Emergency Rules

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

EMERGENCY AMENDMENT

2 CSR 70-17.020 Industrial Hemp Pilot Program Registration Application (Grower and Handler Application Requirements, Selection Process, Application Period, and Fees) Registration and Permit Application Requirements. The department is amending the title, purpose, and entire rule.

PURPOSE: This amendment updates the applicant requirements for a producer registration and agricultural hemp propagule and seed permit.

PURPOSE: This rule explains the [grower and handler application requirements, selection process, application period, and fees] requirements for producer registrations and agricultural hemp propagule and seed permits.

EMERGENCY STATEMENT: This emergency amendment informs the public of what provisions are necessary for the efficient and effective implementation of the Industrial Hemp Program. The department believes this emergency amendment is necessary to serve a compelling governmental interest in order to implement the regulatory framework for industrial hemp production in Missouri. Emergency rules are necessary to issue registrations and permits in preparation for the 2020 growing season. The Missouri Department of Agriculture (MDA) shall promulgate rules for the registration and permitting of persons for the production of industrial hemp. MDA must maintain a list of registered producers and agricultural hemp propagule and seed permit holders that produce, sell, distribute, or offer for sale viable industrial hemp. MDA must provide the list of registered producers and permit holders to the Missouri State Highway Patrol for verification of legal production of industrial hemp. MDA rulemaking authority also allows for the inspection and sampling of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substances Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for registration and permitting; industrial hemp plant monitoring systems; testing requirements to ensure that the hemp does not exceed the legal limit of delta-9 THC; and registration and permit revocation, refusal protocols, and civil penalties for violations of these provisions. Anecdotal evidence suggests that a minimum of five hundred (500) persons will be registered to produce industrial hemp as a result of meeting the requirements for a registration or permit. No person may legally possess viable industrial hemp under the authorizing statute without first obtaining a producer registration or agricultural hemp propagule and seed permit in Missouri. As a result, MDA finds a compelling governmental interest which requires this emergency rulemaking. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. MDA believes this emergency amendment is fair to all interested parties under the circumstances. A proposed amendment covering this same material was published in the November 1, 2019, issue of the Missouri Register (44 MoReg 2670–2671). This emergency amendment was filed December 17, 2019, becomes effective January 2, 2020, and expires June 29, 2020.

(1) Each applicant for an Industrial Hemp Agricultural Pilot Program Grower and/or Handler Registration must complete and submit an application for registration on a form provided by the department. Applications must be postmarked by the deadline for closing the application period. Notice of the open application period will be posted on the department’s website.

(2) Growers engaged in the production and cultivation of agricultural hemp seed shall obtain an agricultural hemp seed production permit.

(3) Handlers engaged in the processing and/or distribution of agricultural hemp seed to registered growers shall obtain an agricultural hemp seed production permit.

(4) Growers and/or handlers must apply for separate registrations for each plot of land, location, facility, or establishment where industrial hemp will be grown or handled.

(5) Completed applications must provide the following information:

(A) The complete legal name, mailing address, email, and phone number of the applicant;
(B) The applicant’s state of residence or state in which the entity is domiciled;
(C) Type of business entity: person, cooperative, or joint venture;
(D) Type of registration: grower or handler;
(E) Request for Agricultural Hemp Seed Production Permit, if applicable;
(F) Legal description, street address, and Global Positioning System (GPS) coordinates for the plot of land used for cultivating industrial hemp and the industrial hemp storage facility location, if applicable;
(G) Legal description, street address, and Global Positioning System (GPS) coordinates for the industrial hemp processing facility and industrial hemp storage facility location, if applicable;
(H) An industrial hemp production, research, and marketing plan;
(I) The application for a grower registration must include submission of:

1. Any evidence of row crop, nursery, or greenhouse experience for the department’s consideration, such as a copy of an IRS Schedule F federal tax form for at least one (1) of the past three (3) years, the applicant’s farm serial number (FSN) issued by the United States Department of Agriculture-Farm Service Agency, or evidence of agricultural education;
2. A detailed map of the plot of land on which the applicant plans to grow industrial hemp, showing the boundaries and dimensions of the growing area in acres and the location of different varieties within the growing area;
3. Requested number of acres for production and cultivation of industrial hemp; and
4. Documentation verifying any non-certified agricultural hemp seed to be planted is enrolled in the Missouri Crop Improvement Association’s certification program.

(6) Applications must be submitted along with a nonrefundable application fee of one hundred dollars ($100) per type of registration, made payable to the Missouri Department of Agriculture. Institutions of higher education are exempt from the application fee.

(7) The department shall notify applicants by letter or email whether the application has been denied or conditionally approved. A person, cooperative, or joint venture shall not be a participant in the department’s pilot program until the
applicant has executed a grower registration agreement, paid all registration fees, and received from the department an issued registration.

(8) The department will select applicants for a grower registration by scoring the following factors:
(A) Application for registration;
(B) Applicant’s row crop, nursery, or greenhouse experience;
(C) Detailed map of the plot of land on which industrial hemp will be cultivated; and
(D) Applicant’s industrial hemp production, research, and marketing plan.

In the event there is a tie between applicants for a grower registration, the department will select the applicant that received the highest score on row crop, nursery, or greenhouse experience. If a tie score still remains, the department will select the applicant that received the highest score on the industrial hemp production, research, and marketing plan.

(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 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.


PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.