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

EMERGENCY AMENDMENT

2 CSR 70-17.120 Revocation of Registration or Permit. The department is amending the title, purpose, and sections (1)—(4).

PURPOSE: This amendment clarifies revocation of a producer registration or permit.

PURPOSE: This rule explains registration and permit revocations.

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 2679). 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.

(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;
(D) Violated the registration agreement required in 2 CSR 70-17.040.

(3) Any registered [grower or handler/ producer or permit holder whose registration or permit has been revoked shall not harvest, [process/ store, distribute, sell, or remove viable industrial hemp from any location except as authorized in writing by the department.

(4) [The department may schedule a registration revocation hearing after the notification of revocation has been issued] A registered producer or permit holder may request a revocation hearing within thirty (30) days of the issued notification.


(1) The department may immediately revoke a registration [or permit] if the registered [grower, registered handler, and/or signing authority/ producer or any key participant] pleads guilty to, pleads nolo contendere to, is found guilty of, or is convicted of, [any felony] 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 [grower, registered handler, and/or signing authority/ producer or permit holder] admits to or is found by the department to have:—