



Rules of Department of Agriculture

Division 70—Plant Industries

Chapter 17—Industrial Hemp

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**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 17—Industrial Hemp**

2 CSR 70-17.010 Definitions

PURPOSE: This rule lists definitions for Chapter 17. The terms defined in sections 195.010 and 195.740, RSMo, in addition to other relative terms pertaining to the industrial hemp program will be applied for use in 2 CSR 70-17.010 to 2 CSR 70-17.130.

(1) Acceptable industrial hemp THC level (acceptable THC level)—when the application of the measurement of uncertainty to the reported delta-9 THC content concentration level on a dry weight basis produces a distribution range that includes three-tenths of one percent (0.3%) or less. Any certificate of analysis that does not include a measurement of uncertainty, the measurement of uncertainty is deemed zero percent (0.00%).

(2) Agent—any family member, employee, contracted employee, or farmhand of a registered producer or permit holder.

(3) Agricultural hemp propagule (propagule)—as defined in subdivision 1 of section 195.740, RSMo.

(4) Agricultural hemp propagule and seed permit (permit)—permit issued by the Missouri Department of Agriculture to persons authorized to sell, distribute, or offer for sale any viable industrial hemp propagules or viable seeds.

(5) Agricultural hemp seed (seed)—as defined in subdivision 2 of section 195.740, RSMo.

(6) Applicant—a natural person authorized to sign for a person, who submits an application for a producer registration or an agricultural hemp propagule and seed permit so that they may produce, sell, distribute, or offer for sale any viable industrial hemp.

(7) Certificate of analysis—a certificate from a testing laboratory describing the results of the laboratory's testing of a sample.

(8) Certified industrial hemp sampler (certified sampler)—a person that meets the requirements established by the department for conducting field sampling of industrial hemp.

(9) Delta-9 tetrahydrocannabinol (THC)—delta-9 tetrahydrocannabinol measured using

postdecarboxylation or other similarly reliable methods approved by the United States Department of Agriculture (USDA).

(10) Department—the Missouri Department of Agriculture.

(11) Destruction (disposal)—rendered unusable by burning, incorporating with other materials, or other manner approved by the department.

(12) Farm Service Agency (FSA)—an agency of the USDA

(13) Harvest—the termination of the cultivation of viable industrial hemp, or the collection of viable seed.

(14) Indoor cultivation facility—any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building, a vehicle, or designed for use as a dwelling.

(15) Industrial hemp—as defined in subdivision 24 of section 195.010, RSMo.

(16) Key participant—a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control such as a chief executive officer, chief operating officer, or chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

(17) Lot—a group of plants of the same cannabis variety or strain in a contiguous area in a field, greenhouse, or indoor growing structure.

(18) Measurement of Uncertainty (MU)—the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(19) Parcel—land with a separate legal description on which an applicant, registered producer, or permit holder plans to or produces, sells, distributes, or offers for sale any viable industrial hemp.

(20) Permit holder—any person who holds a valid Agricultural Hemp Propagule and Seed Permit.

(21) Person—includes, but is not limited to, a natural person, sole proprietorship, partnership, limited liability corporation, limited liability partnership, company, association, gov-

ernment agency, governmental subdivision, business, cooperative, joint venture, or non-profit organization.

(22) Producer registration (registration)—registration issued by the department to persons authorized to produce viable industrial hemp.

(23) Publicly marketable product—any industrial hemp product that does not include any living hemp plants, viable seeds, viable roots, viable leaf materials, or viable floral materials, and contains no material with a delta-9 THC concentration exceeding three-tenths of one percent (0.3%) on a dry weight basis.

(24) Registered producer—any person who holds a valid producer registration for the production of industrial hemp.

(25) Testing laboratory—a laboratory—
(A) Is registered with the Drug Enforcement Agency (DEA) or other requirements established by the United States Department of Agriculture; or

(B) Is accredited or has begun the process of accreditation as a testing laboratory to International Organization for Standardization (ISO/IEC) 17025 by a third-party accrediting body such as the American Association for Laboratory Accreditation (A2LA), ANSI-ASQ National Accreditation Board (ANAB), or American Society of Crime Laboratory Directors (ASCLD). The laboratory must be accredited and also have the cannabis testing they perform on their scope of accreditation by December 31, 2023.

(26) Viable industrial hemp—plant material capable of living or growing, including agricultural hemp seeds and agricultural hemp propagules.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.020 Registration and Permit Application Requirements

PURPOSE: This rule explains the requirements for producer registrations and agricultural hemp propagule and seed permits.

(1) Persons must obtain—
(A) A producer registration in order to



produce viable industrial hemp; and

(B) An agricultural hemp propagule and seed permit in order to sell, distribute, or offer for sale any viable industrial hemp.

(2) Each applicant for a producer registration or agricultural hemp propagule and seed permit must complete and submit an application on a form provided by the department.

(3) Persons must apply for a separate registration or permit for each noncontiguous parcel of land where viable industrial hemp will be produced, sold, distributed, or offered for sale.

(4) No application shall include any parcel of land not owned or rented by the person.

(5) The applicant and all key participants applying for the producer registration must meet the requirements of a state and federal fingerprint criminal history background check listed in 2 CSR 70-17.030.

(6) A complete producer registration application must provide the following:

(A) The complete legal name, mailing address, email, and phone number of the applicant and person;

(B) The person's state of residence or domicile;

(C) Type of business entity, if applicable;

(D) Legal description, street address, and Global Positioning System (GPS) coordinates for the parcel(s) of land used for producing industrial hemp; and

(E) A detailed map of the parcel(s) of land on which the person plans to produce industrial hemp, which includes the following information:

1. The boundaries, dimensions, and GPS coordinates of the parcel;

2. Planned number of acres and/or square footage for production of industrial hemp; and

3. Location of buildings or facilities where viable industrial hemp may be held.

(7) A complete agricultural hemp propagule and seed permit application must provide the following:

(A) The complete legal name, mailing address, email, and phone number of the applicant and person;

(B) The person's state of residence or domicile;

(C) Type of business entity, if applicable;

(D) Legal description, street address, and Global Positioning System (GPS) coordinates for the parcel(s) of land used to sell, distribute, or offer for sale viable industrial hemp;

and

(E) A detailed map of the parcel(s) of land on which the applicant plans to sell, distribute and/or offer for sale viable industrial hemp, including the location of buildings or facilities.

(8) Each registration or permit application must be submitted along with a nonrefundable fee payable to the Missouri Department of Agriculture as established in 2 CSR 70-17.070.

(9) Applications will not be processed until all required materials are received. Incomplete applications will expire sixty (60) days from the time the department notifies the applicant of missing documentation. If an application expires, the applicant must resubmit all documentation and associated fees.

(10) The department shall notify applicants by letter or email whether the application has been denied or approved.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.030 State and Federal Fingerprint Criminal History Background Check Requirements

PURPOSE: This rule explains the state and federal fingerprint criminal history background check requirements.

(1) Each applicant and key participant must complete and pay for a state and federal fingerprint criminal background check within thirty (30) days of submitting an application for a producer registration and renewal of a producer registration.

(2) All required state and federal fingerprint criminal background checks shall be provided to the department through the Missouri State Highway Patrol automated system.

(3) Failure to submit all required state and federal fingerprint criminal background checks shall be grounds for denial.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed*

Sept. 30, 2019, effective May 30, 2020.

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.040 Industrial Hemp Pilot Program Grower and Handler Registration Agreement

(Rescinded May 30, 2020)

AUTHORITY: section 195.773, RSMo Supp. 2018. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency rescission filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Rescinded: Filed Sept. 30, 2019, effective May 30, 2020.

2 CSR 70-17.050 General Provisions for Registered Producers and Agricultural Hemp Propagule and Seed Permit Holders

PURPOSE: This rule explains general provisions for registered producers and agricultural hemp propagule and seed permit holders.

(1) No person shall obtain, possess, produce, distribute, sell, or offer for sale any viable industrial hemp in Missouri, including viable industrial hemp propagules or viable industrial hemp seed, without a valid producer registration or permit.

(2) Registrations and permits are effective on the date of issuance by the department and shall expire three (3) years from the last day of the month in which the registration or permit was issued. To renew a registration or permit at the end of the three- (3-) year period, registered producers and permit holders are required to satisfy all application requirements including completion of a state and federal fingerprint criminal background check, if applicable.

(3) Registered producers must also obtain an agricultural hemp propagule and seed permit to sell, distribute, or offer for sale any viable propagules or viable seed.

(4) Permit holders must also obtain a producer registration to produce propagules or seed or to hold or store propagules for a period of forty-eight (48) hours or more.

(5) All registered producers and permit holders are subject to inspection, investigation, and sampling to verify compliance with the applicable laws, regulations, and guidelines.

(6) Any registered producer or permit holder shall destroy, without compensation, in accordance with department protocol:



(A) Any industrial hemp located in an area not identified on the application; or

(B) Any lot that tests out of compliance in accordance with 2 CSR 70-17.100.

(7) Persons shall hold the department harmless, release the department from liability, and waive the right to sue the department for any claims arising from matters associated with industrial hemp.

(8) Any registered producer, permit holder, or their agent, shall have the following in their possession when transporting viable industrial hemp within the state or shall include with viable industrial hemp transported by a third-party:

(A) A copy of their valid producer registration or agricultural hemp propagule and seed permit;

(B) A certificate of analysis for each lot in transport, if applicable;

(C) A bill of lading, if applicable; or

(D) A chain of custody form, if applicable.

(9) Third-party commercial transportation of viable industrial hemp is exempt from registration and permit requirements.

(10) Registered producers shall report hemp crop acreage to the Farm Service Agency annually.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.060 Modification of Grower and Handler Applications and Fees (Rescinded May 30, 2020)

AUTHORITY: section 195.773, RSMo Supp. 2018. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency rescission filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Rescinded: Filed Sept. 30, 2019, effective May 30, 2020.

2 CSR 70-17.070 Industrial Hemp Program Fees

PURPOSE: This rule explains registration, permit, and other related fees.

(1) The applicant, registered producer, or permit holder must pay all fees as established in applicable laws and regulations. All fees are nonrefundable.

(2) Applicants must submit a seven hundred fifty dollar (\$750) fee with each registration or permit application.

(3) Registered producers and permit holders must pay an annual fee of seven hundred fifty dollars (\$750) for the second and third year of registration. Annual fees are due by the end of the month of the anniversary date of the initial approval.

(4) If fees are not paid by the due date, a late fee of twenty-five percent (25%) may be assessed for fees that are up to thirty (30) days past due. A late fee of fifty percent (50%) may be assessed for fees thirty-one (31) to sixty (60) days past due. Fees not paid within sixty (60) days of the due date will result in revocation of the producer registration or permit.

(5) The department may invoice registered producers and permit holders for all applicable destruction certification expenses. Such fees will be commensurate with the Missouri State Highway Patrol or local law enforcement agencies' costs for certifying crop destruction. The destruction certification fee shall be due thirty (30) days after the invoice date.

(6) The department may invoice registered producers and permit holders for all related inspection, investigation, and sampling costs, including mileage charged at the federal mileage rate, and all related laboratory analysis costs.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.080 Site Access for Missouri Department of Agriculture (MDA) and Law Enforcement Inspection

PURPOSE: This rule explains the site access requirements.

(1) The department will provide information to the Missouri State Highway Patrol about the registered producer or permit holder's operation as it relates to the production, sale, distribution, or offer for sale of viable

industrial hemp at locations as indicated on the application.

(2) Registered producer or permit holders shall have no reasonable expectation of privacy from the department or law enforcement, with respect to the parcel of land where viable industrial hemp is produced, sold, distributed, or offered for sale.

(3) A registered producer or permit holder, whether present or not, must allow the department or a representative of any law enforcement agency to enter the parcel of land or structure, with or without cause, where viable industrial hemp is produced, sold, distributed, or offered for sale.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.090 Inspection of Site, Crop, and Sampling Requirements for Laboratory Analysis (Responsibilities of Registered Grower and Handler) (Rescinded May 30, 2020)

AUTHORITY: section 195.773, RSMo Supp. 2018. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency rescission filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Rescinded: Filed Sept. 30, 2019, effective May 30, 2020.

2 CSR 70-17.100 Sampling Requirements and Results of Analysis

PURPOSE: This rule explains the sampling requirements and results of analysis for the program.

(1) All industrial hemp lots produced within a parcel of land must be sampled in accordance with the department's sampling protocol and tested by a testing laboratory to ensure compliance with applicable laws and regulations.

(2) All samples used to determine compliance with applicable laws and regulations must be collected by a certified sampler or authorized department personnel. All samples used to determine compliance with applicable laws and regulations must be submitted to a testing



laboratory for analysis.

(3) Requirements for a person to qualify as a certified sampler include:

(A) Complete a training course approved by the department;

(B) Pass a certification test with a score of no less than eighty percent (80%);

(C) Submit a certified industrial hemp sampler application; and

(D) Submit a non-refundable application fee of fifty dollars (\$50) to the department at the time of application.

(4) An industrial hemp sampler certification is valid for a period of three (3) years unless revoked by the department. Certifications can be renewed by completing the requirements set in 2 CSR 70-17.100(3) to qualify as a certified sampler. Certified samplers must pay an annual fee of fifty dollars (\$50) for the second and third year of certification. Annual fees are due by the end of the month of the anniversary date of the initial approval.

(5) Certified samplers or authorized department personnel shall—

(A) Adhere to the department sampling protocol for collection and handling of samples; and

(B) Complete and attach a department chain of custody form to each sample.

(6) No certified sampler shall sample a lot for a registration in—

(A) His or her name;

(B) His or her employer's name; or

(C) Which he or she is a key participant.

(7) The department may revoke the sampler's certification if he or she—

(A) Admits to or has been found by the department to have violated proper procedures established in the department's hemp sampling protocol;

(B) Makes any false statements to the department, Missouri State Highway Patrol or any law enforcement agency with regard to industrial hemp; or

(C) Fails to comply with any order from the department or any order regarding industrial hemp from the Missouri State Highway Patrol or any law enforcement agency.

(8) Sampled plant material from separate lots shall not be commingled.

(9) Samples must be taken within fifteen (15) days prior to harvest.

(10) The lot is a publicly marketable product if the sample used to determine compliance with applicable laws and regulations meets the definition of acceptable THC level.

(11) For any sample exceeding the acceptable

THC level, the registered producer may request the laboratory to retest the sample. The registered producer must notify the department and the laboratory of the request in writing.

(12) If a retest is not requested or the retest exceeds the acceptable THC level, the department will issue an order of destruction to the producer.

(13) Registered producers must maintain a copy of each certificate of analysis as part of the Industrial Hemp Plant Monitoring System for a period of three (3) years from the date of analysis.

(14) Registered producers must submit certificates of analysis for all samples used to determine compliance with applicable laws and regulations to the department.

(A) Registered producers must submit to the department, within three (3) business days of receipt, copies of any certificate of analysis that show the tested sample measured above the acceptable THC level as evidence that the lot does not comply with applicable laws and regulations.

(B) Registered producers must submit to the department, within thirty (30) business days of receipt, copies of any certificate of analysis that show the tested sample measured within the acceptable THC level as evidence that the lot does comply with applicable laws and regulations.

(15) The department may issue to the registered producer or permit holder an order of destruction for any lot testing out of compliance. Destruction must be completed by the registered producer or permit holder within fifteen (15) days of receipt of the department's order of destruction. The Missouri State Highway Patrol or local law enforcement agency must complete certification of crop destruction. In addition—

(A) The registered producer or permit holder must maintain a destruction report; and

(B) The registered producer or permit holder must submit a copy of the destruction report to the department within thirty (30) business days of crop destruction.

(16) All harvested lots awaiting a certificate of analysis shall not be processed, commingled, or sold until compliant test results are obtained.

(17) Registered producers or permit holders are financially responsible for all costs associated with contracting laboratory services, sample collection, delivery of samples to the testing laboratory, and laboratory analysis.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.110 Industrial Hemp Plant Monitoring System Requirements

PURPOSE: This rule explains the industrial hemp plant monitoring system requirements for viable industrial hemp.

(1) All registered producers and permit holders must keep and maintain an Industrial Hemp Monitoring System for all records, reports, data, and certificates of analysis relating to the planting, cultivation, harvest, sampling, storage, destruction, sale, or distribution of viable industrial hemp. All records, reports, data, and certificates of analysis must be kept for a period of three (3) years from the date of each activity.

(2) All hemp monitoring system data shall be available for inspection and auditing during regular department business hours, or upon request in writing. The department shall be furnished complete copies of these records within ten (10) business days of receipt of request.

(3) Registered producers shall maintain the following:

(A) Planting Reports—

1. Registered producers must record, within thirty (30) days of planting, a planting report, including the replanting of seeds or propagules on a parcel of land. For each industrial hemp lot planted, the planting report shall contain:

A. GPS coordinates for the parcel of land;

B. The number of acres or square footage of each variety planted;

C. The GPS coordinates for each lot planted; and

D. The seed bag label or tag, bulk seed certificate, bill of lading/invoice for propagule(s), or documentation stating the origin of the industrial hemp.

(B) Sample Analysis Reports—

1. Certificates of analysis for all industrial hemp lots sampled by a certified sampler and tested by a testing laboratory must be kept for a period of three (3) years from date of analysis.

(C) Destruction Reports—

1. Within thirty (30) days of crop



destruction the registered producer must produce a destruction report that includes the:

A. Copy of the department's order of destruction or a written statement justifying the destruction of the lot;

B. Amount destroyed;

C. Date(s) of destruction; and

D. Method of destruction.

(D) Harvest Reports—

1. Within thirty (30) days of harvest, the registered producer must produce a harvest report including:

A. Date of harvest for each lot;

B. Number of acres or square footage of each lot harvested;

C. Amount of each industrial hemp lot harvested; and

D. Location of viable seed storage.

(4) Permit holders shall maintain the following:

(A) Distribution and Sales Reports—

1. Within thirty (30) days of distributing or selling agricultural hemp propagules or agricultural hemp seed, permit holders shall record—

A. Name, address, phone number, permit number, and permit expiration date of the permit holder distributing or selling agricultural hemp seed or propagules;

B. Date(s) of sale and distribution;

C. Complete variety name;

D. Amount of each variety sold or distributed;

E. Name, address, and phone number, registration or permit number, and registration or permit expiration date of the registered producer or permit holder to whom the agricultural hemp seed or propagules were distributed or sold; and

F. Documentation verifying that copies of certificates of analysis were provided for each industrial hemp variety distributed or sold.

(B) Destruction Reports—

1. Within thirty (30) days of crop destruction the permit holder shall produce a destruction report that includes the:

A. Copy of the department's order of destruction or a written statement justifying the destruction of the lot;

B. Amount destroyed;

C. Date(s) of destruction; and

D. Method of destruction.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.120 Revocation of Registration or Permit

PURPOSE: This rule explains registration and permit revocations.

(1) The department may immediately revoke a registration if the registered producer or any key participant pleads guilty to, pleads *nolo contendere* to, is found guilty of, or is convicted of, a felony under any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance.

(2) The department may immediately revoke a registration or permit if the registered producer or permit holder admits to or is found by the department to have—

(A) Violated any provision of sections 195.203 to 195.773, RSMo or any regulation promulgated thereunder;

(B) Made any false statement to the department, the Missouri State Highway Patrol, or any law enforcement agency; or

(C) Failed to comply with any order from the department, or any order regarding industrial hemp from the Missouri State Highway Patrol or any law enforcement agency.

(3) Any registered producer or permit holder whose registration or permit has been revoked shall not harvest, store, distribute, sell, or remove viable industrial hemp from any location except as authorized in writing by the department.

(4) A registered producer or permit holder may request a revocation hearing within thirty (30) days of the issued notification.

AUTHORITY: section 195.773, RSMo Supp. 2019. Original rule filed Nov. 20, 2018, effective July 30, 2019. Emergency amendment filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Amended: Filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*

2 CSR 70-17.130 Agricultural Hemp Seed Requirements

PURPOSE: This rule designates the labeling requirements for agricultural hemp seed and also designates restricted weed seeds. Both agricultural hemp seed and restricted weed seeds content must be declared on the label to comply with the rule.

(1) This rule applies only to permit holders who sell, distribute, or offer for sale viable

industrial hemp seeds.

(2) Definitions.

(A) Restricted Weed Seeds.

1. Prohibited Weed Seeds. The seeds of the following plants: balloon vine (*Cardiospermum halicacabum*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), Johnson grass (*Sorghum halepense*), musk thistle (*Carduus nutans*), serrated tussock (*Nassella trichotoma*), and sorghum alnum (*Sorghum alnum*).

2. Noxious Weed Seeds. The seeds of the following plants: plants commonly known as docks of the *Rumex species* (red sorrel, curly dock, etc.), dodders (*Cuscuta species*), buckhorn (*Plantago lanceolata*), eastern black night-shade (*Solanum ptycanthum*), giant foxtail (*Setaria faberi*), hedge bindweed (*Convolvulus sepium*), leafy spurge (*Euphorbia esula*), hoary cress (*Cardaria draba*), purple moonflower (*Ipomoea muricata*), quackgrass (*Elymus repens*), Russian thistle (*Salsola pestifer*), slender oats (*Avena barbata*), wild garlic (*Allium vineale*), wild oats (*Avena fatua*), wild onion (*Allium canadense*) and yellow star thistle (*Centaurea solstitialis*) are designated as noxious and are subject to listing on seed labels.

(B) Percentage of Germination. The label claim for percent of germination shall be the result of a test of any lot of seed which has been sampled according to and analyzed by the *AOSA Rules for Testing Seed*, (Vol. 1, 2018), Association of Official Seed Analysts.

(3) Agricultural Hemp Seed Labeling Requirements.

(A) Labeling Seed as to Noxious Weed Seed Content. Noxious weed seed content must be labeled in one (1) of the three (3) following ways:

1. None—meaning no noxious weed seed is present;

2. Not in excess of eighty (80) noxious weed seeds per pound or eighteen (18) per one hundred (100) grams;

3. Name and number of each kind of noxious weed seed present, when in excess of that stated in paragraph (3)(A)2.

(B) The seed label shall show the name, complete address, and zip code of the seed labeler.

(C) The purity percentages of pure seed, inert matter, other crop and weeds' seed shall total one hundred percent (100%) on the seed tag.

(D) The information required on an agricultural seed label should appear in the following format:



Kind or Kind and Variety of Seed		
Pure seed %	Germination %	Net weight
Inert matter %	Hard seed %	Lot #
Other crop %	Total germination and hard seed %	Origin
Weed seed %		Month and year of germination test
Noxious weed seeds per pound or per one hundred (100) grams		
The name and address of person or company held responsible for seed labeling should follow other information or should be printed on opposite side of label.		

(E) No advertising matter of any kind shall be printed on the label.

(F) No printed or written matter of any kind shall be attached to the original label.

(G) Seed in Storage. Any agricultural hemp seed, whether in bags, bins or other containers exposed to customers in a retail sales outlet, shall be considered offered or exposed for sale for seeding purposes in Missouri and will be subject to the provisions of this rule, unless the seed is labeled in one (1) of the following ways: "For Feeding Purposes Only" (with no reference being made to germination, variety, or other factors indicating that the seed is suitable for seeding purposes) or "For Processing Only—Not For Sale."

(H) Any treatment of seed regulated by this law must be labeled to show the treatment.

1. The labeling of a treatment for seed must be done either on a separate tag or on the bag.

2. If a treatment adds more than one percent (1%) to the weight of the seed, that weight must also be included in the inert matter weight of the seed.

3. If the amount of treatment on the seed is harmful to man or animal, the label shall name the additive and give a precautionary use statement. In addition, a contrasting colored dye showing evidence of treatment must be used.

4. If the treatment of the seed is an inoculant, a date of expiration must be stated.

(I) The owner or possessor shall be responsible for properly labeled bulk or opened bags of agricultural seed.

AUTHORITY: section 195.773, RSMo Supp. 2019. Emergency rule filed Dec. 17, 2019, effective Jan. 2, 2020, expired June 29, 2020. Original rule filed Sept. 30, 2019, effective May 30, 2020.*

**Original authority: 195.773, RSMo 2018.*