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

EMERGENCY AMENDMENT  

2 CSR 70-17.080 Site Access for Missouri Department of Agriculture (MDA) and Law Enforcement Inspection [and Sampling]. The department is amending the title and sections (1) and (2), deleting section (3), and adding a new section (3).

PURPOSE: This amendment clarifies site access requirements in rule.

PURPOSE: This rule explains the site access requirements.

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. 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 2673-2675). An emergency amendment covering this same material will be published in the February 3, 2020, issue of the Missouri Register.

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.

(1) The department will provide information to the Missouri State Highway Patrol about the registered [grower and handler] producer or permit holder’s operation as it relates to the [growing, cultivation, processing, and storage of] production, sale, distribution, or offer for sale of viable industrial hemp at locations as indicated on the application [for registration].

(2) Registered [grower and handler] producer or permit holders shall have no reasonable expectation of privacy from the department or law enforcement, with respect to the [plot] parcel of land where [agricultural hemp seeds, industrial hemp plants, or industrial hemp plant materials are located as indicated on the application for registration] viable industrial hemp is produced, sold, distributed, or offered for sale.

(3) A registered grower and handler, whether present or not, must permit the department or a representative of any law enforcement agency to enter the plot of land, with or without cause, where agricultural hemp seeds, industrial hemp plants, or industrial hemp plant materials are located or cultivated and any land or structure where agricultural hemp seeds, industrial hemp plants, or industrial hemp plant materials are processed, stored, or held for sale, with or without cause.