



# PROGRAM OVERVIEW

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## Industrial Hemp Program

Updated May 2021

*Agriculture.Mo.Gov*

Agriculture.mo.gov

The screenshot shows the Missouri Department of Agriculture website. At the top, there is a navigation bar with the logo and text "MISSOURI Dept. of Agriculture". To the right of the logo are links for "MO.gov", "Governor Parson", "Find an Agency", "Online Services", and a search bar. Below this are social media icons for RSS, email, YouTube, Twitter ("Follow Us"), Facebook ("Like Us"), and a "Get updates" button. A secondary navigation bar contains menu items: "Ag Business", "Animals & Livestock", "Grains", "Plants & Pests", "Weights & Measures", and "Consumers". The "Plants & Pests" menu is open, showing a list of sub-items: "Feed", "Industrial Hemp Program", "MOPlants", "Nurseries & Greenhouses", "Pesticide Control", "Plant Pest", "Produce Safety", "Seed", "Sudden Oak Death", and "Treated Timber". The "Industrial Hemp Program" item is circled in red. Below the navigation is a large banner with the text "Animal Health Update" and a background image of hands holding a plant. Underneath the banner is a purple box with white text: "COVID-19 Update: The Department of Agriculture remains open for all critical services. We encourage Missourians to use online and over-the-phone services as a primary solution; however, our buildings will be open upon appointment." At the bottom of the page, there is a "COVID-19 STATE TEAM" button with a map of Missouri and a "Have questions?" button with a speech bubble icon.



## Industrial Hemp Program

The Missouri Department of Agriculture's Industrial Hemp Program regulates the production and sales of viable industrial hemp in accordance with federal and state law. Viable industrial hemp is any industrial hemp that is living or capable of living, including but not limited to plants, clones, seedlings and seed.

The Program issues registrations and permits, and certifies samplers for Missouri's industrial hemp industry. A *Producer Registration* is for persons looking to produce viable industrial hemp. An *Agricultural Hemp Propagule and Seed Permit* is for persons looking to sell, distribute or offer for sale viable industrial hemp including but not limited to clones, seedlings and seed. An *Industrial Hemp Sampler Certification* is for persons looking to collect compliance samples for Registered Producers. The Program does not regulate non-viable industrial hemp, including publicly marketable products, and does not offer a processor, transporter or handler license. Questions about products for human consumption may be directed to the **Missouri Department of Health and Senior Services**.

**Missouri State Plan – Approved by USDA in Sept. 2020** 

**Missouri Industrial Hemp Statute: RSMo. 195.740 – 195.773**

**Missouri Industrial Hemp Program Rules: 2 CSR 70-17.010-17.130** 

- **Applications**
- **Registered Producers**
- **Permit Holders**
- **Certified Sampler**
- **Frequently Asked Questions**
- **Additional Resources**

## Plants & Pests

- **Plants & Pests**
- **Feed**
- **Industrial Hemp**
  - **Applications**
  - **Registered Producers**
  - **Permit Holders**
  - **Certified Sampler**
  - **Frequently Asked Questions**
  - **Additional Resources**
- **Integrated Pest Management**
  - **Noxious Weeds**
- **Nurseries & Greenhouses**
- **Pesticide Control**
  - **Certification & Licensing**
  - **Database Searches**
  - **Endangered Species**
  - **Enforcement & Inspections**
  - **Registering Pesticides**
  - **Worker Protection**

More information available on these tabs

# Hemp Program Staff

**Alan Freeman**

Program Administrator

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Program Coordinator

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Email is best contact method

# Program History – 1 of 2

- **Dec 2018:** 2018 Farm Bill
  - Basics of State Plan requirements; more details to come with IFR
- **Oct 2019:** Federal (IFR) Interim Final Rule
  - Implementation details stemming from 2018 Farm Bill
- **Nov 2019:** Missouri proposed rules comment period
- **Jan 2020:** Missouri rules incorporating public comment, 2018 Farm Bill, & IFR requirements became effective
  - Program began accepting applications; first year of commercial production in MO
- **Sept 2020:** Missouri State Plan approved by USDA
  - State Plan reflects program rules already in place; no regulatory changes



# Program History – 2 of 2

- **Jan 2021:** USDA published final federal rule
  - Many changes to federal rule required changes to Missouri rule & protocols
- **Mar 2021:** Final federal rule became effective
  - States, tribes, & territories have until the end of 2021 to have a new Plan submitted & approved
- **Mar 2021:** MDA submitted amendment to the State Plan
- **May 2021:** USDA approved Missouri's amended State Plan
  - USDA's authorization allows for immediate changes
  - Changes require rule revisions; emergency and proposed rules are submitted



# Program Regulatory Authority

- **Regulates *viable* industrial hemp**
  - Viable industrial hemp is plant material capable of living or growing, such as seed and live plant material, including but not limited to clones, cuttings, and seedlings
  - Industrial hemp is *Cannabis sativa L.* not exceeding **0.3% Total THC**
- **Does not regulate *non-viable* industrial hemp**
  - Non-viable industrial hemp is plant material *not* capable of living or growing, including harvested fiber and seedless floral material
  - No processor, extractor, handler or transporter licenses offered
  - Publicly marketable products may be regulated by other programs, agencies, or entities depending on their intended use

# Program Applications Available

- **Producer Registration**
  - Produce hemp
- **Agricultural Hemp Propagule & Seed Permit**
  - Sales of viable hemp
    - Viable = capable of living, growing
      - Propagules (clones, cuttings, seedlings, transplants, etc.) and seed
    - “Sales” includes selling, distributing, or offering for sale
- Must have one of the above to **obtain or possess** viable hemp in MO
- Separate applications & fees, if both needed
- No processor, extractor, handler or transporter licenses offered





# Application Requirements

- **Basic application requirements**
  - Completed application form(s)
  - Background check for applicant and executive managers
    - No controlled substance-related felony convictions in the last ten years
  - Map of property
  - \$750 per application (due annually for renewal)
- Currently a **mail-in only** process
  - Forms available online to download

# General Application Information

- No submission deadline
  - Rolling application & approval
- No limit on number of licenses issued
- No minimum or maximum size of operation

# Public Listing

- License information is publicly available

<https://agriculture.mo.gov/plants/industrial-hemp/registrations-and-permits.pdf>

- ‘Approved Operations’ list online includes:

- License number
- Individual or business name (depending on application)
- Business city, state, zip code

- *Other information available through Missouri Sunshine request*

- You may receive communications from suppliers, buyers, laboratories, consultants, etc.

# Sourcing Seed and Propagules

- **Can be purchased from:**
  - Missouri Agricultural Hemp Propagule and Seed Permit holder
  - Supplier with hemp license in another state/tribe/territory
  - Supplier approved by USDA for international import
- No approved varieties list
- No Certified seed required

# Site Considerations

- **Can produce anywhere within your registered parcel**
  - *Except:* production cannot occur within a residential structure, including starting seedlings, rooting cuttings, etc.
- No security requirements (fencing, cameras, signage, etc.)
- No zoning or setback limits
- **But check with your local, city, or county officials for any requirements they may have**

# Planting

- Planting may begin as soon as you receive your approval certificate
- **Planting must be reported:**
  - To MDA, within 30 days of planting; and
  - To the Farm Service Agency (FSA)

# MDA Planting Report

Identifies “lots” by variety, location

Lot = group of plants of the same variety/strain in a continuous area



<https://www.pexels.com/photo/bird-s-eye-view-of-river-in-middle-of-green-fields-1483886/>

# Other Reporting

- **Other Records**
  - Lot Report (similar to a crop notebook)
  - Distribution & Sales Report (viable transactions)
  - Maintain all records for three (3) years
- **Annual Reports**
  - Basic summary including total acres planted, harvested, destroyed
  - Instructions provided each fall



# Inspections

- **Minimum of one inspection per 3-year period**
  - Randomly selected & as-needed
  - Appointment scheduled
- **Includes:**
  - Review of records (including previous years)
  - Crop inspection

# Pesticide Use on Hemp

- EPA has approved 59 products as of May 2021
  - <https://www.epa.gov/pesticide-registration/pesticide-products-registered-use-hemp>
- All products in the channels of trade in Missouri must also be registered in Missouri
  - Check here for MO registration status:  
<https://apps.mda.mo.gov/moplants/ProductRegFSA/BrandSearch.aspx>
- MU Extension List of “Industrial Hemp Pesticides in Missouri”
  - <https://extension.missouri.edu/publications/g4705>
  - Note the last updated date when reviewing; products may have become eligible since the last edition

# Compliance Sampling

- **Each lot must be sampled within 30 days prior to harvest in accordance with the MDA Sampling Protocol**
  - Lot: group of plants of the same variety/strain in a continuous area
  - Have cuttings collected from a random selection of plants to form composite sample (quantity determined by size of planting)
- **Can harvest immediately after sampling, up through the 30<sup>th</sup> day**
  - If not completely harvested within the window, must resample remaining plants as a new lot

# Certified Samplers

- Compliance samples must be collected by a **Certified Industrial Hemp Sampler (CIHS)**
  - Third-party individuals who are hired by producers
    - *Not* employees, representatives, inspectors, or contractors of MDA
  - CIHS cannot collect samples for registrations:
    - In their name
    - In their employer's name
    - In which they are a key participant

# Certified Sampler Requirements

- **Requirements for CIHS certification:**
  - Training course
  - Pass exam (80%+)
  - Application (+ \$50 application fee)
- **List of certified individuals available online**

# Testing Laboratories

- **May select any testing laboratory that meets:**
  - Qualifications:
    - **ISO/IEC 17025 accredited;**
    - **AND**
    - **After 12/31/2022, lab must also be DEA-Registered**
  - USDA reporting requirements
  - Testing requirements
  - Your business needs
    - Price, turnaround, other available tests (terpenes, metals), etc.

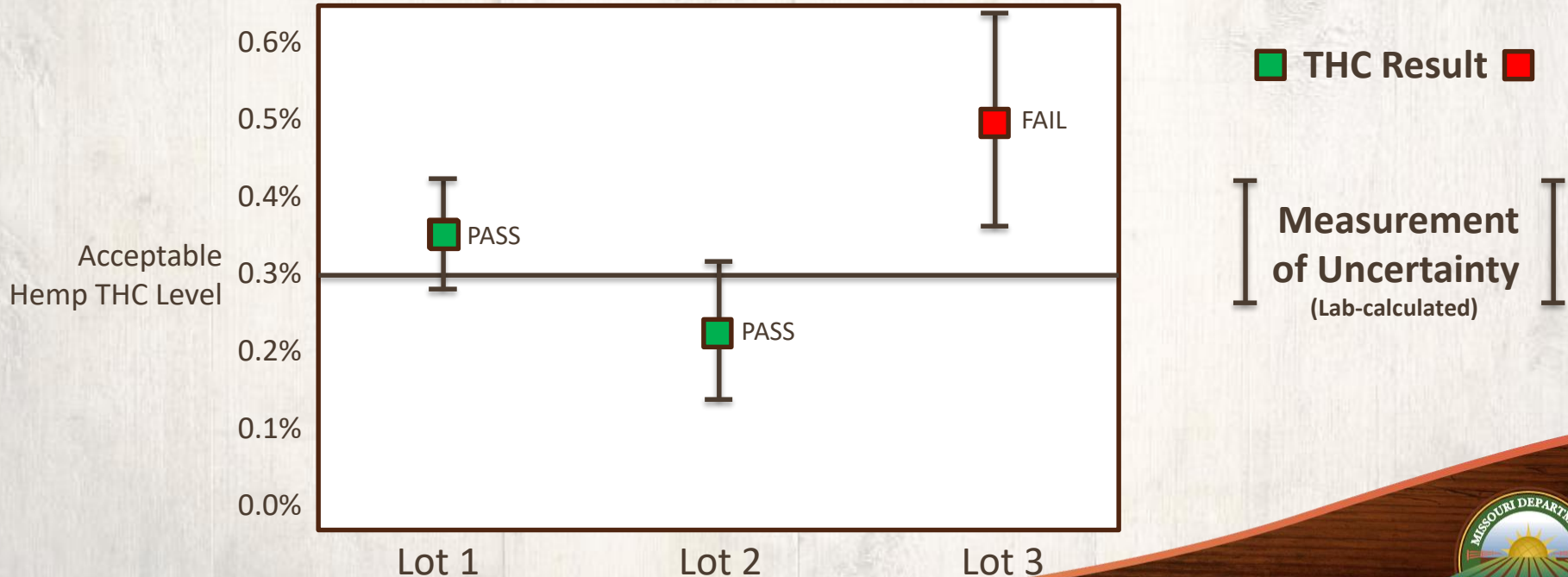
Can use out-of-state laboratory, if desired

# Compliance Testing Factors

- Compliance determined by:
  - **0.3% Total THC**
    - May be calculated by:  $\text{Delta-9 THC} + (\text{THCa} \times .877)$ ; or
    - Directly measured as *decarboxylated* Delta-9 THC
      - Includes the conversion of THCa into Delta-9 THC
  - **Measurement of Uncertainty “MU”**
    - Lab-calculated
    - Similar to margin of error

# Acceptable Hemp THC Level

*Results that contain (or are below) the 0.3% Total THC threshold are a “pass”.*





# Test Results: Compliant

- **Compliant ( $\leq 0.3\%$  Total THC)**
  - Submit test results to MDA within seven (7) days
  - Once non-viable (harvested), it may enter commerce and is no longer regulated by the MDA Hemp Program
    - Products themselves may be regulated by other programs, agencies, or entities depending on their use

# Test Results: Non-Compliant

- **Not compliant (>0.3% Total THC)**
  - Submit test results to MDA within seven (7) days
  - Producer may request for the lab to retest the sample already in the lab's possession
  - If no retest is requested or the retest is also “hot”, the lot must be **remediated or destroyed**

# Remediation

- If the pre-harvest compliance sample exceeds 0.3% Total THC, the lot may be eligible for remediation
  - Step 1: Remediation Method
    - Option A: Homogenizing
    - Option B: Destroying floral material only
  - Step 2: Resampling/retesting



# Remediation Test Results

- **If the remediation test results are:**
  - Not compliant ( $>0.3\%$  Total THC)
    - Lot must be destroyed
  - Compliant ( $\leq 0.3\%$  Total THC)
    - Eligible materials may enter commerce and are no longer regulated by the MDA Hemp Program
      - Products themselves may be regulated by other programs, agencies, or entities depending on their use
      - **Seeds cannot be used for propagation (replanting)**

# Basics of Destruction Process

1. MDA issues Order of Destruction
2. Producer completes destruction by approved method
  - On-site farm practices (disking, plowing, etc.) that render the crop unusable & non-retrievable
3. Missouri State Highway Patrol certifies destruction is complete

# Negligence – Three Strikes

- Any producer who receives 3 negligence violations within a 5-year period will be ineligible for 5 years
  - Producing without a license; or on an unlicensed site
  - Producing >1.0% total THC



**QUESTIONS?**

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