EMERGENCY RULES

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

EMERGENCY AMENDMENT

2 CSR 70-17.050 [Stipulations] General Provisions for Registered [Growers and Handlers] Producers and Agricultural Hemp Propagule and Seed Permit Holders. The department is amending the title, the purpose, and section (3), adding new sections (1), (2), (4)-(10), and deleting section (1).

PURPOSE: This amendment updates and clarifies provisions for the rule.

PURPOSE: This rule explains [stipulations] general provisions for registered [growers and handlers] producers and agricultural hemp propagule and seed permit holders.

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 also list the 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 crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with 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 rulemakings. 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 2672-2673). This emergency amendment was filed December 17, 2019, becomes effective January 2, 2020, and expires June 29, 2020.

[[11] No application or site modification request shall include any plot of land that is not owned or rented by the applicant, registered grower, or registered handler.]

(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.

[[2] [[3] Registered [growers and registered handlers] producers must also obtain an agricultural hemp propagule and seed permit to sell, distribute, or offer for sale any viable [agricultural hemp] 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.


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.