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

EMERGENCY RULE

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.

EMERGENCY STATEMENT: This emergency rule informs the public of what provisions are necessary for the efficient and effective implementation of the Industrial Hemp Program. The department believes this emergency rule 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 rule 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 rule is fair to all interested parties under the circumstances. A proposed rule covering this same material was published in the November 1, 2019, issue of the Missouri Register (44 MoReg 2679-2680). This emergency rule was filed December 17, 2019, becomes effective January 2, 2020, and expires June 29, 2020.

(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. 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), serratated tussock (Nassella trichotoma), and sorghum alnum (Sorghum alnum).

(B) 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. I, 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 subsection (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:

<table>
<thead>
<tr>
<th>Kind or Kind of Variety of Seed</th>
<th>Pure seed %</th>
<th>Germination %</th>
<th>Net weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inert matter %</td>
<td>Hard seed %</td>
<td>Lot #</td>
<td></td>
</tr>
<tr>
<td>Other crop %</td>
<td>Total germination and hard seed %</td>
<td>Origin</td>
<td></td>
</tr>
<tr>
<td>Weed seed %</td>
<td>Month and year of germination test</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Not in excess of eighty (80) 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. Original rule filed...

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

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