajollaindians.com/	Tribe hemp plan approved by USDA.
Lac Courte Oreilles	WI	www.lcotribe.com/	Tribe hemp plan approved by USDA.
Little Traverse Bay Band of Odawa Indians Waganakising Odawak	MI	www.lttbbodawa-nsn.gov/	Tribe hemp plan approved by USDA.
Lower Brule Sioux Tribe	SD	Lower Brule Sioux Tribe	Tribe will use USDA Hemp Producer Licenses
Lower Sioux Indian Community	MN	https://lowersioux.com/	Tribe hemp plan approved by USDA.
Miccosukee Tribe of Indians of Florida	FL	https://tribe.miccosukee.com/	Tribe hemp plan approved by USDA.
Navajo Nation San Juan River Farm	NM	www.navajonationfarmboard.com/	Hemp plan to be resubmitted
Nez Perce Tribe	ID	https://nezperce.org/	Tribe hemp plan approved by USDA.
Oglala Sioux Tribe	SD	http://oglalalakotanation.info/index.html	Tribe hemp plan approved by USDA.
Otoe-Missouria Tribe	OK	www.omtribe.org/	Tribe hemp plan approved by USDA.
Pala Band of Mission Indians	CA	www.palatribe.com/	Tribe hemp plan approved by USDA.
Pauma Band of Luiseno Indians	CA	www.paumatribes.com	Hemp plan under review
Pawnee Nation of Oklahoma	OK	www.pawneenation.org/	Tribe hemp plan approved by USDA.
Prairie Band Potawatomi Nation	KS	www.pbpindiantribe.com/	Tribe hemp plan approved by USDA.
Pueblo of Picuris Tribe	NM	www.picurispueblo.org/	Tribe hemp plan approved by USDA.
Red Lake Band of Chippewa	MN	www.redlakenation.org/	Tribe hemp plan approved by USDA.
Rosebud Sioux Tribe	SD	www.rosebudsiouxtribe-nsn.gov/	Tribe hemp plan approved by USDA.
Sac & Fox Tribe of the Mississippi in Iowa	IA	https://meskwaki.org/	Tribe hemp plan approved by USDA.
Saint Regis Mohawk Tribe	NY	www.srmt-nsn.gov/	Hemp plan under review

Tribe	Location	Tribe Web Site	Status of Tribal Plan
San Carlos Apache Tribe	AZ	www.sancarlosapache.com/home.htm	Tribe hemp plan approved by USDA.
Santa Rosa Band of Cahuilla Indians	CA	www.santarosacahuilla-nsn.gov/	Tribe hemp plan approved by USDA.
Santee Sioux Nation	NE	http://santeesiouxnation.net/	Tribe hemp plan approved by USDA.
Seminole Nation of Oklahoma	OK	www.sno-nsn.gov/	Tribe hemp plan approved by USDA.
Seneca Nation	NY	https://sni.org/	Tribe hemp plan approved by USDA.
Shoshone-Bannock Tribe	ID	www.sbtribes.com/	Hemp plan under review
Sisseton-Wahpeton Oyate	SD	www.swo-nsn.gov/	Tribe hemp plan approved by USDA.
Soboba Band of Luiseno Indians	CA	www.soboba-nsn.gov	Tribe hemp plan approved by USDA.
Standing Rock Santee Sioux	ND	www.standingrock.org/	Tribe hemp plan approved by USDA.
Torres Martinez Desert Cahuilla Indians	CA	http://torresmartinez.org/	Tribe hemp plan approved by USDA.
Turtle Mt. Band of Chippewa Indians	ND	https://tmchippewa.com/	Tribe hemp plan approved by USDA.
Ute Mountain Ute	CO	www.utemountainutetribe.com/	Drafting hemp plan
Winnebago Tribe of Nebraska	NE	www.winnebagotribe.com/	Tribe hemp plan approved by USDA.
Yankton Sioux Tribe	SD	www.yanktonsiouxtribe.net/	Drafting hemp plan
Ysleta Del Sur Pueblo	TX	www.ysletadelsurpueblo.org/	Tribe hemp plan approved by USDA.
Yurok Tribe	CA	http://yuroktribe.org/	Tribe hemp plan approved by USDA.

Reference Documents

Document	Description	Link
2014 Farm Bill – 7 U.S.C. 5940	With the passage of the 2014 Farm Bill, a State department of agriculture or institution of higher education can grow or cultivate industrial hemp if 1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and 2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs. This page has been updated for the 2018 Farm Bill.	www.nifa.usda.gov/industrial-hemp
2014 Farm Bill - general information	USDA web page with links to reference materials	www.fsa.usda.gov/programs-and-services/farm-bill/index
2014 Farm Bill pdf	Signed February 7, 2014	https://www.ams.usda.gov/sites/default/files/media/2014FarmBill.pdf

Document	Description	Link
<p>2018 Farm Bill – 7 USC 1621</p>	<p>The 2018 Farm Bill removed hemp from the list of Schedule 1 drugs and authorized industrial hemp cultivation, transportation, and research. Hemp is defined as any part of the plant <i>Cannabis sativa</i> L. that includes a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent. The USDA plans to issue implementing regulations in 2019 to support the 2020 growing season.</p>	<p>www.congress.gov/bill/115th-congress/house-bill/2/text</p>
<p>2018 Farm Bill pdf</p>	<p>Signed December 20, 2018</p> <p>The 2018 Farm Bill (the Agriculture Improvement Act of 2018) directed USDA to develop a program by which it will review and approve plans submitted by each state, territory and Indian tribal agency outlining their production of hemp for commercial uses.</p>	<p>www.ams.usda.gov/sites/default/files/media/2018FarmBill.pdf</p>
<p>2018 Farm Bill Webinar</p>	<p>USDA conducted a three-hour webinar to solicit public comments on the hemp sections of the 2018 Farm Bill. The recorded webinar and written comments are available for review</p>	<p>www.ams.usda.gov/event/2018-farm-bill-webinar-domestic-hemp-production-program</p>
<p>2021 Continuing Resolution</p>	<p>Signed on December 27, 2020</p> <p>Officially known as “Continuing Appropriations Act, 2021” [Section 782] extends the states’ ability to operate under their 2014 hemp pilot rules from September 30, 2021 to January 1, 2022.</p>	<p>Consolidated Appropriations Act, 2021</p>

Document	Description	Link
21 CFR Part 1308	Established marihuana [sic] extract as a separate Schedule 1 drug	www.gpo.gov/fdsys/pkg/FR-2016-12-14/pdf/2016-29941.pdf
Cole Memorandum	The Cole Memorandum was rescinded on January 4, 2018.	www.justice.gov/opa/pr/justice-department-issues-memo-marijuana-enforcement
Continuing Appropriations Act, 2020, and Health Extenders Act of 2019	Signed into law September 27, 2019. Also known as H.R. 4378 – provides \$16.5 million to continue the implementation of the Hemp Production Program (Section 10113 of Public Law 115-334).	www.congress.gov/bill/116th-congress/house-bill/4378/text
Controlled Substances Act 21 USC §812	The Controlled Substances Act (CSA), passed into law in 1970, is the statute prescribing federal U.S. drug policy. The statute places all substances into five schedules, and is based upon the substance's medical use, potential for abuse, and safety or dependence liability. Schedules also determine the extent of prosecution and regulation. Marijuana is a Schedule 1 drug.	www.dea.gov/druginfo/csa.shtml
Controlled Substances Act changes	SEC. 12619 Conforming Changes to Controlled Substances Act removes hemp from Schedule 1	21 U.S.C. 802(16)

Document	Description	Link
Crop Insurance for Hemp	USDA's Risk Management Agency has both whole farm revenue protection and multi-peril crop insurance options available for certain hemp growers – see programs for details	www.rma.usda.gov/ www.rma.usda.gov/en/News-Room/Press/Press-Releases/2019-News/Hemp-Crop-Insurance-Coverage-Available-for-2020 www.rma.usda.gov/en/News-Room/Press/Press-Releases/2019-News/USDA-Announces-Pilot-Insurance-Coverage-for-Hemp-Growers www.usda.gov/media/radio/daily-newsline/2020-12-04/improvements-hemp-multi-peril-crop-insurance
EPA Approved Pesticides for Hemp	The Environmental Protection Agency (EPA) has published a list of pesticides that are approved for use on hemp since December 2019, including biopesticides.	Pesticide Products Registered for Use on Hemp
FDA FAQs on Cannabis and Cannabis Derived Products	FDA has concluded that THC and CBD products are excluded from the dietary supplement definition. FDA held a hearing in May 2019 to gather information about CBD.	www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-questions-and-answers www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd

Document	Description	Link
<p>FDA Statement on regulation of products containing cannabis and cannabis derived compounds</p>	<p>It is unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements, regardless of whether the substances are hemp-derived</p>	<p>www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm628988.htm</p>
<p>FIN-2014-G001 FinCEN BSA Guidance</p>	<p>FinCEN guidance, titled <i>BSA Expectations Regarding Marijuana Related Businesses</i>, clarifies how financial institutions can provide services to marijuana related businesses (MRB). The guidance provides detail on how to assess the risk of a marijuana-related business, including information that should be collected during customer due-diligence. Additionally, FinCEN provides guidance on how to file suspicious activity reports (SARs) and currency transaction reports (CTRs) for MRBs, including red flags that should be considered when filing a Priority SAR.</p>	<p>www.fincen.gov/sites/default/files/shared/FIN-2014-G001.pdf</p>

Document	Description	Link
<p>FinCEN Marijuana Banking Update</p>	<p>As of December 31, 2020, FinCEN has received a total of 170,975 SARs using the key phrases associated with MRBs. Several of the SARs contain more than one key phrase, which accounts for the numbers for each key phrase being greater than the total.</p> <p>515 banks and 169 credit unions filed MRB SARs. The number of institutions filing continues to fall from the high of 747 reported in November 2019.</p> <ul style="list-style-type: none"> • FinCEN received 130,709 SARs from filers using the key phrase “Marijuana Limited.” • FinCEN received 12,605 SARS from filers using the key phrase “Marijuana Priority.” • FinCEN received 36,932 SARs from filers using the key phrase “Marijuana Termination.” 	<p>www.fincen.gov/frequently-requested-foia-processed-records</p>
<p>FinCEN Guidance for Hemp-Related Business Customers</p>	<p>FinCEN Guidance Regarding Due Diligence Requirements under the Bank Secrecy Act for Hemp-Related Business Customers June 29, 2020</p>	<p>www.fincen.gov/sites/default/files/2020-06/FinCEN_Hemp_Guidance_508_FINAL.pdf</p>

Document	Description	Link
Hemp Production Program Regulation	<p>USDA issued an interim final rule establishing the plan and regulations to produce hemp on October 31, 2019.</p> <p>USDA issued a final rule January 19, 2021 which became effective March 22, 2021.</p>	<p>www.federalregister.gov/documents/2019/10/31/2019-23749/establishment-of-a-domestic-hemp-production-program</p> <p>Federal Register: Establishment of a Domestic Hemp Production Program</p>
Joint Guidance on Providing Financial Services to Hemp-Related Businesses	<p>Joint Guidance on Providing Financial Services to Customers Engaged in Hemp-Related Businesses issued by CSBS, FDIC, Federal Reserve, FinCEN, and the OCC December 3, 2019</p>	<p>www.fdic.gov/news/news/press/2019/pr19115a.pdf</p>
NCUA Guidance for Servicing Hemp Related Businesses	<p>The NCUA issued a Regulatory Alert, 19-RA-02 Serving Hemp Businesses August 2019 and a follow-up credit union letter 20-CU-19 Additional Guidance Regarding Servicing Hemp-Related Businesses June 2020</p>	<p>19-RA-02 Serving Hemp Businesses</p> <p>20-CU-19 Additional Guidance Regarding Servicing Hemp-Related Businesses</p>
More information on hemp	<p>The 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the United States. USDA established the U.S. Domestic Hemp Production Program through an interim final rule. This rule outlines provisions for the USDA to approve plans submitted by States and Indian Tribes for the domestic production of hemp. It also establishes a Federal plan for producers in States or territories of Indian tribes that do not have their own USDA-approved plan.</p>	<p>Members of the industry with questions about the U.S. Domestic Hemp Production Program should contact the Agricultural Marketing Service (AMS) at 202-720-2491 or farmbill.hemp@usda.gov.</p>

Document	Description	Link
USDA Agricultural Marketing Service Hemp Website	The Agricultural Marketing Service has been designated as the lead USDA agency to administer the new Hemp Production Program.	Hemp Production Agricultural Marketing Service (usda.gov)
USDA Agricultural Marketing Service Q&As	Hemp production questions and answers maintained by the USDA	Hemp Production Program Questions and Answers
USDA Clarification for Tribes	USDA clarified hemp production for Indian Tribes on May 28, 2019 and provided an updated on October 31, 2019.	USDA Clarifies Industrial Hemp Production for Indian Tribes
USDA Enforcement Discretion	USDA announced a delay in the enforcement of the testing and hot hemp disposal requirements based on comments received on February 27, 2020. Additional “common on-farm practices” allowed as hemp disposal activities are described.	Enforcement Discretion Hemp Disposal Activities
USDA Final Hemp Rule	Final rule on hemp production (7 CFR 990) published January 19, 2021 effective March 22, 2021.	Hemp Production Hemp Rulemaking Documents
USDA Hemp Analytical Testing Laboratories	Laboratories testing hemp for THC concentration under the Hemp Production Program must be registered with the Drug Enforcement Administration (DEA) to handle controlled substances.	Hemp Analytical Testing Laboratories

Document	Description	Link
USDA Hemp Web Site for Farmers	The USDA maintains a web site with information for hemp farmers that includes links to policies and frequently asked questions on topics such as crop insurance.	Hemp and Farm Programs Farmers.gov

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