

Volume 45, Number 7
Pages 451–522
April 1, 2020

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942

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Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
December 2, 2019 December 16, 2019	January 2, 2020 January 15, 2020	January 30, 2020 January 30, 2020	February 29, 2020 February 29, 2020
January 2, 2020 January 15, 2020	February 3, 2020 February 18, 2020	February 29, 2020 February 29, 2020	March 30, 2020 March 30, 2020
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June 1, 2020 June 15, 2020	July 1, 2020 July 15, 2020	July 31, 2020 July 31, 2020	August 30, 2020 August 30, 2020

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend subsection (3)(G).

PURPOSE: This amendment adds one (1) species of crayfish to the state endangered species list.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(G) Crayfish: **Caney Mountain Cave crayfish**, coldwater crayfish, Spring River crayfish.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section

252.240, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The commission proposes to amend subsection (2)(B), add new subsection (3)(G), and amend subsections (4)(B), (4)(C), (4)(D), and (4)(E) of this rule.

PURPOSE: This amendment clarifies regulations for the St. Francis River, as outlined in a reciprocal agreement with the State of Arkansas, and removes the requirement to keep fish separate and identifiable for those holding a fish utilization permit following judging after a bona fide fishing tournament using lethal methods of take.

(2) Permits Required.

(B) Any person possessing a valid sport fishing license issued by the state of Arkansas, or who is legally exempted from those license requirements, without further permit or license, may fish in the *[flowing portions of the]* St. Francis River, within the boundary of Missouri **adjacent to Arkansas. North of U.S. Hwy. 62, these persons may also fish in any oxbow lake through which the state boundary passes. South of U.S. Hwy. 62, these persons may also fish all waters between the main levees of the St. Francis River within the boundary of Missouri.**

(3) Limits and Possession.

(G) **Fish possessed and transported after a bona fide fishing tournament by the holder of a fish utilization permit need not be kept separate and identifiable following tournament judging.**

(4) Reciprocal Privileges: Des Moines, Mississippi, Missouri, and St. Francis Rivers.

(B) *[Regulations of the state where the person is licensed shall apply in Arkansas boundary waters.]* Missouri regulations shall apply in the Missouri portion of **Arkansas**, Iowa, Illinois, Kentucky, Tennessee, Nebraska, and Kansas boundary waters. Persons licensed in **Arkansas**, Iowa, Illinois, Kentucky, Tennessee, Kansas, and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(C) Persons must be licensed in Missouri to fish in tributaries of the Des Moines, Mississippi, Missouri, and St. Francis rivers.

(D) Persons licensed in *[Arkansas or]* Iowa may not fish from or

attach any device or equipment to land under the jurisdiction of Missouri.

(E) Persons licensed in Arkansas, Illinois, Kentucky, Tennessee, Kansas, or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.415 Restricted Zones. The commission proposes to amend subsection (6)(L), remove subsection (6)(M), and re-letter the subsequent subsection of this rule.

PURPOSE: This amendment removes fishing restrictions on the red ribbon portion of Roubidoux Creek.

(6) Fish may be taken by all prescribed methods except that only flies and artificial lures may be used when fishing and soft plastic baits and natural and scented baits are specifically prohibited in:

(L) North Fork of White River in Ozark County from the upper outlet of Rainbow Spring to Patrick Bridge; **and**

[(M) Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River; and]

[(N)](M) Spring Creek in Phelps County from Relfe Spring to its confluence with Big Piney River.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO

Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.535 Trout. The commission proposes to amend subsections (1)(D), (2)(A), (4)(D), and the authority section of this rule.

PURPOSE: This amendment removes trout fishing restrictions on the red ribbon portion of Roubidoux Creek and corrects an inaccurate reference in the authority section of the rule.

(1) Daily Limit: Four (4) trout in the aggregate, except:

(D) The daily limit is two (2) trout in: Meramec River and its tributaries, except Meramec Spring Branch, in Crawford and Phelps counties from Highway 8 bridge to Scotts Ford; **and** the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from Patrick Bridge to Norfork Lake; *and Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River].*

(2) Methods: Pole and line, trotline, throwline, limb line, bank line, or jug line, except as further restricted in this rule.

(A) Only flies and artificial lures may be used when fishing on the waters listed in subsections (4)(C) and (E) of this rule and on the Meramec River in Crawford and Phelps counties from Highway 8 bridge to Scotts Ford, on Dry Fork Creek in Crawford and Phelps counties from the elevated cable crossing to its confluence with the Meramec River, **and** on the Current River from Montauk State Park to Cedar Grove[, *and on Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River].* Soft plastic baits and natural and scented baits are specifically prohibited.

(4) Length Limits: No length limits, except:

(D) All rainbow trout less than fifteen inches (15") in total length must be released unharmed immediately after being caught on the Meramec River and its tributaries in Crawford and Phelps counties from Highway 8 bridge to Scotts Ford, except Meramec Spring Branch; **and** on the unimpounded portion of the North Fork of White River and its tributaries in Ozark County from Patrick Bridge to Norfork Lake; *and on the Roubidoux Creek from the elevated utility cable crossing approximately one-half (1/2) mile below the Business I-44 bridge in Waynesville to its confluence with the Gasconade River].*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.550 Other Fish. The commission proposes to amend section (1), subsections (1)(B) and (2)(G), section (3), and the authority section of this rule.

PURPOSE: This amendment removes alligator gar from sportfish harvest, replaces names of specific species with "invasive fish" (as defined in Chapter 20), clarifies how they may be transported when taken from waters of the state, and corrects an inaccurate reference in the authority section of the rule.

(1) Daily Limit: The daily limit for fish, other than those species listed as endangered in 3 CSR 10-4.111, **alligator gar**, or defined as game fish, is fifty (50) in the aggregate, if taken by pole and line, trotline, throwline, limb line, bank line, or jug line. The daily limit if taken by gig, atlatl, bow, crossbow, grabbing, snaring, snagging, or underwater spearfishing is twenty (20), in the aggregate. *[Bighead carp, common carp,] Invasive fish and goldfish[, grass carp, and silver carp]* may be taken and possessed in any number. **Invasive fish may not be transported from waters of the state where taken unconfined or in water.**

(B) In the Mississippi River, the daily and possession limit for fish included in this rule, except *[bighead carp, common carp,] invasive fish and goldfish[, grass carp, and silver carp,]* is one hundred (100) in the aggregate.

(2) Methods and Seasons.

(G) *[Bighead carp, common carp, grass carp, and silver carp]* **Invasive fish** can be taken by hand net and those that jump from the water on or into a watercraft, or onto land, may also be taken and possessed in any number.

(3) Fish taken under this rule may be used as bait; except that bowfin or parts thereof (including eggs)*[, live bighead carp, and live silver carp]* and **live invasive fish** may not be used as bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, com-

ments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.605 Live Bait. The commission proposes to amend sections (4) and (6) and the authority section of this rule.

PURPOSE: This amendment replaces the names of specific species with "invasive fish" (as defined in Chapter 20) and corrects an inaccurate reference in the authority section of the rule.

(4) Length Limits: All bluegill, green sunfish, and bullheads more than five inches (5") in total length and other fish more than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught by the methods prescribed in this rule, except there are no length limits for *[bighead carp, common carp]* **invasive fish**, gizzard shad, and goldfish~~[, grass carp, and silver carp]~~.

(6) *[Bighead carp and silver carp]* **Invasive fish** may not be used as live bait but may be used as dead or cut bait.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.505 Trapping. The commission proposes to amend this rule and the authority section of the rule.

PURPOSE: This amendment clarifies that furbearers may not be held alive under trapping permits, except by residents who also possess a Resident Commercial Live Coyote and Fox Trapping Permit, and corrects an inaccurate reference in the authority section of the rule.

Any person, to exercise the privilege of trapping, shall obtain and have on his/her person the prescribed permit or temporary permit authorization number(s), unless exempt under provisions of 3 CSR 10-5.205. The temporary permit authorization number(s) and picture

identification must be carried at all times while trapping until the actual permit(s) is received. Furbearers may be purchased and sold only under provisions of Chapter 10, 3 CSR 10-4.135, and this rule. No person shall accept payment for furbearers taken by another. Furbearers may not be held alive under trapping permits, except as provided in [3 CSR 10-8.515] **3 CSR 10-10.789 by residents who also possess the prescribed Resident Commercial Live Coyote and Fox Trapping Permit in accordance with 3 CSR 10-10.788.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.515 Furbearers: Trapping Seasons. The commission proposes to remove section (5) and amend the authority section of this rule.

PURPOSE: This amendment removes privileges associated with taking, holding, and selling live coyotes, red fox, and gray fox from Chapter 8 of the Wildlife Code and corrects an inaccurate reference in the authority section of the rule.

[(5) Red fox, gray fox, and coyotes may be taken alive during the furbearer trapping season by prescribed methods and by cable restraint from November 15 through the last day of February and held in captivity. They may not be exported and may only be sold or given to holders of a valid Hound Running Area Operator and Dealer permit. Live coyotes, red fox, and gray fox may not be possessed after March 15. These animals may be held for no longer than seventy-two (72) hours after capture, except when confined in facilities and cared for as specified in 3 CSR 10-9.220, and after approval by an agent of the department. Complete and current records of all transactions must be maintained showing the county of origin, the species, date captured, date of transfer, and name, and permit number of the hound running area operator/dealer receiving each individual animal. These records shall be kept on forms provided by the department and submitted to an agent of the department by April 15. Printed copies of the forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Records shall be made available for inspection by an authorized agent of the department at any reasonable time.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed July 23, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Hound Running Area:
Privileges, Requirements**

PROPOSED AMENDMENT

3 CSR 10-9.575 Hound Running Area: Privileges, Requirements. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment authorizes the holder of a Hound Running Area Operator and Dealer Permit to obtain live coyotes and foxes from the holder of a Resident Commercial Live Coyote and Fox Trapping Permit and establishes ear tag requirements for coyotes and foxes held by the permittee.

(3) The holder of a Hound Running Area Operator and Dealer Permit may obtain live foxes and coyotes from a holder of a valid [trapping permit as prescribed in 3 CSR 10-8.515(7).] **Resident Commercial Live Coyote and Fox Trapping Permit as prescribed in 3 CSR 10-10.788 and 3 CSR 10-10.789. Ear tags attached to foxes and coyotes in accordance with 3 CSR 10-10.789 shall remain on each fox or coyote obtained from a Resident Commercial Live Coyote and Fox Trapping Permit holder.** Permittees may also purchase foxes and coyotes from a holder of a Class I Wildlife Breeder Permit or a holder of a Hound Running Area Operator and Dealer Permit. Foxes and coyotes may be held in temporary confinement facilities on the hound running area or another location specified on the permit. These foxes and coyotes may only be released into a permitted hound running area and must be individually marked with ear tags provided by the department for which the permittee shall pay fifty cents (50¢) per tag. These animals may not be given away, released to the wild or exported, except with written authorization of the director.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Sept. 29, 1994, effective July 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to add new subsection (1)(C) and amend section (12) and the authority section of this rule.

PURPOSE: This amendment prohibits the commercial harvest of alligator gar, replaces the names of specific species with "invasive fish" (as defined in Chapter 20), clarifies how they may be transported when taken from waters of the state, and corrects an inaccurate reference in the authority section of the rule.

(1) Commercial fish and live bait may be taken and possessed in any numbers by the holder of a commercial fishing permit from commercial waters with seines, gill nets, trammel nets, hoop nets with or without wings, trotlines, throwlines, limb lines, bank lines, or jug or block lines, and any number of hooks, except:

(C) **Alligator gar may not be taken or possessed, and must be returned to the water unharmed immediately after being caught.**

(12) *[Bighead carp, common carp, grass carp, and silver carp]* **Invasive fish** that jump from the water on or into a watercraft, or onto land, may be taken and possessed in any number. **Invasive fish may not be transported from waters of the state where taken unconfined or in water.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing;

Commercial Waters. The commission proposes to delete section (3), renumber subsequent sections, and amend new sections (3) and (4) and the authority section of this rule.

PURPOSE: This amendment clarifies regulations for the St. Francis River, as outlined in a reciprocal agreement with the State of Arkansas, and corrects an inaccurate reference in the authority section of the rule.

[(3) Regulations of the state where the fisherman is licensed shall apply in the St. Francis River.]

[(4)](3) Commercial fishermen not licensed in Missouri may not fish in the tributaries, bayous, or backwaters of commercial waters; nor may they fish from or attach any device or equipment to land under the jurisdiction of Missouri. Fishermen who hold Arkansas or Illinois licenses, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

[(5)](4) All reciprocal privileges shall be contingent upon a grant of like privileges by the appropriate neighboring state to the duly licensed commercial fishermen of Missouri; provided, that reciprocal commercial fishing privileges on the St. Francis River are limited to residents of Missouri.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed March 14, 1973, effective March 24, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RULE

3 CSR 10-10.739 Fish Utilization Permit

PURPOSE: This rule establishes a utilization permit for the possession, transportation, and donation of fish legally taken, with lethal methods of take, during bona fide fishing tournaments to commercial establishments. It also authorizes the selling of fish to commercial establishments by contractors in a department contracted invasive fish removal project.

(1) To utilize other fish and invasive fish taken during bona fide fishing tournaments, to possess, transport, and donate such fish to commercial establishments. Application for a permit must be made to the department and post marked not less than ten (10) days prior to the event. Failure to comply with reporting requirements may result

in permit denial. Issuance of future permits shall be conditioned on compliance with these rules. Permit shall be valid for one (1) event that shall occur within fifteen (15) days of the issue date on the permit. Fee: twenty-five dollars (\$25).

(A) Fish defined as other fish and invasive fish in 3 CSR 10-20.805 legally taken by fishing methods prescribed in 3 CSR 10-6.410(7) during a bona fide fishing tournament must be donated to commercial establishments by the permit holder and may be possessed, transported, and donated in accordance with the following:

1. The permit holder shall record and submit a complete and accurate report showing by participant or team the origin (waterbody), weight of each species of all fish taken by each participant or team. Reports must be received by the department within fifteen (15) days of the end of the tournament. Reports shall be mailed to Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180.

2. Fish may be possessed, transported, and donated to a commercial establishment by any person when possession is accompanied by a dated written statement showing the utilization permit number, name and address of permit holder, and the weight of each species.

(2) Individuals under contract with the department and their authorized assistants may take, possess, and transport invasive fish in accordance with the terms of the contract during a department sponsored invasive fish removal project, and may donate or sell such fish to a commercial establishment when possession is accompanied by a valid invoice or bill of sale showing the date, name, and address of the contractor, and the weight of each species.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed March 2, 2020.

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

PRIVATE COST: This proposed rule will cost private entities between approximately five hundred dollars (\$500) to one thousand two hundred fifty dollars (\$1,250) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title:** Title 3-Department of Conservation
Division Title: Division 10-Conservation Commission
Chapter Title: Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Title:	3 CSR 10-10.739 Fish Utilization Permit.
Type of Rulemaking:	PROPOSED RULE

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
20 50	Varied businesses who wish to sponsor bowfishing tournaments	\$500 annually \$1,250 annually

III. **WORKSHEET**

20 Sponsors X \$25 permit cost = \$500 annually
50 Sponsors X \$25 permit cost = \$1,250 annually

IV. **ASSUMPTIONS**

There are many different bowfishing groups conducting tournaments on Missouri waters. One website (Bowfishing Country.com) mentioned that a dozen tournaments occur on Lake of the Ozarks and Truman lake. Since, there is not a centralized website being used for bowfishing tournament information, we can assume that at least 20 bowfishing tournaments are taking place across the state. We will also assume that there are 20 different sponsors for these tournaments, who will be purchasing this permit. A range of 20-50 bowfishing tournaments annually will be used to figure the fiscal impact to private entities.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.743 Commercial Establishments. The commission proposes to amend this rule.

PURPOSE: This amendment allows for the transport of fish to a commercial establishment when transfer is accompanied by a valid invoice, bill of sale, written statement from the holder of a Fish Utilization Permit, or letter of authorization from a contractor of a department contracted invasive fish removal project.

Resident commercial establishments, when possession is accompanied by a valid invoice, or bill of sale, may buy, possess, transport, and sell legally purchased and plainly marked dressed or processed pheasants, exotic partridges, quail, game bird eggs, deer except white-tailed and mule deer, elk that are exempt from the permit requirements prescribed by this Code, moose, caribou, wild boar, live bait and frogs, and fish. Skinned furbearer carcasses and fish eggs may be sold at retail only. **Resident commercial establishments may also obtain, possess, transport, and sell fish acquired from the holder of a Fish Utilization Permit when possession is accompanied by a dated written statement from the permit holder as specified in 3 CSR 10-10.739.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RULE

3 CSR 10-10.788 Resident Commercial Live Coyote and Fox Trapping Permit

PURPOSE: This rule establishes a permit for residents of the state to take, possess, transport, and hold coyotes, red fox, and gray fox alive and to sell these animals to the holder of a valid Hound Running Area Operator and Dealer Permit.

Required in addition to a valid Resident Trapping Permit to take, possess, transport, and hold coyote, red fox, and gray fox alive in accordance with the provisions of 3 CSR 10-10.789, and to sell or give

these furbearers to the holder of a valid Hound Running Area Operator and Dealer Permit in accordance with 3 CSR 10-9.575 and 3 CSR 10-10.789. Fee: Fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed March 2, 2020.

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

PRIVATE COST: This proposed rule will cost private entities approximately two hundred fifty dollars (\$250) to five hundred dollars (\$500) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

I. **Department Title:** 3 - Department of Conservation

Division Title: 10 – Conservation Commission

Chapter Title: 10 - Commercial Permits: Seasons, Methods, Limits

Rule Number and Title:	3 CSR 10-10.788 - Resident Commercial Live Coyote and Fox Trapping Permit.
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5 – 10 trappers per year who take live coyotes and foxes to give away or sell in accordance with the <i>Code</i> .	Resident Missouri trappers.	\$250 - \$500 annually

III. **WORKSHEET**

5-10 (Estimated number of trappers who obtain a Resident Commercial Live Coyote and Fox Trapping Permit) X \$50.00 (Cost of the Resident Commercial Live Coyote and Fox Trapping Permit) = \$250 to \$500 annually.

IV. **ASSUMPTIONS**

Information for assumptions is based on permit sales data maintained by the Missouri Department of Conservation and records submitted by trappers who are currently taking live coyotes and foxes in accordance with 3 CSR 10-8.515(5). Permit sales data for fiscal years 2015 through 2019 show that resident trapping permit sales have ranged between 8,198 to 6,091 per fiscal year. Additionally, the Department receives records from approximately 5 to 10 trappers each year reporting the transfer of live coyotes and foxes to the holder of a valid Hound Running Area Operator and Dealer Permit. Based on the steady to decreasing trend in the total number of resident trapping permits sold over the past five fiscal years, the estimated annual cost associated with this rule assumes no increase in the number of trappers who will obtain a Resident Commercial Live Coyote and Fox Trapping Permit each year.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

3 CSR 10-10.789 Resident Commercial Live Coyote and Fox Trapping: Privileges, Seasons, Methods, Requirements

PURPOSE: This rule establishes the seasons, methods, and requirements for taking, holding, possessing, and selling live coyotes, red fox, and gray fox by the holder of a Resident Commercial Live Coyote and Fox Trapping Permit.

(1) Coyotes, red fox, and gray fox may be taken, possessed, and held alive in confinement by the holder of a valid Resident Commercial Live Coyote and Fox Trapping Permit. Coyotes, red fox, and gray fox may be taken in any number during the season dates and methods prescribed for these species by Chapter 8 of this *Code* and by cable restraint from November 15 through the last day of February. All coyotes and foxes taken or possessed in accordance with this rule shall be individually marked with an ear tag provided by the department for which the permittee shall pay fifty cents (50¢) per tag. Ear tags shall be affixed immediately to each animal taken at the time and location where each coyote, red fox, or gray fox is captured.

(2) Coyotes, red fox, and gray fox, taken in accordance with this rule may not be exported and may only be sold or given away to the holder of a valid Hound Running Area Operator and Dealer Permit. Live coyotes, red fox, and gray fox may not be transported or possessed after March 7 of each year. These animals shall be sold or given to the holder of a valid Hound Running Area Operator and Dealer Permit on the day of capture or confined in facilities and cared for as specified in 3 CSR 10-9.220. These confinement facilities must have an onsite inspection prior to holding live coyotes and foxes and shall be approved annually by an agent of the department. Approved confinement facilities and wildlife held under this permit are subject to inspection by an authorized agent of the department at any reasonable time.

(3) The resident commercial live coyote and fox trapper shall keep an up-to-date and accurate permanent record on forms provided by the department of all coyotes, red fox, and gray fox taken alive that includes the county of origin, species, ear tag number, date captured, date of transfer, and the name, address, and permit number of the hound running area operator/dealer receiving each individual animal. All records shall be made available for inspection by an authorized agent of the department at any reasonable time.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed March 2, 2020.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions from two hundred forty-nine dollars and sixty cents (\$249.60) to four hundred ninety dollars and ninety-two cents (\$490.92) annually.

PRIVATE COST: This proposed rule will cost private entities between six thousand two hundred twenty-nine dollars and twenty-five cents (\$6,229.25) and twelve thousand five hundred ninety-five dollars and fifty cents (\$12,595.50) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be

FISCAL NOTE
PUBLIC COST

- I. **Department Title: 3 – Department of Conservation**
Division Title: 10 Conservation Commission
Chapter Title: 10 - Commercial Permits: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-10.789 - Resident Commercial Live Coyote and Fox Trapping: Privileges, Seasons, Methods, Requirements
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$249.60 to \$490.92 each year in Conservation Agent time to inspect and approve facilities for holding coyotes and foxes.

III. **WORKSHEET**

5-10 (Estimated number of permit holders with facilities requiring an inspection).
X \$49.92 (Average cost for Conservation Agent time per inspection) = \$249.60 to 490.92 each year for the life of the rule.

5-10 (Estimated number of permit holders with facilities requiring an inspection).

\$24.96 (Average hourly rate for Conservation Agents [\$8,039,450 budgeted in current fiscal year to compensate all Conservation Agent Grades / 161 Conservation Agents / 2000 hours allotted per full time employee each year]) X 2 (Estimated number of hours required to inspect and approve confinement facility for each permit holder) = **\$49.92 (Average Cost for Conservation Agent time to inspect and approve a facility).**

IV. **ASSUMPTIONS**

The Department receives records from approximately 5 to 10 trappers each year reporting the transfer of live coyotes and foxes to the holder of a valid Hound Running Area Operator and Dealer Permit. The proposed regulation shortens the length of time a permit holder may confine live coyotes and foxes outside of approved facilities and requires an annual approval of facilities used for holding live coyotes and foxes. It takes a conservation agent approximately 2 hours to inspect and approve a Class I breeder facility for confined coyotes or foxes to determine compliance with the provisions of 3 CSR 10-9.220. Based on the similarities of the work, it is assumed that it will also take approximately 2 hours for a Conservation Agent to inspect the facilities used for confining live foxes and coyotes by the holder of a Resident Commercial Live Coyote and Fox Trapping Permit. The estimated yearly cost associated with this rule assumes every permit holder will require an inspection each year, no increase in the number of facilities requiring an inspection, each facility passes inspection with one site-visit, and no change in the average hourly wage of Conservation Agents.

FISCAL NOTE
PRIVATE COST

I. Department Title: 3 - Department of Conservation

Division Title: 10 – Conservation Commission

Chapter Title: 10 - Commercial Permits: Seasons, Methods, Limits

Rule Number and Title:	3 CSR 10-10.789 - Resident Commercial Live Coyote and Fox Trapping: Privileges, Seasons, Methods, Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5 – 10 trappers per year who take live coyotes and foxes to give away or sell in accordance with the <i>Code</i> .	Resident Missouri trappers.	\$6,229.25 to \$12,595.50 to construct 5-10 facilities meeting the legal requirement for holding 20 live coyotes.

III. WORKSHEET

5-10 (Estimated number of trappers with facilities for holding live coyotes and foxes) X \$ 1, 259.85 (Cost to construct a facility meeting legal requirement for holding 20 live coyotes) = \$6,229.25 to \$12,598.50 (aggregate cost to construct 5-10 facilities meeting the legal requirements for holding 20 live coyotes)

5-10 (Estimated number of permit holders with facilities requiring an inspection)

80 square feet (minimum requirement for confining one coyote) + [19 (additional coyotes)x 25 square feet (minimum requirement for each additional coyote)] = 555 square feet (minimum square footage required for a facility to hold up to 20 coyotes)

555 square feet (minimum square footage required for a facility to hold up to 20 coyotes) x \$2.27 (cost per square foot for materials to construct a chain link enclosure with a 6-foot-high fence) = \$1,259.85 **(Cost to construct a facility meeting legal requirements for holding 20 live coyotes)**

IV. ASSUMPTIONS

The Department receives records from approximately 5 to 10 trappers each year reporting the transfer of live coyotes and foxes to the holder of a valid Hound Running Area Operator and Dealer Permit. The proposed regulation shortens the length of time a permit holder may confine live coyotes and foxes outside of approved facilities and requires the permit holder to confine foxes and coyotes in an approved facility if they are not transferred to a Hound Running Area Operator and Dealer Permit on the day of capture. It is anticipated that this change will require trappers to construct confinement facilities who are not required to do so under the current regulation. Facilities meeting the requirements for holding coyotes in confinement exceed the standards required to hold foxes in confinement. The estimated yearly cost associated with this proposed rule assumes every permit holder will confine coyotes and may confine foxes. The cost per square foot includes the estimated cost of materials if obtained from a commercial source and assumes the permit holder will not contract with an outside entity to construct the facility. The proposed regulation assumes every permit holder will be required to construct a facility for confining live foxes and coyotes, no increase in the number of facilities confining live foxes and coyotes, and no change to the cost per square foot to construct a confinement facility.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.110 General Provisions. The commission proposes to amend section (1) and remove sections (2) through (8) of this rule.

PURPOSE: This amendment establishes or clarifies permitted and restricted activities on department areas and authorizes the take of feral swine on department areas in accordance with 3 CSR 11.220 during deer and turkey hunting seasons.

(1) *[The following activities are allowed on department areas only where and as authorized by this chapter or by signs and area brochures or by a special use permit issued by the area manager: swimming, sailboarding, sailboating, skateboarding, boating, entry on areas closed to public use, bicycling, camping, shooting, hunting, fishing, trapping, removal of water, commercial use, vending, fires outside of designated camping areas, rock collecting, planting, digging and other soil disturbance, field trials, horseback riding, ranging of horses and other livestock, possession of pets and hunting dogs, caving, rock climbing, rappelling, paint-balling, scuba diving, water skiing, geocaching or letterboxing, the use and possession of vehicles and aircraft, the use of decoys, and the use or construction of blinds and tree stands.]* Department areas may be used only as authorized by this chapter, except these rules shall not restrict department employees or their designees when conducting official events or activities. Department areas may be used only in accordance with the following.

(A) Department areas designated as open to the public may be accessed and used for hiking, sightseeing, and nature observation. The locations and times when department areas may be entered, remained on, or used for these activities may be further restricted by this chapter, signs, or area maps.

(B) The following activities are allowed on department areas as further authorized by this chapter.

1. Entering or remaining on department areas, or designated portions of department areas (See 3 CSR 10-11.115).
2. Possession of pets and hunting dogs (See 3 CSR 10-11.120).
3. Field Trials (See 3 CSR 10-11.125).
4. Use of vehicles, bicycles, horses, and horseback riding (See 3 CSR 10-11.130).
5. Collecting of nuts, berries, fruits, edible wild greens, and mushrooms (See 3 CSR 10-11.135).
6. Camping (See 3 CSR 10-11.140).
7. Tree stands (See 3 CSR 10-11.145).
8. Target shooting and use of shooting ranges (See 3 CSR 10-11.150).
9. Decoys and Blinds (See 3 CSR 10-11.155).
10. Use of boats and motors (See 3 CSR 10-11.160).
11. Taking bullfrogs and green frogs (See 3 CSR 10-11.165).
12. Hunting (See 3 CSR 10-11.180 through 3 CSR 10-11.186).
13. Trapping (See 3 CSR 10-11.187).
14. Fishing (See 3 CSR 10-11.200 through 3 CSR 10-11.215).
15. Taking feral swine (See 3 CSR 10-11.220).

(C) The following activities are prohibited on department areas and may not be authorized by a special use permit.

1. Destruction, defacing, or removal of department property.
2. Digging or excavating.
3. Guiding for pay.

4. Military or law enforcement training by nongovernment entities.

5. Placing of grain, salt products, minerals, and other consumable products on land.

6. Placing or using trail or game cameras or other similar devices.

7. Use of paint ball, airsoft, or similar projectile weapons not specifically authorized by this Code.

8. Placement of honey bee apiaries.

9. Parking or storage of watercraft and commercial vehicles during closed hours.

10. Use of fireworks.

11. Use of remote-controlled boats or land vehicles.

12. Prospecting, exploring, mining, or extracting minerals, metals, oil, natural gas, or other nonrenewable resources, except as specifically approved by the commission.

13. Commercial or political advertising, except for commercial advertising by authorized concessionaires or by vendors participating in department events.

(D) Activities not listed in subsections (1)(A), (1)(B), or (1)(C) of this rule, including commercial use and vending, may be authorized by a special use permit when the activity is compatible with other authorized activities. Special use permits may be issued only by the area manager or their designee. Issuance of a special use permit is at the discretion of the department. Application for a special use permit does not guarantee that one will be issued. All persons entering, remaining on, or using a department area pursuant to a special use permit shall abide by the specific conditions stated on the permit.

(E) Signs, posted regulations, or area maps may further restrict activities in accordance with this chapter, including designating portions of department areas as open or closed to public use. Area managers may temporarily close or change regulations on department areas through posting to protect the public from hazardous conditions and threats to public safety, to protect fish and wildlife resources, and for special events or resource management activities where public use conflicts are likely to occur. All persons entering, remaining on, or using a department area shall abide by signs, posted regulations, and area maps.

(F) Collecting or possessing wild plants and wild animals (including invertebrates) and unprocessed parts thereof must be authorized by a Letter of Authorization for Plant Collecting or a Wildlife Collector's Permit, respectively, except as otherwise authorized in this Code.

(G) Waste containers may be used only for disposal of garbage, trash, refuse, or rubbish generated on the department area.

(H) On Amidon Memorial Conservation Area within the Castor River Shut-Ins Natural Area, possession of food and beverage containers made of glass is prohibited.

(I) On Thomas Hill Reservoir, swimming, sailboarding, scuba diving, and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys.

(J) On Rockwoods Reservation, rock climbing is allowed only in designated and posted areas.

[(2) Collecting or possessing wild plants and wild animals (including invertebrates) and unprocessed parts thereof must be authorized by a Letter of Authorization for Plant Collecting or a Wildlife Collector's Permit, respectively, except as otherwise authorized in this Code.

(3) On Thomas Hill Reservoir, swimming, sailboarding, scuba diving, and water skiing are permitted, except water skiing is prohibited north of Highway T on the Stinking Creek Arm of the lake and on the warm water arm of the lake upstream from the marker buoys.

(4) The destruction, defacing, or removal of department property and use of fireworks are prohibited.

(5) Possession of glass food and beverage containers is prohibited within the Castor River Shut-Ins Natural Area on Amidon Memorial Conservation Area.

(6) Waste containers may be used only for disposal of garbage, trash, refuse, or rubbish generated on the department area.

(7) Guiding for pay is prohibited on department areas.

(8) Feral livestock may not be taken on lands owned or leased by the Department of Conservation.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to add new subsection (3)(I) and re-letter subsequent subsections of this rule.

PURPOSE: This amendment adds the fenced refuge portion of Peck Ranch Conservation Area to the list of conservation areas that are open to public use only during the hours authorized by posting.

(3) Department lands associated with offices, education centers, nature centers, hatcheries, staffed shooting ranges, and the following conservation areas are open to public use only during the hours authorized by posting:

(I) Peck Ranch Conservation Area (inside the fenced portions designated as a refuge by posting or as shown on the area map or the online conservation atlas)

- [(I)](J) Phantom Forest Conservation Area
- [(J)](K) Reed (James A.) Memorial Wildlife Area
- [(K)](L) Rockwoods Range
- [(L)](M) Rockwoods Reservation
- [(M)](N) Rush Creek Conservation Area
- [(N)](O) Wild Cherry Ridge Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For inter-

vening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.145 Tree Stands. The commission proposes to amend this rule.

PURPOSE: The amendment changes a reference to the title of 3 CSR 10-11.181 [*Turkeys: Special Hunts*] **Turkey Hunting** and 3 CSR 10-11.182 **Deer Hunting** of this chapter. Unattended stands must be plainly labeled on a durable material with the full name and address, or Conservation Number, of the owner and be removed from the area before February 1. Use of nails, screw-in steps, and any material or method that would damage the tree is prohibited.

Only portable tree stands are allowed and only from September 1 through January 31 on areas where deer or elk hunting is allowed, by special use permit, or except as otherwise authorized in 3 CSR 10-11.181 [*Turkeys: Special Hunts*] **Turkey Hunting** and 3 CSR 10-11.182 **Deer Hunting** of this chapter. Unattended stands must be plainly labeled on a durable material with the full name and address, or Conservation Number, of the owner and be removed from the area before February 1. Use of nails, screw-in steps, and any material or method that would damage the tree is prohibited.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.160 Use of Boats and Motors. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment adds canoes, kayaks, and paddleboards to the rule to better define what types of boats are allowed on department areas.

(1) Boats (including canoes, kayaks, paddleboards, and sailboats) may be used on lakes and ponds except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, airboats, and personal watercraft as defined in section 306.010, RSMo, are prohibited. Float tubes may be used for authorized fishing and hunting activities. Registration and a fee may be required for rental of department-owned boats. Fees shall be paid prior to use.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (1), (3), and (4), remove subsections (4)(N) and (4)(R), re-letter subsequent subsections, add new subsection (5)(C), re-letter subsequent subsections, remove section (9), renumber subsequent sections, and amend new section (10) of this rule.

PURPOSE: This amendment modifies regulations on three (3) conservation areas to provide additional opportunity for small game hunting, establishes general provisions for hunting on a new conservation area, and changes references to the title of 3 CSR 10-11.181 to be consistent with other rules in Chapter 11.

(1) Hunting is permitted on department areas, except as further restricted by signs, area brochures, or this chapter and except turkey and deer hunting are allowed as authorized in 3 CSR 10-11.181 [Turkeys: Special Hunts] **Turkey Hunting**, 3 CSR 10-11.182 Deer Hunting, and 3 CSR 10-11.190 Elk Hunting of this chapter. Unless otherwise provided in this chapter or by managed hunt, statewide permits, seasons, methods, and limits apply. A valid area daily hunting tag may be required in addition to statewide permits.

(3) Except for deer, elk, and turkey hunting as authorized in 3 CSR 10-11.181 [Turkeys: Special Hunts] **Turkey Hunting**, 3 CSR 10-11.182 Deer Hunting, and 3 CSR 10-11.190 Elk Hunting of this chapter, hunting is prohibited on outdoor education sites, conservation education center sites, nature center sites, and any of

the following areas that are less than forty (40) acres in size: public fishing accesses, radio facilities, office sites, tower sites, cave sites, and staffed shooting ranges.

(4) Hunting is prohibited on the following department areas except for deer and turkey hunting as authorized in 3 CSR 10-11.181 [Turkeys: Special Hunts] **Turkey Hunting** and 3 CSR 10-11.182 Deer Hunting of this chapter:

- [(N)] **Drovers Prairie Conservation Area**
- [(O)](N) Engelmann Woods Natural Area
- [(P)](O) Forest 44 Conservation Area
- [(Q)](P) Foxglove Conservation Area
- [(R)] **Gay Feather Prairie Conservation Area**
- [(S)](Q) Goodson (Jean and Joan) Conservation Area
- [(T)](R) Gravois Creek Conservation Area
- [(U)](S) Gravois Mills Access
- [(V)](T) Grundy Memorial Wildlife Area
- [(W)](U) Hartell (Ronald and Maude) Conservation Area
- [(X)](V) Harter (James R.) Conservation Area
- [(Y)](W) Henning (Ruth and Paul) Conservation Area
- [(Z)](X) Hickory Canyons Natural Area
- [(AA)](Y) Hickory Woods Conservation Area
- [(BB)](Z) Hinkson Woods Conservation Area
- [(CC)](AA) Juden Creek Conservation Area
- [(DD)](BB) Klamberg (Roger) Woods Conservation Area
- [(EE)](CC) La Petite Gemme Prairie Conservation Area
- [(FF)](DD) Lichen Glade Conservation Area
- [(GG)](EE) Lily Pond Natural Area
- [(HH)](FF) Limpin Community Lake
- [(II)](GG) Lipton Conservation Area
- [(JJ)](HH) Little Osage Prairie
- [(KK)](II) Malta Bend Community Lake
- [(LL)](JJ) Maple Flats Access
- [(MM)](KK) Maple Woods Natural Area
- [(NN)](LL) Miller Community Lake
- [(OO)](MM) Mint Spring Conservation Area
- [(PP)](NN) Mount Vernon Prairie
- [(QQ)](OO) Niawathe Prairie Conservation Area
- [(RR)](PP) Parma Woods Range and Training Center (south portion)
- [(SS)](QQ) Pawhuska Prairie
- [(TT)](RR) Pelican Island Natural Area
- [(UU)](SS) Perry County Community Lake
- [(VV)](TT) Phantom Forest Conservation Area
- [(WW)](UU) Pickle Springs Natural Area
- [(XX)](VV) Port Hudson Lake Conservation Area
- [(YY)](WW) Ray County Community Lake
- [(ZZ)](XX) Rocheport Cave Conservation Area
- [(AAA)](YY) Rockwoods Range
- [(BBB)](ZZ) Rockwoods Reservation
- [(CCC)](AAA) Rush Creek Conservation Area
- [(DDD)](BBB) Saeger Woods Conservation Area
- [(EEE)](CCC) Saint Stanislaus Conservation Area
- [(FFF)](DDD) Sears (F. O. and Leda J.) Memorial Wildlife Area
- [(GGG)](EEE) Shawnee Mac Lakes Conservation Area
- [(HHH)](FFF) Sims Valley Community Lake
- [(III)](GGG) Steyermark (Julian) Woods Conservation Area
- [(JJJ)](HHH) Tetzars Woods Conservation Area
- [(KKK)](III) Thirtyfour Corner Blue Hole
- [(LLL)](JJJ) Thompson (Robert H.) Conservation Area
- [(MMM)](KKK) Tower Rock Natural Area
- [(NNN)](LLL) Truman Reservoir Management Lands (designated portion of the Grand River Bottoms Wildlife Management Area)
- [(OOO)](MMM) Twin Borrow Pits Conservation Area
- [(PPP)](NNN) Tywappity Community Lake
- [(QQQ)](OOO) Upper Mississippi Conservation Area (Clarksville Refuge)
- [(RRR)](PPP) Wah'Kon-Tah Prairie (portion south of Highway 82)
- [(SSS)](QQQ) Wah-Sha-She Prairie

[[TTT]](RRR) Walnut Woods Conservation Area
 [[UUU]](SSS) White Alloe Creek Conservation Area
 [[VVV]](TTT) Wildcat Glade Natural Area
 [[WWW]](UUU) Wild Cherry Ridge Conservation Area
 [[XXX]](VVV) Woods (Walter) Conservation Area
 [[YYY]](WWW) Youngdahl (Mark) Urban Conservation Area

(5) Firearms firing single projectiles are prohibited on the following department areas except for deer hunting as authorized in 3 CSR 10-11.182 Deer Hunting of this chapter:

(C) Berrier (Dr. Harry and Lina) Memorial Conservation Area

[[C]](D) Black Island Conservation Area (Wolf Bayou Unit of)
 [[D]](E) Bois D'Arc Conservation Area
 [[E]](F) Branch Towersite
 [[F]](G) Brickley Hollow Conservation Area
 [[G]](H) Brown (Gerhild and Graham) Conservation Area
 [[H]](I) Cape LaCroix Bluffs Conservation Area
 [[I]](J) Catawissa Conservation Area
 [[J]](K) Charity Access
 [[K]](L) Columbia Bottom Conservation Area
 [[L]](M) Cuivre Island Conservation Area (mainland portion)
 [[M]](N) Diamond Grove Prairie Conservation Area
 [[N]](O) Dorris Creek Prairie Conservation Area
 [[O]](P) Dorsett Hill Prairie Conservation Area
 [[P]](Q) Dupree (Arthur) Memorial Conservation Area
 [[Q]](R) Eagle Bluffs Conservation Area
 [[R]](S) Earthquake Hollow Conservation Area
 [[S]](T) Eck (Peter A.) Conservation Area
 [[T]](U) Edmonson Access
 [[U]](V) Ferguson-Herold Conservation Area
 [[V]](W) Fort Leonard Wood Towersite
 [[W]](X) Gale (Larry R.) Access
 [[X]](Y) Glassberg (Myron and Sonya) Family Conservation Area
 [[Y]](Z) Grand Bluffs Conservation Area
 [[Z]](AA) Horse Creek Prairie Conservation Area
 [[AA]](BB) LaBarque Creek Conservation Area
 [[BB]](CC) Lewis (The) Family, Dean, Anna Mae and David D. Lewis Memorial Conservation Area
 [[CC]](DD) Liberty Bend Conservation Area
 [[DD]](EE) Little Bean Marsh Conservation Area
 [[EE]](FF) Little Dixie Lake Conservation Area
 [[FF]](GG) Little Prairie Conservation Area
 [[GG]](HH) Little River Conservation Area
 [[HH]](II) Logan (Caroline Sheridan) Memorial Wildlife Area
 [[II]](JJ) Lone Jack Lake Conservation Area
 [[JJ]](KK) Lost Valley Fish Hatchery
 [[KK]](LL) Lowe (William) Conservation Area
 [[LL]](MM) Mansfield (Alice Ahart) Conservation Area
 [[MM]](NN) Marais Temps Clair Conservation Area
 [[NN]](OO) Mockingbird Hill Access
 [[OO]](PP) Mo-No-I Prairie Conservation Area
 [[PP]](QQ) Mon-Shon Prairie Conservation Area
 [[QQ]](RR) Noser Mill Conservation Area
 [[RR]](SS) Pacific Palisades Conservation Area
 [[SS]](TT) Parma Woods Range and Training Center (south portion)
 [[TT]](UU) Reed (James A.) Memorial Wildlife Area
 [[UU]](VV) Reform Conservation Area
 [[VV]](WW) Rocky Barrens Conservation Area
 [[WW]](XX) Saint Stanislaus Conservation Area
 [[XX]](YY) Shelton (Wade and June) Memorial Conservation Area
 [[YY]](ZZ) Sloan (Dr. O. E. and Eloise) Conservation Area
 [[ZZ]](AAA) Sterling Price Community Lake
 [[AAA]](BBB) Sunbridge Hills Conservation Area
 [[BBB]](CCC) Swift Ditch Access
 [[CCC]](DDD) Tipton Ford Access
 [[DDD]](EEE) Treaty Line Prairie Conservation Area

[[EEE]](FFF) Tri-City Community Lake
 [[FFF]](GGG) Valley View Glades Natural Area
 [[GGG]](HHH) Vandalia Community Lake
 [[HHH]](III) VanDerhoef (Archie and Gracie) Memorial State Forest
 [[III]](JJJ) Victoria Glades Conservation Area
 [[JJJ]](KKK) Vonaventure Memorial Forest and Wildlife Area
 [[KKK]](LLL) Wigwam School Access
 [[LLL]](MMM) Young Conservation Area

[[9]](9) On Caney Mountain Conservation Area—

(A) On the designated fenced portion of the area, firearms squirrel hunting is permitted from the fourth Saturday in May through August 31, and December 1 through February 15; and

(B) On the remainder of the area, firearms squirrel hunting is permitted under statewide regulations.]

[[10]](9) On Busch (August A.) Memorial Conservation Area—

(A) Rabbits may be hunted only with shotgun from January 1 through February 15, except on designated portions where special management restrictions apply. The daily limit is four (4) rabbits;

(B) Furbearers other than coyotes not treed with the aid of dogs may be taken only by shotgun during the prescribed season; and

(C) All furbearers may be taken during managed deer hunts that coincide with the prescribed furbearer season using methods allowed for deer by participants holding a valid managed deer hunting permit and the prescribed permit for taking furbearers.

[[11]](10) Hunting is permitted on the following department areas only by holders of a valid area daily hunting tag or as authorized in 3 CSR 10-11.181 [Turkeys: Special Hunts] **Turkey Hunting** and 3 CSR 10-11.182 Deer Hunting of this chapter:

- (A) Columbia Bottom Conservation Area
- (B) Burr Oak Woods Conservation Area
- (C) Forest 44 Conservation Area
- (D) Green (Charles W.) Conservation Area
- (E) Marais Temps Clair Conservation Area
- (F) Prairie Fork Conservation Area
- (G) Reed (James A.) Memorial Wildlife Area

1. Rabbits, squirrels, and crows may be taken between sunrise and sunset from December 1 through the end of the statewide season except furbearers may be taken during managed deer hunts that coincide with the prescribed furbearer season using methods allowed for deer by participants holding a valid managed deer hunting permit and the prescribed permit for taking furbearers.

[[12]](11) On Lake Girardeau Conservation Area, firearms firing a single projectile are prohibited, except a twenty-two (.22) caliber or smaller rimfire firearm may be used from November 1 through April 1.

[[13]](12) On the portion of Nodaway River bordered by the portion of Nodaway Valley Conservation Area which has been designated a waterfowl refuge, all hunting is prohibited from October 15 through March 1.

[[14]](13) On Leach (B. K.) Memorial Conservation Area, hunting of wildlife other than waterfowl is allowed during prescribed seasons, except that from October 15 through the end of the appropriate zone's duck season other wildlife may be hunted only by archery methods and only in designated areas.

[[15]](14) On Cover (Dan and Maureen) Prairie Conservation Area, rabbits may not be chased, pursued, or taken during the prescribed quail hunting season.

[[16]](15) Firearms firing single projectiles larger than twenty-two

(.22) caliber rimfire are prohibited on the following areas except for deer hunting as authorized in 3 CSR 10-11.182 Deer Hunting of this chapter:

- (A) Church Farm Conservation Area
- (B) Horton Farm Conservation Area
- (C) Kendzora (Anthony and Beatrice) Conservation Area
- (D) Montrose Conservation Area
- (E) Park (Guy B.) Conservation Area
- (F) Platte Falls Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.181 [Turkeys: Special Hunts] Turkey Hunting. The commission proposes to amend the title, original purpose statement, and the authority section of this rule.

PURPOSE: This amendment changes the title and purpose statement for this rule to ensure consistency with other rules in this chapter and corrects an inaccurate reference in the authority section of the rule.

PURPOSE: [This rule establishes a framework to offer a disabled hunter or other turkey hunts on certain conservation areas to run concurrent with the statewide spring youth turkey season or other dates as determined.] This rule establishes provisions for turkey hunting on department areas.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Sept. 27, 2007, effective Feb. 29, 2008. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's

Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.184 Quail Hunting. The commission proposes to remove sections (2) and (4) and renumber subsequent sections of this rule.

PURPOSE: This amendment eliminates restrictions for quail hunters by removing closing dates, daily tag, and check-in/check-out requirements on certain conservation areas.

[(2)] Quail may be taken only by holders of the prescribed hunting permit and a valid area daily hunting tag, and hunters must check out immediately after the close of their hunting trip on the following department areas:

- (A) Bunch Hollow Conservation Area
- (B) Crowleys Ridge Conservation Area
- (C) Maintz Wildlife Preserve
- (D) Seat (Emmett and Leah) Memorial Conservation Area]

[(3)](2) On Whetstone Creek Conservation Area quail hunting is permitted only through December 15.

[(4)] Quail hunting is permitted only through December 15 by holders of the prescribed hunting permit and a valid area daily hunting tag, and hunters must check out immediately after the close of their hunting trip [on the following department areas:

- (A) Bois D'Arc Conservation Area
- (B) Talbot (Robert E.) Conservation Area
- (C) White River Trace Conservation Area]

[(5)](3) On Cover (Dan and Maureen) Prairie Conservation Area quail hunting is permitted only by holders of the prescribed hunting permit who have been selected to participate in the area's managed quail hunts.

[(6)](4) Quail hunting is prohibited on the following department areas:

- (A) Busch (August A.) Memorial Conservation Area
- (B) Reed (James A.) Memorial Wildlife Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Oct. 10, 2008, effective April 30, 2009. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's

website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to add paragraph (9)(A)4. and renumber subsequent paragraphs of this rule.

PURPOSE: This amendment establishes provisions for fishing methods on Cooley Lake Conservation Area.

(9) Seining or trapping live bait, including tadpoles, is prohibited on all lakes and ponds, except as otherwise provided in this chapter.

(A) Seining or trapping live bait, excluding all frogs and tadpoles, in compliance with 3 CSR 10-6.605 is permitted on designated lakes and ponds on the following department areas:

1. Atlanta Conservation Area
2. Leach (B. K.) Memorial Conservation Area
3. Brown (Bob) Conservation Area

4. Cooley Lake Conservation Area

- [4.]5. Eagle Bluffs Conservation Area
- [5.]6. Fountain Grove Conservation Area
- [6.]7. Grand Pass Conservation Area
- [7.]8. Long Branch Lake Management Lands
- [8.]9. Locust Creek Conservation Area
- [9.]10. Nodaway Valley Conservation Area
- [10.]11. Rebel's Cove Conservation Area
- [11.]12. Shanks (Ted) Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED RULE

3 CSR 10-11.220 Taking Feral Swine

PURPOSE: This rule establishes regulations for the take of feral

swine will only be allowed during deer and turkey seasons on areas owned by MDC.

(1) Feral swine (any swine that is born, living, or has lived in the wild, and any offspring of such swine) may not be chased, pursued, or taken on department areas, except:

(A) Feral swine may be taken in any number during the archery deer and turkey hunting seasons, the firearms deer hunting season, the fall firearms turkey hunting season, the spring turkey season, and the youth spring turkey season in accordance with the following:

1. Feral swine may not be chased or pursued, and may be taken only on department areas or portions of these areas designated as open to hunting, and only during hours prescribed for taking deer or turkey during the season being hunted;

2. Hunters taking feral swine must possess a valid unfilled deer or turkey hunting permit for the season being hunted and abide by the methods of pursuit allowed for deer and turkey as provided in this section, as well as any other restrictions that may apply on specific department areas—

A. During the archery deer and turkey hunting seasons, archer's hunting permittees may only use archery methods allowed for deer and turkey hunting;

B. During the firearms deer hunting season, firearms deer hunting permittees may only use methods allowed for deer hunting during the portion of the firearms deer hunting season being hunted; and

C. During the firearms turkey seasons, firearms turkey hunting permittees may only use methods allowed for turkey hunting during the firearms turkey season being hunted.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend section (1), add new subsections (2)(O) and (2)(BB), and re-letter subsequent subsections of this rule.

PURPOSE: This amendment adds canoes, kayaks, paddleboards, and sailboats to better define what types of boats are allowed on areas managed by the department under cooperative agreement and prohibits the use of boats and motors at Kearney (Jesse James Park Lake) and St. Ann (Gendron Lake), areas under management agreement with the department.

(1) Boats (including canoes, kayaks, paddleboards, and sailboats)

may be used on areas managed by the department under cooperative agreement unless otherwise provided in this rule. Only electric motors may be used unless otherwise provided in this rule.

(2) Boats are prohibited on the following areas:

(O) Kearney (Jesse James Park Lake);

~~[(O)](P) Kirksville (Spur Pond);~~

~~[(P)](Q) Kirkwood (Walker Lake);~~

~~[(Q)](R) Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);~~

~~[(R)](S) Macon County (Fairgrounds Lake);~~

~~[(S)](T) Mexico (Kiwanis Lake);~~

~~[(T)](U) Mineral Area College (Quarry Pond);~~

~~[(U)](V) Mount Vernon (Williams Creek Park Lake);~~

~~[(V)](W) Overland (Wild Acres Park Lake);~~

~~[(W)](X) Pleasant Hill (Porter Park Lake);~~

~~[(X)](Y) Potosi (Roger Bilderback Lake);~~

~~[(Y)](Z) Raymore (Johnston Lake);~~

~~[(Z)](AA) Rolla (Schuman Park Lake);~~

(BB) St. Ann (Gendron Lake);

~~[(AA)](CC) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);~~

~~[(BB)](DD) St. James (Scioto Lake)~~

~~[(CC)](EE) St. Joseph (Krug Park Lagoon)~~

~~[(DD)](FF) St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);~~

~~[(EE)](GG) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Fountain Lake, Island Lake, Jarville Lake, Tilles Park Lake);~~

~~[(FF)](HH) Sedalia (Clover Dell Park Lake, Liberty Park Pond);~~

~~[(GG)](II) Taos (Taos Countryside Park Lake);~~

~~[(HH)](JJ) Tipton (Tipton Park Lake);~~

~~[(II)](KK) Union (Union City Lake);~~

~~[(JJ)](LL) University of Missouri (South Farm R-1 Lake);~~

~~[(KK)](MM) Watershed Committee of the Ozarks (Valley Water Mill Lake); and~~

~~[(LL)](NN) Wentzville (Community Club Lake, Heartland Lake).~~

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to add paragraph (1)(B)6. and renumber subsequent

paragraphs of this rule.

PURPOSE: This amendment provides for the taking of bullfrogs and green frogs by pole and line only at Kearney (Jesse James Park Lake) and St. Ann (Gendron Lake), areas under management agreement with the department.

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(B) Only pole and line may be used to take frogs on the following areas:

1. Ballwin (New Ballwin Park Lake, Vlasis Park Lake);
2. Butler City Lake;
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Park Lake);
5. Jennings (Koeneman Park Lake);
- 6. Kearney (Jesse James Park Lake);**
- ~~[/6.]/7. Kirksville (Spur Pond);~~
- ~~[/7.]/8. Kirkwood (Walker Lake);~~
- ~~[/8.]/9. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);~~
- ~~[/9.]/10. Macon County (Fairground Lake);~~
- ~~[/10.]/11. Mineral Area College (Quarry Pond);~~
- ~~[/11.]/12. Overland (Wild Acres Park Lake);~~
- ~~[/12.]/13. Potosi (Roger Bilderback Lake);~~
- ~~[/13.]/14. Raymore (Johnston Lake);~~
- 15. St. Ann (Gendron Lake);**
- ~~[/14.]/16. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);~~
- ~~[/15.]/17. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);~~
- ~~[/16.]/18. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);~~
- ~~[/17.]/19. Sedalia (Clover Dell Park Lake, Liberty Park Pond);~~
- ~~[/18.]/20. Sedalia Water Department (Spring Fork Lake);~~
- ~~[/19.]/21. Warrensburg (Lions Lake);~~
- ~~[/20.]/22. Watershed Committee of the Ozarks (Valley Water Mill Lake);~~
- ~~[/21.]/23. Wentzville (Community Club Lake, Heartland Lake);~~
- and
- ~~[/22.]/24. Windsor (Farrington Park Lake).~~

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to amend section (4) of this rule.

PURPOSE: This amendment establishes regulations for the take of feral swine on lands managed by the department under cooperative agreement during deer and turkey hunting seasons.

(4) Feral [*livestock*] swine may not be **pursued, chased, or** taken on lands managed by the Department of Conservation under cooperative agreement~~(.)~~, **except:**

(A) Feral swine (any swine that is born, living, or has lived in the wild, and any offspring of such swine) may be taken in any number during the archery deer and turkey hunting seasons, the firearms deer hunting season, the fall firearms turkey hunting season, the spring turkey season, and the youth spring turkey season in accordance with the following:

1. Feral swine may not be chased or pursued, and may be taken only on these lands or portions of these lands designated as open to hunting, and only during hours prescribed for taking deer or turkey during the season being hunted;

2. Hunters taking feral swine must possess a valid unfilled deer or turkey hunting permit for the season being hunted and abide by the methods of pursuit allowed for deer and turkey as provided in this section, as well as any other restrictions that may apply on specific areas managed under cooperative agreement—

A. During the archery deer and turkey hunting seasons, archer's hunting permittees may only use archery methods allowed for deer and turkey hunting;

B. During the firearms deer hunting season, permittees may only use methods allowed for deer hunting during the portion of the firearms deer hunting season being hunted; and,

C. During the firearms turkey seasons, firearms turkey hunting permittees may only use methods allowed for turkey hunting during the firearms turkey season being hunted.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to

add subsection (3)(I) and re-letter subsequent subsections of this rule.

PURPOSE: This amendment prohibits the take of Gizzard shad from St. Ann (Gendron Lake), an area under management agreement with the department.

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net, except at the following areas:

(I) **St. Ann (Gendron Lake)**

[(I)](J) St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake)

[(J)](K) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake)

[(K)](L) Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend sections (10) and (14), add new section (33), renumber subsequent section, add new section (35), renumber subsequent sections, and amend new sections (53) and (59) of this rule.

PURPOSE: This amendment adds definitions for "handgun" and "invasive fish", removes alligator gar from commercial fish harvest, and includes feral swine in the definitions of chase or chased, pursue or pursued, and take or taking.

(10) Chase or chased: The act of using dogs to follow wildlife **or feral swine** for the purpose of recreation or dog training, but not for the purpose of catching or taking that wildlife **or feral swine**.

(14) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3), **alligator gar**, and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin, and

name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue, and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon twenty-four inches to thirty-two inches (24"-32") in length (measured from tip of snout to fork of tail) upstream from Melvin Price Locks and Dam.

(33) Handgun: Any firearm originally designed, made, and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand, and having a short stock designed to be gripped by one (1) hand at an angle to and extending below the line of the bore(s), with a barrel less than sixteen inches (16") in length, measured from the face of the bolt or standing breech, and an overall length of less than twenty-six inches (26"); excluding any firearm designed or redesigned, made or remade, and intended to be fired from the shoulder.

[(33)](34) Hook: Single- or multiple-pronged hooks and the ordinary artificial lures with attached single- or multiple-pronged hooks and dropper flies. A multiple-pronged hook or two (2) or more hooks employed to hold a single bait, shall be considered a single hook in counting the allowable total in use.

(35) Invasive fish: Shall include fish defined as prohibited in 3 CSR 10-4.117(C) and the following:

- (A) Bighead carp (*Hypophthalmichthys nobilis*)
- (B) Common carp (*Cyprinus carpio*)
- (C) Grass carp (*Ctenopharyngodon Idella*)
- (D) Silver carp (*Hypophthalmichthys molitrix*)

[(34)](36) Invertebrate: Any animal lacking a backbone; this includes all animal phyla other than *Chordata*. (Examples include insects and other arthropods, flatworms, roundworms, segmented worms, and mollusks.)

[(35)](37) Length of fish: Total length is measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together. The length of paddlefish is measured from the eye to the fork of the tail. The length of sturgeon is measured from the tip of the snout to the fork of the tail.

[(36)](38) Limit: The maximum number or quantity, total length, or both, of any wildlife permitted to be taken or held in possession by any person within a specified period of time according to this *Code*.

[(37)](39) Managed deer hunt: A prescribed deer hunt conducted on a designated area for which harvest methods, harvest quotas, and numbers of participants are determined annually and presented in the deer hunting rules (3 CSR 10-7.431 and 3 CSR 10-7.436).

[(38)](40) Mouth of stream or ditch: The point at which a line projected along the shore of a main stream or ditch at the existing water level at time of measurement crosses any incoming stream or ditch.

[(39)](41) Multi-use Trail: A trail upon which hiking and at least one (1) of the following other activities are allowed concurrently: bicycling and equestrian use.

[(40)](42) Mussels: All species of freshwater mussels and clams. Includes all shells and alive or dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel.

[(41)](43) Muzzleloading firearm: Any firearm capable of being loaded only from the muzzle.

[(42)](44) Night vision equipment: Optical devices (that is, binoculars or scopes) using light amplifying circuits that are electrical or battery powered.

[(43)](45) Nonresident landowner: Any nonresident of Missouri who is the owner of at least seventy-five (75) acres in one (1) contiguous tract in the state of Missouri, or any member of the immediate household whose legal residence and domicile is the same as the nonresident landowner's for at least thirty (30) days last past.

[(44)](46) Open season: That time when the pursuing and taking of wildlife is permitted.

[(45)](47) Other fish: All species other than those listed as endangered in 3 CSR 10-4.111, **alligator gar**, or defined in this rule as game fish.

[(46)](48) Persons with disabilities: A person who is blind, as defined in section 8.700, RSMo, or a person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician as follows: The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or the person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or the person is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mmHg on room air at rest; or the person uses portable oxygen; or the person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association. (A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled.)

[(47)](49) Poisons, contaminants, pollutants: Any substances that have harmful effect upon wildlife.

[(48)](50) Pole and line: Fishing methods using tackle normally held in the hand, such as a cane pole, casting rod, spinning rod, fly rod, or ice fishing tackle commonly known as a tip-up, to which not more than three (3) hooks with bait or lures are attached. This fishing method does not include snagging, snaring, grabbing, or trotlines or other tackle normally attached in a fixed position.

[(49)](51) Possessed and possession: The actual and constructive possession and control of things referred to in this *Code*.

[(50)](52) Public roadway: The right of way which is either owned in fee or by easement by the state of Missouri or any county or municipal entity, or which is used by the general public for travel and is also regularly maintained by Department of Transportation, federal, county, or municipal funds or labor.

[(51)](53) Pursue or pursued: Includes the act of trying to find, to seek, or to diligently search for wildlife or **feral swine** for the purpose of taking this wildlife or **feral swine**.

[(52)](54) Resident landowner: Any Missouri resident who is the owner of at least five (5) acres in one (1) contiguous tract, or any member of the immediate household whose legal residence or domicile is the same as the landowner's for at least thirty (30) days last past, except ownership of at least twenty (20) acres in one (1)

contiguous tract is required to qualify for resident landowner privileges to hunt deer, elk, and turkey. In the case of corporate ownership of land, persons defined as landowners include Missouri residents who are/:]—

(A) General partners of resident limited liability partnerships, limited partnerships, or limited liability limited partnerships, and general partners of general partnerships formed by written agreement;

(B) Officers of resident or foreign corporations;

(C) Managing members of resident limited liability companies; and

(D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

[(53)](55) Sell: To exchange for compensation in any material form, and the term shall include offering for sale.

[(54)](56) Snare: A device for the capture of furbearers in a water-set by use of a cable loop. Snares must be constructed of cable that is at least five sixty-fourths inch (5/64") and no greater than one-eighth inch (1/8") in diameter, and must be equipped with a mechanical lock and anchor swivel.

[(55)](57) Speargun: A mechanically powered device that propels a single- or multiple pronged spear underwater.

[(56)](58) Store and storage: Shall also include chilling, freezing, and other processing.

[(57)](59) Take or taking: Includes killing, trapping, snaring, netting, or capturing in any manner, any wildlife **or feral swine**, and also refers to pursuing, molesting, hunting, wounding; or the placing, setting, or use of any net, trap, device, contrivance, or substance in an attempt to take; and every act of assistance to every other person in taking or attempting to take any wildlife **or feral swine**.

[(58)](60) Transgenic: Any organism, or progeny thereof, that contains DNA from a species that was not a parent of that organism.

[(59)](61) Transport and transportation: All carrying or moving or causing to be carried or moved from one **(1)** point to another, regardless of distance, vehicle, or manner, and includes offering or receiving for transport or transit.

[(60)](62) Underwater spearfishing: The taking of fish by a diver while underwater, with the aid of a manually or mechanically propelled, single- or multiple-pronged spear.

[(61)](63) Ungulate: Hoofed animals.

[(62)](64) Waters of the state: All rivers, streams, lakes, and other bodies of surface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned or leased by a single person or by two (2) or more persons jointly or as tenants in common or by corporate shareholders, and including waters of the United States lying within the state. Waters of the state will include any waters which have been stocked by the state or which are subject to movement of fishes to and from waters of the state.

[(63)](65) Zoo: Any publicly owned facility, park, building, cage, enclosure, or other structure or premises in which live animals are held and exhibited for the primary purpose of public viewing.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-II.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 2, 2020.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.660 Certification Requirements for Career Education (Secondary) 7-12 Certificates. The board is amending the title and adding part (1)(C)5.A.XXXIII.

PURPOSE: This amendment is to add the area of Water Quality and Wastewater Treatment Management and Recycling Technology/Technician as a skilled technical science certificate.

(1) An applicant for a Career Education (Secondary) Certificate who possesses good moral character may be granted a Career Education (Secondary) Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Education (Secondary) Certificates:

(C) Certificate Titles and Specific Requirements for Each Specific Area of Career Education Certification—

1. Family, Consumer Sciences, and Human Services—

A. Apparel and Textiles;

B. Cosmetologist (requires professional licensing);

C. Culinary Arts/:]—

(I) For a Culinary Arts Certificate, candidates must satisfy the requirements of at least one (1) of the following:

(a) Satisfaction of the General Requirements and Professional Requirements in subsections (1)(A)-(B) of this rule; or

(b) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Food Service Education Certificate from the National Restaurant Association Education Foundation, and a Serve Safe Certificate; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten (10) years; or

(c) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Culinary Education Certificate from the American Culinary Federation; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten

(10) years; or

D. Family and Consumer Sciences Related Careers Cooperative Education;

E. Food and Beverage/Restaurant Operations Manager;

F. Food Production, Management, and Related Services;

G. Hospitality Administration/Management, General;

H. Housing and Home Environments;

I. Human Development/Adult Development and Aging/;—

(I) A Human Development/Adult Development and Aging certificate requires a minimum of an associate's degree;

J. Human Development/Child Care—

(I) A Human Development/Child Care certificate requires a minimum of an associate's degree;

2. Applicants for a Family and Consumer Sciences Career Education Certificate of license to teach in the specific area of Human Development/Child Care and Human Development/Adult Development and Aging must have a minimum of an associate's or higher degree in an area appropriate for the subject area being taught and comply with subsections (1)(A)-(B) general and professional requirements. Applicants in the areas of Apparel and Textiles; Cosmetologist; Culinary Arts; Family and Consumer Sciences Related Careers Cooperative Education; Food and Beverage/Restaurant Operations Manager; Food Production, Management and Related Services; Hospitality, Administration/Management, General; and Housing and Home Environments must comply with subsections (1)(A)-(B) general and professional requirements;

3. Health Sciences—

A. Dental Assistant (requires professional licensing);

B. Dental Laboratory Technician;

C. Emergency Medical Technology/Technician (requires professional licensing);

D. Health Aide or Health Services Assistant (requires professional licensing);

E. Medical Assistant (requires professional licensing);

F. Medical Laboratory Technician;

G. Medical Transcriptionist (requires professional licensing);

H. Pharmacy Technician/Assistant (requires professional licensing); and

I. Sign Language Interpreter (requires professional licensing);

4. The applicant for a Health Sciences Career Education Certificate of license to teach must comply with the general and professional requirements from paragraph (1)(C)3. and the following:

A. Applicant must provide a valid authorization from the applicable accrediting agency certifying that applicant meets requirements to teach in the subject area and student level of the instructional program; and

B. Applicant must provide documentation of a valid, unencumbered, undisciplined professional license (if applicable for instructional area to be taught);

5. Skilled Technical Sciences—

A. Certificate Titles—

(I) Aircraft Mechanic/Technician, Powerplant (requires professional licensing);

(II) Airframe Mechanic/Technician, Airframe (requires professional licensing);

(III) Auto/Automotive Body Repairer;

(IV) Auto/Automotive Mechanic/Technician;

(V) Aviation Management;

(VI) Building/Property Maintenance and Manager;

(VII) Cabinet Maker and Mill-worker;

(VIII) Carpenter;

(IX) Cartography;

(X) Commercial Photography;

(XI) Computer Maintenance Technology/Technician;

(XII) Construction/Building Technology/Technician;

(XIII) Diesel Engine Mechanic and Repairer;

(XIV) Drafting, General;

(XV) Electrical and Electronics Equipment Installer and Repairer, General;

(XVI) Electrician;

(XVII) Fire Science/Firefighting;

(XVIII) Graphic and Printing Equipment Operator, General;

(XIX) Graphic Design, Commercial Art, and Illustration;

(XX) Heating, Air Conditioning, and Refrigeration Mechanic and Repairer;

(XXI) Heavy Equipment Maintenance and Repairer;

(XXII) Industrial Technology/Technician;

(XXIII) Laser and Optical Technology/Technician;

(XXIV) Law Enforcement/Police Science;

(XXV) Machinist/Machine Technologist;

(XXVI) Marine Maintenance and Ship Repairer;

(XXVII) Mason and Tile Setter;

(XXVIII) Motorcycle Mechanic and Repairer;

(XXIX) Plumbing Technology/Plumber;

(XXX) Radio and Television Broadcasting Technology/Technician;

(XXXI) Small Engine Mechanic and Repairer; *and*

(XXXII) Welder/Welding Technologist; **and**

(XXXIII) Water Quality and Wastewater Treatment Management and Recycling Technology/Technician;

6. The applicant for a Skilled Technical Sciences Career Education certificate of license to teach must comply with subsections (1)(A)-(B) general and professional requirements and the following:

A. The applicant must provide documentation of a valid, unencumbered, undisciplined license (if applicable for instructional area to be taught);

7. The applicant for a ROTC Career Education certificate of license to teach must comply with subsections (1)(A)-(B) general and professional requirements; and

8. The applicant for a Special Needs Career Education certificate of license to teach must comply with the general and professional requirements from subsections (1)(A)-(B) and the following:

A. Possession of a bachelor's degree or higher from a college or university approved by the department;

B. A valid professional classification Missouri certificate of license to teach in one (1) of the following areas: elementary education, middle school, math (Grades 9-12), English (Grades 7-12), industrial arts, technology education, counseling, special education, or career education; and

C. The applicant must provide documentation/transcripts of completion of a course in Methods of Teaching Disabled Students or a methods course appropriate to the disability area(s) of their employment.

AUTHORITY: sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo [2000] 2016, and section[s] 161.092, [168.021, [168.071, 168.081, and 168.400,] RSMo Supp. [2013] 2019. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed Feb. 21, 2020.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR
SERVICES
Division 10—Office of the Director
Chapter 15—Abortions**

PROPOSED AMENDMENT

19 CSR 10-15.020 Complication Report for Post-Abortion Care.

The department is amending section (1).

PURPOSE: This amendment modifies the Complication Report for Post-Abortion Care to distinguish between failed abortions that are failed medication abortions, failed surgical abortions where the failure is recognized immediately, and failed surgical abortions where the recognition of the failure is delayed. It also amends the publication date of the Complication Report for Post-Abortion Care.

(1) The complication report for post-abortion care shall contain the following items on a form provided by the department: patient identification number; patient's date of birth; residence of patient state, county, city; date of abortion; name and address of abortion facility or hospital; type of abortion performed; name and address of facility reporting complication; was patient previously seen at another facility for post-abortion care (yes or no); if yes, name and address of other facility that treated patient; complications (check all that apply: incomplete abortion, hemorrhage, endometritis, parametritis, pyrexia, abscess-pelvic, uterine perforation, *[failed abortion-pregnancy undisturbed,]* **failed medical abortion, failed surgical abortion, immediately recognized, failed surgical abortion, with delayed recognition**, retained products, cervical lacerations, diagnosable psychiatric condition, other-describe); result of complication (check all that apply: hysterectomy, death of woman, transfusion, other-describe); was patient hospitalized (yes or no); if yes, name and address of hospital; name and signature of physician providing post-abortion care; and date of the post-abortion care. The information shall be reported on the Complication Report for Post-Abortion Care which is incorporated by reference in this rule as published *[January 2018]* **February 2020** and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section[s] 188.052, RSMo Supp. 2019, and sections 188.055[,] and 192.006, RSMo 2016. This rule was previously filed as 13 CSR 50-151.020 and 19 CSR 30-15.020. Original rule filed Sept. 30, 1980, effective Jan. 12, 1981. Changed to 19 CSR 10-15.020 July 30, 1998. Amended: Filed Oct. 24, 2017, effective April 30, 2018. Amended: Filed Feb. 25, 2020.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Regulation and Licensure, Dean Linneman, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2668-2670). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received one hundred and sixteen (116) comments on the proposed amendment.

COMMENT #1: “(12) Indoor cultivation facility—any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building, a vehicle, or designed for use as a dwelling. Does this mean I cannot have a greenhouse on private residential property that is NOT connected to the actual dwelling? I need to see if I can build a greenhouse on my residential property. Plan is to sell seedling plants to farmers for their production. Also, how do I know where I can buy or cannot buy seeds for a greenhouse grow.”

RESPONSE: By statute, indoor cultivation of industrial hemp cannot occur within a residence, it does not prevent cultivation on residential

property. Landowners should contact their local city or county about ordinances that may affect a proposed production operation. No changes have been made as a result of the comment.

COMMENT #2: The department received one hundred and four (104) comments regarding section (7) delta-9.

RESPONSE: Federal law and rule clearly define the testing requirements for delta-9 tetrahydrocannabinol to include post decarboxylation using gas chromatography or liquid gas chromatography. No changes have been made as a result of the comment.

COMMENT #3: “My family and I are looking for for new ways to help our small farm be more profitable and sustainable and more healthy for the Environment. The land is in Jackson county and would love to be the first in the county thank you very much”

RESPONSE: Comment does not identify any requested changes to the regulations. No changes have been made as a result of the comment.

COMMENT #4: “1) Definition of Publically Marketable product-Hemp Grain should be considered publically marketable product even though it is a viable seed (although not to be re-planted as such) definition issue not sure if it matters anyways.”

RESPONSE: Publically Marketable Product is defined in 195.740 RSMo. No changes have been made as a result of the comment.

COMMENT #5: “Hello. Hemp is a product thats all natural and used in and for hundreds of items. There is absolutely no reason, that Missouri farmers or plan citizens should not be allowed to grown Hemp freely legally without all the red tape, rules and regulations. Hemp is no diffrent than any other crop and better than most due to its diversity. Thank you.”

RESPONSE: Under federal and state law, hemp has been removed from the respective Controlled Substances Acts, however, both federal and state law require regulation of the crop. No changes have been made as a result of the comment.

COMMENT #6: “Please reinstate the terms “cooperative” and “joint venture” to the list of definitions. Please add a definition for the term “composite sample,” as used in Article 2 CSR 70-17.100(4). With respect to definition (5), “Applicant,” please restate this definition as “a natural person authorized to sign for a person, cooperative, or joint venture,” With respect to definition (9), “Destroy/destruction,” please clarify the scope of “incorporation with other materials.” Is it the intention of the State that propagules which are found to exceed the 0.3% THC limit may be processed for non-ingestible/non-topical purposes such as textiles, biofuels, bioplastics, construction materials, or other such industrial uses? If so, then this seems to be an efficient and economically appropriate exception. With respect to definition (17), “Producer registration (registration),” please insert the phrase “and sell to permit holders” after the word “produce.” This change will lessen the economic burden on producers and more closely mirror the approach being adopted by other jurisdictions. With respect to definition (19), “Registered producer,” please insert the phrase “and sale to permit holders” after the word “production.” As with the change proposed to definition (17) above, this will lessen the economic burden on producers and more closely mirror the approach being adopted by other jurisdictions.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs that cooperative and joint venture should be included as types of entities represented by the term “person” in the definition. In response, the terms “cooperative” and “joint venture” have been added to the definition of person for clarity.

COMMENT #7: “The following definitions need to be added as a result of the IFR: acceptable hemp THC level, certified hemp sampler,

FSA, key participants, lot, measurement of uncertainty”

RESPONSE AND EXPLANATION OF CHANGE: The terms “acceptable hemp THC level, certified industrial hemp sampler, FSA, key participants, lot, and measurement of uncertainty have been added to the rule. The addition of the terms provide continuity with terminology used in federal rule and reduces confusion in addressing both state and federal regulatory guidance.

COMMENT #8: “The definition of variety needs to be removed as it is a commonly understood concept and is not defined in IRF. Including the definition as is written in proposed rule may be limiting for variety development.”

RESPONSE AND EXPLANATION OF CHANGE: The term ‘variety’ has been removed from the rule. The term variety is commonly understood and requires no additional definition in rule.

COMMENT #9: “The definition of destroy/destruction should be updated to disposal as the IFR uses the term disposal.”

RESPONSE AND EXPLANATION OF CHANGE: The term ‘destroy/destruction’ has been updated to ‘destruction (disposal)’ to provide continuity with federal rule.

COMMENT #10: “The definition of harvest should be updated. By including “or the taking of cuttings for propagation” in the definition of harvest, propagule producers are unduly burdened by the pre-harvest sampling requirement of all lots and the paperwork associated with each ‘harvest’ of cuttings. Additionally, by updating to “the termination of the cultivation of...”, the definition will narrow the interpretation of harvest to not include destruction of a viable crop.”

RESPONSE AND EXPLANATION OF CHANGE: The definition of ‘harvest’ has been updated to remove the phrase, “or the taking of cuttings for propagation”.

COMMENT #11: “The definition of independent testing laboratory should be updated. (1) The word ‘independent’ in the word shall be removed as the conflict-of-interest requirement (A) should also be removed as it is not clear or clearly enforceable. (2) Under USDA Interim Final Rule, laboratories shall be DEA-registered and may have additional requirements in the future such as ISO 17025 accreditation or participation in a Laboratory Approval Program. (3) ASCLD was merged with ANAB and should be eliminated as an accrediting body in this definition.”

RESPONSE AND EXPLANATION OF CHANGE: To address requirements established in federal rule the term ‘independent’ has been removed and the option of ‘DEA-registered’ included in the definition. The example of accreditation agencies has been updated to reflect the merger of ASCLD with ANAB and ASCLD has been removed from the definition.

COMMENT #12: “The definition of parcel of land should be updated. The definition as listed does not specify boundaries or what a parcel is legally defined as, outside of our program or applicant intentions.”

RESPONSE AND EXPLANATION OF CHANGE: The definition of ‘parcel of land’ has been updated to provide clarity for the requirements established under statute.

COMMENT #13: “The definition of delta-9 THC should be updated to include the full name of tetrahydrocannabinol with THC as an acceptable alternative or abbreviation.”

RESPONSE AND EXPLANATION OF CHANGE: The definition of ‘delta-9 THC’ has been updated to provide clarity throughout the chapter of rules. “THC” has been replaced with ‘tetrahydrocannabinol (THC)’ to reflect the term’s use throughout the chapter.

2 CSR 70-17.010 Definitions

PURPOSE: *This rule lists definitions for Chapter 17. The terms*

defined in sections 195.010 and 195.740, RSMo, in addition to other relative terms pertaining to the industrial hemp program will be applied for use in 2 CSR 70-17.010 to 2 CSR 70-17.130.

(1) Acceptable industrial hemp THC level (acceptable THC level)—when the application of the measurement of uncertainty to the reported delta-9 THC content concentration level on a dry weight basis produces a distribution range that includes three-tenths of one percent (0.3%) or less. Any certificate of analysis that does not include a measurement of uncertainty, the measurement of uncertainty is deemed zero percent (0.00%).

(2) Agent—any family member, employee, contracted employee, or farmhand of a registered producer or permit holder.

(3) Agricultural hemp propagule (propagule)—as defined in subdivision 1 of section 195.740, RSMo.

(4) Agricultural hemp propagule and seed permit (permit)—permit issued by the Missouri Department of Agriculture to persons authorized to sell, distribute, or offer for sale any viable industrial hemp propagules or viable seeds.

(5) Agricultural hemp seed (seed)—as defined in subdivision 2 of section 195.740, RSMo.

(6) Applicant—a natural person authorized to sign for a person, who submits an application for a producer registration or an agricultural hemp propagule and seed permit so that they may produce, sell, distribute, or offer for sale any viable industrial hemp.

(7) Certificate of analysis—a certificate from a testing laboratory describing the results of the laboratory’s testing of a sample.

(8) Certified industrial hemp sampler (certified sampler)—a person that meets the requirements established by the department for conducting field sampling of industrial hemp.

(9) Delta-9 tetrahydrocannabinol (THC)—delta-9 tetrahydrocannabinol measured using postdecarboxylation or other similarly reliable methods approved by the United States Department of Agriculture (USDA).

(10) Department—the Missouri Department of Agriculture.

(11) Destruction (disposal)—rendered unusable by burning, incorporating with other materials, or other manner approved by the department.

(12) Farm Service Agency (FSA)—an agency of the USDA

(13) Harvest—the termination of the cultivation of viable industrial hemp, or the collection of viable seed.

(14) Indoor cultivation facility—any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building, a vehicle, or designed for use as a dwelling.

(15) Industrial hemp—as defined in subdivision 24 of section 195.010, RSMo.

(16) Key participant—a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control such as a chief executive officer, chief operating officer, or chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

(17) Lot—a group of plants of the same cannabis variety or strain in a contiguous area in a field, greenhouse, or indoor growing structure.

(18) Measurement of Uncertainty (MU)—the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(19) Parcel—land with a separate legal description on which an applicant, registered producer, or permit holder plans to or produces, sells, distributes, or offers for sale any viable industrial hemp.

(20) Permit holder—any person who holds a valid Agricultural Hemp Propagule and Seed Permit.

(21) Person—includes, but is not limited to, a natural person, sole proprietorship, partnership, limited liability corporation, limited liability partnership, company, association, government agency, governmental subdivision, business, cooperative, joint venture, or non-profit organization.

(22) Producer registration (registration)—registration issued by the department to persons authorized to produce viable industrial hemp.

(23) Publicly marketable product—any industrial hemp product that does not include any living hemp plants, viable seeds, viable roots, viable leaf materials, or viable floral materials, and contains no material with a delta-9 THC concentration exceeding three-tenths of one percent (0.3%) on a dry weight basis.

(24) Registered producer—any person who holds a valid producer registration for the production of industrial hemp.

(25) Testing laboratory—a laboratory—

(A) Is registered with the Drug Enforcement Agency (DEA) or other requirements established by the United States Department of Agriculture; or

(B) Is accredited or has begun the process of accreditation as a testing laboratory to International Organization for Standardization (ISO/IEC) 17025 by a third-party accrediting body such as the American Association for Laboratory Accreditation (A2LA), ANSI-ASQ National Accreditation Board (ANAB), or American Society of Crime Laboratory Directors (ASCLD). The laboratory must be accredited and also have the cannabis testing they perform on their scope of accreditation by December 31, 2023.

(26) Viable industrial hemp—plant material capable of living or growing, including agricultural hemp seeds and agricultural hemp propagules.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2670-2671). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received eight (8) comments on the proposed amendment.

COMMENT #1: “2) 2 CSR 70-17.020 #3—Separate Permit and fee required for each location where grower will raise hemp even if the same grower? Same for Permit holder who may distribute seed from multiple locations—pay registration for each parcel of land planted under the same farm entity? What about seed orders that are direct – delivered from seed supplier to grower? 3) 2 CSR 70-17.020 #6 (e) – Producer needs to have flexibility to re-designate the field(s) they plan to raise hemp in between being awarded producer registration and planting date. Given producer would have registration around 01/01, they likely would not plant for at least 3 additional months, probably 4. See bottom of this document as suggested change (sourced from California Rules recently published). 4) 2 CSR 70-17.020 #7 (d + e) – No direction for seed supplier who is direct shipping seed from supplier to grower. This is not a farmer with a few Meridian tanks by his grain bins with Pioneer logos on them. Is this info required if supplier/broker is not operating in state of MO?”
RESPONSE: Requirements for producer registration and agricultural hemp propagule and seed permits are established in 195.746, RSMo. Applicants must provide detailed information about the parcel of land, registered producers may produce hemp within the registered parcel. Specific production information must be kept in the producer’s Industrial Hemp Plant Monitoring System described in 2 CSR 70-17.110. There is no prohibition for registered producers and permit holders from securing hemp seed from an out of state supplier. No changes have been made as a result of the comment.

COMMENT #2: “2 CSR 70-17.020 (4) Requiring separate applications for each plot of land, location or facility is detrimental to small farmers, who might have to farm multiple plots of land to be successful (6) Is the nonrefundable application fee per type of registration, not per plot of land, location or facility? 2 CSR 70-17.020 if one of the goals of the Missouri Department of Agriculture is to encourage New and Beginning Farmers there should be some provisions for them included in the rules. (I) 1. Wants evidence of experience that New and Beginning Farmers may not have”
RESPONSE: (4) Clarification has been provided in the application process located on the Missouri Department of Agriculture website. Noncontiguous parcels of land and parcels rented by the applicant require separate applications. Contiguous parcels may be included with an application as a supplemental site. (6) Each registration or permit application requires separate application fees. (I) Documentation of experience was deleted prior to submission of the proposed rules. No changes have been made as a result of the comment.

COMMENT #3: “With respect to sections (6)(B) & (7)(B), to be consistent with the State’s apparent legislative intent, it seems appropriate to change the word “person’s” to “applicant’s.””
RESPONSE: The person is the holder of the registration or permit, and determines the location of production or that meets permit requirements. No changes have been made as a result of the comment.

COMMENT #4: “• (2) If seed producers require permits, there should be language that such permits will not be unreasonably withheld for hemp fiber and oilseed growers/handlers. Corn seed and other commodities seed require less permitting, which makes this requirement somewhat peculiar given industrial hemp is just another commodity product. CBD permits should require more due diligence to ensure health risks are not realized.
• (5)(F) The land plot used for growing industrial hemp seed/storage should include the entire area of each farm, as crop rotation schedules will require different fields to be used each year or every other year. CBD growers will likely use the same greenhouses every year

on small acreages and manage soils more carefully.

- (5)(H) Requiring research and marketing plans for hemp fiber and oilseed growers is unrealistic for a start-up industry. As for CBD growers/ handlers, there should be strict track/trace requirements and a well-documented supply chain to trace issues that will inevitably come up with pesticide and heavy metals.

- (5)(I)1. This seems onerous for hemp fiber & oilseed growers/handlers but should be an absolute requirement for CBD production, as it is a pharmaceutical product that should have strict requirements. Hemp fiber and oilseed growers/handlers should prove that they are farmers and they should not need to have evidence of education, nursery or greenhouse experience, and permits should not be withheld on these premises (e.g. unreasonably withheld). CBD growers absolutely require everything in this section, and potentially more, due to the public health risks associated with CBD products.

- (2) Again, the applications should not be unreasonably withheld. A screening process for selecting applicants needs to target CBD growers/handlers due to the public health risks associated with CBD. There should be no cap on the number of applicants. Holding hemp fiber and oilseed producers accountable for nursery and greenhouse experience is completely irrelevant as hemp fiber and oilseed are not grown in greenhouses. This paragraph indicates that CBD growers and handlers are FAVORED by the legislation, which should not be the intent. Any application from hemp fiber and oilseed growers and handlers should not be unreasonably withheld. CBD growers and handlers should be heavily scrutinized due to the health risks of CBD products when grown or processed inappropriately. Consumer protection will be addressed by FDA.

- (1)(B) This should be a requirement for CBD, but not for hemp fiber and oilseed. If corn had the same requirements, fewer farmers would grow it. Other than testing for 0.3% THC content, there should not be any additional permit requirements for hemp fiber and oilseed growers.

- (4) Share cropping or a form of contract farming should be specified under a definition of rented land.

- (5) This should not be a requirement for a hemp fiber and oilseed producer and sets a dangerous precedent. There are no instances where cotton or oilseed producers of other commodities are required to have criminal background checks.”

RESPONSE: ALL COMMENTS SUBMITTED UNDER 17.070 (2) State and Federal laws and regulation do not differentiate between hemp production based on end products. (5)(F) 195.746, RSMo addresses registration and permitting requirements. The proposed rule reflects the statutory language. Comments for (5)(H), (5)(I), (8) refers to text deleted in the proposed rulemaking. No changes have been made as a result of the comment.

COMMENT #5: “(1) “Persons must obtain...” should be revised to eliminate “a registration or permit from the department for the following” as it is duplicative of the information that follows.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and made changes to eliminate duplicative information in the section.

COMMENT #6: “(1)(B) “...any viable industrial hemp propagules or viable industrial hemp seed.” can be revised to say “...any viable industrial hemp.” as the definition of viable industrial hemp includes propagules and seed.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and made the suggested revision for clarification of the definition.

COMMENT #7: “The statement for (5) should be revised as “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...” This revision is necessary due to the IFR requirement for all key participants to complete a background check. Additionally, 195.746 (4) RSMo states: “If required

by federal law...” permit applicants shall be required to complete a background check. USDA Interim Final Rule does not require it and therefore the requirement for permit applicants should be removed.”
RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has added key participants to those required for fingerprint criminal background check to ensure compliance with federal rule. The requirement for background checks for agricultural hemp propagule and seed permit applicants has been removed.

COMMENT #8: “The producer registration application map details as outlined in (6)(E) should be revised to eliminate individual field/facility detail, but keep parcel-level detail. The identification of boundaries, dimensions, and GPS coordinates of each field that may be used for production at the time of application is burdensome to applicants, especially those newer to agriculture. Applicants may not have clearly defined fields until plans are finalized closer to planting. This requirement for greenhouses, indoor cultivation facilities, etc. is not as concerning as those structures will likely not change from the time of application until the time of planting. The statement for (6)(E)3. should be updated to “location of buildings or facilities where viable industrial hemp maybe held” for the same reason. Applicants may not know exactly where hemp will be held in the future, but should outline potential places so that MDA staff and law enforcement know potential locations.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has made the changes to rule reflecting the required level of detail for the applicant’s maps.

2 CSR 70-17.020 Registration and Permit Application Requirements

(1) Persons must obtain—

(B) An agricultural hemp propagule and seed permit in order to sell, distribute, or offer for sale any viable industrial hemp.

(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:

(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.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2671-2672). Those sections with changes are

reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received seven (7) comments regarding the proposed amendment.

COMMENT #1: "The department should release the 4 digit code to allow future applicants a jump start on the State and Federal fingerprint criminal background checks. According to the Missouri State Highway Patrol the process can take 3 - 4 weeks and can not start until the MDOA releases the 4 digit code. Was informed by the MDOA that the code will not be released (because of privacy concerns) until the applications are released. The refusal to release this code on the part of the MDOA will cause additional delays of 3-4 weeks for all applications and their approval. Please release the code asap to avoid unnecessary delays."

RESPONSE: 195.749(2), RSMo states, "A registration or permit shall not be issued to a person who in the ten years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation or use of a controlled substance." The ORI will be released at the time applications are made available on the department website. No changes have been made as a result of the comment.

COMMENT #2: "2 CSR 70-17.030 Background Check Is an applicant allowed to use a state and federal criminal background check for multiple applications? <https://agriculture.mo.gov/proposed-rules/pdf/2CSR70-17.070.pdf>"

RESPONSE: A person applying for multiple applications or permits will only need one (1) background check completed as long as the applications are submitted within thirty (30) days of the background checks completion date. No changes have been made as a result of the comment.

COMMENT #3: "Agree."

RESPONSE: General Comment. No changes have been made as a result of the comment.

COMMENT #4: "2 CSR 70-17.030 This should not be a requirement for a hemp fiber and oilseed producer and sets a dangerous precedent. There are no instances where cotton or oilseed producers of other commodities are required to have background checks. This is another CBD-specific requirement as marijuana and CBD plants are grown the same, look the same, and have a potential criminal risk of growers growing marijuana in CBD operations."

RESPONSE: This comment and other submitted by the same person were all originally submitted under 17.070, the comment has been subdivided into match each rule the comments apply to. 195.749(2), RSMo states, "A registration or permit shall not be issued to a person who in the ten years immediately preceding the application dates has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation or use of a controlled substance." No changes have been made as a result of the comment.

COMMENT #5: "This rule should be revised to eliminate the background check requirement for all permit applications and their renewals. 195.746 (4) RSMo. states: "If required by federal law..." permit applicants shall be required to complete a background check. USDA Interim Final Rule does not require it."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has removed requirement for background checks for agricultural hemp propagule and seed permit applicants.

COMMENT #6: "This rule should be revised as under USDA Interim Final Rule, applicants and key participants are required to complete a background check for the production of industrial hemp."
RESPONSE AND EXPLANATION OF CHANGE: The department

agrees with the comment and has added key participants to those required for fingerprint criminal background check to ensure compliance with federal rule.

COMMENT #7: "This rule should be revised to include a deadline for completing a background check in relation to when the application is submitted. By adding an completion window of thirty (30) days pre- or post-application submission, this allows for the report to be reviewed within the agreement and allows the applicants/key participants some flexibility."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment, 195.749(2), RSMo states, "A registration or permit shall not be issued to a person who in the ten years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding possession, distribution, manufacturing, cultivation, or use of a controlled substance." The rule has been updated to reflect background checks must be completed within thirty (30) days of the application date to allow flexibility for producers to complete the background check requirements and submission of the application.

COMMENT #8: "The title should be amended to remove the parenthesized section. Clarification of the title is achieved by reading the rule text."

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the title to remove the redundant language in the title.

2 CSR 70-17.030 State and Federal Fingerprint Criminal History Background Check Requirements

(1) Each applicant and key participant must complete and pay for a state and federal fingerprint criminal background check within thirty (30) days of submitting an application for a producer registration and renewal of a producer registration.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture rescinds a rule as follows:

2 CSR 70-17.040 Industrial Hemp Pilot Program Grower and Handler Registration Agreement is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2672). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received one (1) comment in support of the proposed rescission.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2672-2673). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received fourteen (14) comments regarding the proposed amendment.

COMMENT #1: “If needing Certificate of Analysis to transport, how transport from farm to testing facility for initial sample testing, without being in violation simply due to not yet having Certificate of Analysis? This appears not to be addressed.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and added a chain of custody form to accompany samples sent for testing.

COMMENT #2: “Is there a provision to purchase Seed from out of state and transport into MO since there is no Legal seed yet in Missouri?”

RESPONSE: Interstate Commerce is regulated by the federal government. Guidance for producers on where to purchase seed is available at agriculture.mo.gov/plants/industrial-hemp/faq. No changes have been made as a result of the comment.

COMMENT #3: “5) 2 CSR 70-17.050 #8 – For lack of a better description this seems like a waiver you sign before going on a roller coaster at the state fair. If the state is at fault for wrongdoing resulting in harm, how can they have immunity from a civil suit against them?”

RESPONSE: No changes have been made as a result of the comment.

COMMENT #4: “Is it accurate that all exemptions previously in place for institutions of higher education have been removed? It appears so in this rule and 70-17.070. To be clear I am not advocating that they be put back in place; simply clarifying”

RESPONSE: 195.767, RSMo exempts qualifying institutions of higher education from registration requirements. If institutions commercially sell hemp products they will be required to meet the same standards of any commercial producer. No changes have been made as a result of the comment.

COMMENT #5: “(7) What constitutes destruction of a crop? Brush-hogging the crop, feeding it to livestock, or is burning required? (8) Will the department hold producers harmless that act in good faith? 2 CSR 70-17.070 Industrial Hemp Registration Fees and Permit Fees If there is to be a \$500.00 and a 45.00 per acre fee, when there is a problem with THC the State should share the burden of the cost of destruction up to a total of \$250.00 and ten dollars per acre. This is because the State of Missouri has seed certification labs. There should also be a cap of \$1000.00 per producer What about years when there is a drought? Of the applicant has paid \$750 fee the State should pay Law Enforcement \$250.00 towards a destruction fee in the event the hemp crop test with higher THC levels than allowed by law. Could photo imaging verify crop destruction and reduce the cost of local law enforcement verification? What is the amount that law enforcement may charge for verifying that a crop has been destroyed? Late fees should be no more than 10% until paid? Late fees can only be used to determine if the next year application is denied. What is the maximum that a testing facility can charge? Information at the University of Kentucky hemp production site <https://hemp.ca.uky.edu/> <https://industrialhemp.ces.ncsu.edu/2019/06/university-of-tennessee-releases-hemp-budget/?src=rss> <https://extension.tennessee.edu/publications/Documents/D41.pdf> If Industrial Hemp is used for any other purpose than CBD oil one comes across many budgets that do not support the charges that the production of CBD oil does. Considering that there are over 25,000 uses for Industrial Hemp besides CBD oil pro-

duction we need to establish guidelines for the production of Industrial Hemp that includes uses and processing for other products”

RESPONSE: The department will provide producers with a destruction protocol that will identify acceptable methods for destroying an out of compliant crop. The information will be posted on the department website. 195.758, RSMo sections (2) thru (6) address the statutory requirements for destruction of out of compliance industrial hemp. No changes have been made as a result of the comment.

COMMENT#6: “With respect to section (3), please add at the end of this sentence, “to the open market.” Accordingly, it is recommended that a second sentence be added, stating “Registered producers shall not required to hold or obtain a permit for any sale of industrial hemp to a permit holder.” These changes will lessen the economic and regulatory burdens on producers and align more closely with comparable regulations being adopted by other jurisdictions. With respect to section (7), it seems appropriate to allow an exception for industrial hemp which tests out of compliance per subsection (B). It is more reasonable and less draconian to allow non-compliant propagules to be processed or sold for non-ingestible/non-topical purposes such as textiles, construction materials, biofuels, bioplastics, and so forth. Offending THC can be isolated and extracted during processing for subsequent destruction or some other legally-compliant disposition. The proposed destruction rule, particularly for this nascent agricultural effort, will result in economic waste and will be counterproductive to the development, growth, and potential of this new industry. With respect to section (10), it appears that third party commercial carriers are being granted an unfair marketplace advantage relative to the burdens being placed upon non-commercial carriers. It is recommended that this section be removed.”

RESPONSE: 195.758, RSMo sections (2) thru (6) address the statutory requirements for destruction of out of compliance industrial hemp. No changes have been made as a result of the comment.

COMMENT #7: “I believe that applicants that are residents in the state that they’re applying in should be able to rent land to produce hemp on for equal opportunity and growth . They’re must be rules in place that should prohibit non residents from doing so . They’re should be a requirement of living in the state of Missouri for 5 or so years to be able to rent land to grow hemp on ! Not everyone has the resources to purchase the land at start!”

RESPONSE: 195.749, RSMo establishes the requirements for registration or permit applicants. No changes have been made as a result of the comment.

COMMENT #8: “2 CSR 70-17.050 (2) State and federal fingerprint criminal background checks should not apply to hemp fiber and oilseed growers and handlers. We recommend compliance with federal standards only when it comes to hemp fiber and oilseed producers. (9) and (10) If a farmer transports his own product, he must have excessive documentation. However, if the same farmer hires a third-party, there is literally no requirements for documentation.”

RESPONSE: All text comments submitted under 2 CSR 70-17.070 and 195.749(2), RSMo states, “A registration or permit shall not be issued to a person who in the ten years immediately preceding the application dates has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation or use of a controlled substance.” No changes have been made as a result of the comment.

COMMENT #9: “The statement (2) should be revised to remove the reference to 2 CSR 70-17.020 as that rule also references another rule and provides a multi-step reference. Removing this does not affect the interpretation of renewal requirements. This statement should also be revised to add ‘if applicable’ at the end, as the completion of the background check is not applicable for all renewals (permit).”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has amended the duplicative language.

COMMENT #10: Statement (4) should be revised to include a deadline for permit holders that “hold” propagules for a long period of time with the veil of holding, when in fact they are producing or cultivating a value-added product. By adding a deadline, such as 48 hours, this serves as a means to eliminate ambiguity if a permit holder has conducted cultivation practices while “holding” a propagule for sale. This is not an issue for holding seed, as long as it remains seed, and should only be addressed for propagules.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has added a 48 hour time period for holding propagules prior to a permit holder being required to apply for a producer registration.

COMMENT #11: “The initially written statement (6) that addresses transfer of registrations or permits should be eliminated as IFR does not allow for transfer.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has deleted language allowing the transfer of a permit or registration.

COMMENT #12: “The following statement (7) in regards to destruction/disposal should become the new (6) and others renumbered thereafter. The content of the statement should also be revised to reference department destruction protocol. Including this reference will help to eliminate destruction that is premature, in an unapproved manner, or of an unnecessary lot.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has renumbered the rule sections and added reference to the department’s destruction protocol.

COMMENT #13: “The statement (9) in regards to transport documentation should be revised. (B) should specify the certificate of analysis for each lot instead of the variety. This revision connects the analysis of the actual hemp that is in transit, rather than an analysis of the overall variety in transit that could be a blanket analysis and not represent the THC content of the hemp actually in transit. Also, this statement should add a chain of custody form for transport of samples, as they will not yet have a certificate of analysis or a bill of lading.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has provided clarifying language for transport of industrial hemp samples.

COMMENT #14: “IFR requires registered producers to report hemp crop acreage to FSA. MDA should revise this rule to include a statement that reflects this requirement.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the department and added new section (10) requiring registered producers to report planting acres to the United States Department of Agriculture’s Farm Service Agency.

COMMENT #15: “The title should be amended, the rule addresses more than simply exemptions or stipulations for registered persons.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the title to “General Provisions for Registered Producers and Agricultural Hemp Propagule and Seed Permit Holders.”

2 CSR 70-17.050 General Provisions for Registered Producers and Agricultural Hemp Propagule and Seed Permit Holders

PURPOSE: This rule explains general provisions for registered producers and agricultural hemp propagule and seed permit holders.

(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 appli-

cation requirements including completion of a state and federal fingerprint criminal background check, if applicable.

(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.

(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.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture rescinds a rule as follows:

2 CSR 70-17.060 Modification of Grower and Handler Applications and Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2673). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received one (1) comment in support of the proposed rescission.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department

of Agriculture amends a rule as follows:

2 CSR 70-17.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2673-2675). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received eight (8) comments regarding the proposed amendment.

COMMENT #1: “A \$750 yearly fee will prevent most small farmers from growing hemp, unless a profitable local market is realized, in the same manner that the high fees associated with medical marijuana growing has discouraged all but big business investment. A \$100 fee would keep the door open for all of us that try to market from small farms.”

RESPONSE: 195.764, RSMo allows the department to charge reasonable fees to fund the program. The fees are based on appropriation authority and the estimated number of registrations or permits that may be issued. No changes have been made as a result of the comment.

COMMENT #2: “(6) 2 CSR 70-17.070 #1 Are fees non-refundable in the event of an honest mistake (typo) on an application form by the applicant that would require them to re-submit an application? (7) 2 CSR 70-17.070 #5 Does producer/permit holder have option to destroy their own hot crop if done to standard outlined by law enforcement and MDA? Is there any indication for potential cost of law enforcement destroying a hot crop? More financial burden for grower in the event of what would already be a total loss. (8) 2 CSR 70-17.070 #6 does this include any random inspections done by law enforcement? Again, what is expected cost associated with a random test/inspection and how frequently can producer expect to bear this expense? What exactly does the \$750 registration cover if it does not cover random inspection cost? If Hwy patrol has been driving down the road for 200 miles on basic patrol duty and sees a hemp field and inspects it without notice, do they bill producer for the 200 miles they drove since their last stop?”

RESPONSE: (6) MDA staff will notify applicants of deficiencies in the application. Once notified applications will have sixty (60) days of the initial notification to correct the deficiencies. (7) 195.758, RSMo established the requirement for destruction of non compliant hemp plants. The department will provide options for destruction based on most practical methods for the location and quantity in question. Missouri State Highway Patrol or Local Law Enforcement are required to certify destruction of the crop. (8) 195.764, RSMo allows the department to charge reasonable fees. Fees were determined based on the anticipated number of registrations and permits issued to cover the cost for the department to administer the program. Due to the nature and newness of this crop, not all expenses can be quantified on the front end of developing the program. No changes have been made as a result of the comment.

COMMENT #3: “The 45\$ per acre for Hemp is unfair to farmers. Would you put a fee like that on corn? NO. because it would make corn a non profit crop. If you want to be fare separate fees between CBD and Biomass that would be more appropriate. “ Registered growers must pay an annual renewal fee of forty-five dollars (\$45) per acre for the second and third year of registration”

RESPONSE: The per acre fees (\$45/acre) established in the original rule were deleted in this rulemaking. No changes have been made as a result of the comment.

COMMENT #4: “As I read the rules, the farmer must obtain a producer permit to grow and an additional permit to sell. I feel the farmer should be able to sell his crop to any licensed entity with having to

obtain a 2nd license. plus I feel the 750 is step for the family farm. 500\$ would be better.”

RESPONSE: 194.746, RSMo establishes the requirements for a person sell agricultural hemp seed and propagules. 195.764, RSMo allows the department to charge reasonable fees. Fees were determined based on the anticipated number of registrations and permits issued to cover the cost for the department to administer the program. No changes have been made as a result of the comment.

COMMENT #5: “With respect to section (4), changing the word “will” in the last sentence to “may” would afford the State greater discretion for extenuating circumstances.”

RESPONSE: 195.764, RSMo allows the department to charge reasonable fees. No changes have been made as a result of the comment.

COMMENT #6: “With respect to section (6), please consider adding the word (with comma) “reasonable,” before both instances of the word “related.””

RESPONSE: 195.764, RSMo allows the department to charge reasonable fees. No changes have been made as a result of the comment.

COMMENT #7: “Comments from the Donald Danforth Plant Science Center (1.) and Tiger Fiber Hemp, LLC. (2.) 1. With the goal in mind of adding additional tools for success of Missouri farmers that do not present an unreasonable cost barrier or risk of loss we make the following comments and suggestions. There are several aspects of the proposed regulations put forth by the State as well as the USDA (not addressed here) proposed regulations that would present an unreasonable barrier to entry to farmers considering planting hemp as one of or even the major crop to be planted in their fields. These barriers are both technical as well as financial and should be reconsidered in order to ensure that Missouri farmers can compete and profit in the new and emerging industrial hemp marketplace. It would benefit farmers and Missouri’s place in the industrial hemp market to put some differentiation between the fiber and seed versus the CBD production operations. The CBD market has the potential of high profit margins owing to the novelty of such products and current consumer awareness and interest. The seed and fiber type operations would be more in line with other traditional row crops and while in the long term more likely to be a sustainable crop in Missouri farmer’s repertoire, will have much lower profits relative to the specialty CBD crops. The requirements for testing of the crop at least 15 days prior to harvest should include language to allow for more flexibility with respect to the harvest time. The contributions of weather to the timing of the harvest should be considered; there will no doubt be circumstances in which harvest would need to be accelerated or delayed from the original intended harvest time. For instance, harvest of fiber may be delayed due to excessive rain and standing water in fields. Harvest may be put on an accelerated schedule if farmers are monitoring THC levels using in-field/non-accredited types of crop surveillance measures or services. In such a case, THC levels may begin to spike due to weather conditions and in order to not lose the entire crop once it reaches an unmarketable level, a farmer may elect to harvest early and therefore have difficulty or inability to meet the documentation and time-table requirements. The State should also make provisions in the case that a crop is determined to be unmarketable due to a high THC concentration from the field sample so that the entirety of the crop would not be lost. The highest concentration of THC will be found in the female flower parts while the stems and shoots used for fiber production will have little to no detectable levels of THC. This is also the case for seed production. In order to take into consideration the limitation of diversion of industrial hemp crops to illicit activity while also ensuring that Missouri farmers have the best chance of success in the industrial hemp marketplace it would make sense to separate the fibrous and seed portions of the plant from the flower parts in the event of a high level of THC detected in the sample sent for analysis. Should a high and unmarketable level be detected, a second sample of the fibrous and or seed material could be tested separately to document the harvest does not contain a high amount of THC and would be safe and legal for sale. This would decrease the loss felt

by farmers should an unexpectedly high THC level be reported. Variations in THC and other cannabinoids is to be expected even in low THC varieties simply as a function of field-specific variations and weather conditions. 2.General Comments: Overall, we recommend that the department differentiate between CBD Grower/Handlers, and Industrial Hemp (e.g. fiber and oil seed) Growers/Handlers. The requirements for CBD can stay as they are written, as it is a pharmaceutical product that is ingested by end-users. Production processes for fiber and hemp seed oil do not concentrate pesticides and heavy metals. Oilseed requirements should be the same or similar to any other oilseed crop (e.g. canola, soy, flax, cotton). Hemp fiber requirements should be the same as cotton. There is absolutely no need to hold fiber and oilseed growers and handlers to the same requirements as CBD growers and handlers. Comments per Section: • (2) If seed producers require permits, there should be language that such permits will not be unreasonably withheld for hemp fiber and oilseed growers/handlers. Corn seed and other commodities seed require less permitting, which makes this requirement somewhat peculiar given industrial hemp is just another commodity product. CBD permits should require more due diligence to ensure health risks are not realized. • (5)(F) The land plot used for growing industrial hemp seed/storage should include the entire area of each farm, as crop rotation schedules will require different fields to be used each year or every other year. CBD growers will likely use the same greenhouses every year on small acreages and manage soils more carefully. • (5)(H) Requiring research and marketing plans for hemp fiber and oilseed growers is unrealistic for a start-up industry. As for CBD growers/ handlers, there should be strict track/trace requirements and a well-documented supply chain to trace issues that will inevitably come up with pesticide and heavy metals. • (5)(I)1. This seems onerous for hemp fiber & oilseed growers/handlers but should be an absolute requirement for CBD production, as it is a pharmaceutical product that should have strict requirements. Hemp fiber and oilseed growers/handlers should prove that they are farmers and they should not need to have evidence of education, nursery or greenhouse experience, and permits should not be withheld on these premises (e.g. unreasonably withheld). CBD growers absolutely require everything in this section, and potentially more, due to the public health risks associated with CBD products. • (8) Again, the applications should not be unreasonably withheld. A screening process for selecting applicants needs to target CBD growers/handlers due to the public health risks associated with CBD. There should be no cap on the number of applicants. Holding hemp fiber and oilseed producers accountable for nursery and greenhouse experience is completely irrelevant as hemp fiber and oilseed are not grown in greenhouses. This paragraph indicates that CBD growers and handlers are FAVORED by the legislation, which should not be the intent. Any application from hemp fiber and oilseed growers and handlers should not be unreasonably withheld. CBD growers and handlers should be heavily scrutinized due to the health risks of CBD products when grown or processed inappropriately. Consumer protection will be addressed by FDA. • (1)(B) This should be a requirement for CBD, but not for hemp fiber and oilseed. If corn had the same requirements, fewer farmers would grow it. Other than testing for 0.3% THC content, there should not be any additional permit requirements for hemp fiber and oilseed growers. • (4) Share cropping or a form of contract farming should be specified under a definition of rented land. • (5) This should not be a requirement for a hemp fiber and oilseed producer and sets a dangerous precedent. There are no instances where cotton or oilseed producers of other commodities are required to have criminal background checks. 2 CSR 70-17.030 This should not be a requirement for a hemp fiber and oilseed producer and sets a dangerous precedent. There are no instances where cotton or oilseed producers of other commodities are required to have background checks. This is another CBD-specific requirement as marijuana and CBD plants are grown the same, look the same, and have a potential criminal risk of growers growing marijuana in CBD operations. 2 CSR 70-17.050 (2) State and federal fingerprint criminal background checks should not apply to hemp fiber and oilseed growers and handlers. We recommend compliance with federal standards only when it comes to hemp fiber and oilseed producers. (9) and (10) If a farmer transports his own

product, he must have excessive documentation. However, if the same farmer hires a third-party, there is literally no requirements for documentation. 2 CSR 70-17.070 (1)(A) Grower registration fees heavily favor CBD growers. The revenue and profit per acres are materially higher for CBD growers than hemp fiber and oilseed producers. CBD growers require few acres to make millions of dollars in revenue and profit whereas hemp fiber and oilseed producers are competing with narrow margins with substitute crops (e.g. cotton, soy, canola). Farmers anywhere would heavily object to fees for any acre under commodity production. There should be no per acre fee for hemp fiber and oilseed producers and a lower application fee as hemp fiber and oilseeds must compete with other commodities that do not have per acre fees. If revenue is needed for the program, a higher per acre fee should be applied to CBD growers, not hemp fiber and oilseed growers who face competition with other commodities. (1)(B) The Handler registration fee is starting to reflect the different profit margins between CBD and hemp fiber and oilseed handlers. However, the fee does not adequately reflect the profitability of the different handlers and the regulator burden. A hemp fiber and oilseed facility would be required to pay \$1,500 in fees whereas a CBD facility would pay \$3,500 in fees. The profitability and regulatory burden with CBD extraction is much more than 2.33 times a hemp fiber and oilseed facility. (1)(C) This section should include a proportionally higher fee for CBD seeds and clones/propagations due to the much higher profit margins associated with CBD genetics. A ten-times multiple or more would be required based on the difference in profit margins and regulatory testing burdens. (2) Again, the annual renewal fee on a per acreage basis should be materially less, if non-existent, for hemp fiber and oilseed producers. Again, hemp fiber and oilseed producers face competition with other commodities whereas CBD does not. The per acreage fee presents a competitive disadvantage vs. cotton, soy and other oilseeds. This could be viewed as protectionism for competing crops as it prevents hemp from taking their market share. (3) Again, the fees should be based solely on the profitability of handlers. Hemp fiber and seed handlers face tough competition with existing commodities and will have lower profit margins than CBD handlers. CBD will require more inspections and create a higher regulatory burden this needs to be tested and verified to a much higher degree when evaluating pesticide and heavy metal contaminates, which are currently not required for hemp fiber and oilseed handlers. Regulators should proceed with the understanding that CBD is a pharmaceutical product that will eventually be regulated by the FDA as such. Hemp fiber and seed will never face the same parts per billion testing requirements unless soy, canola, and other oilseed products require the same. (4) Again, CBD seeds and clones/propagations should be included. Clones/propagations seem to be exempt from fees in this amendment. Fees should be much higher for CBD genetics than hemp fiber and oilseed genetics based on profit margins and regulatory burden.”

RESPONSE: The department does not differentiate the production of industrial hemp based on the end products. The department’s regulatory authority is limited to viable industrial hemp for production, sales, distribution or offering for sale. Regarding the comments for fees, 195.764, RSMo allows the department to charge reasonable fees. No changes have been made as a result of the comment.

COMMENT #8: “2 CSR 70-17.070 (1)(A) Grower registration fees heavily favor CBD growers. The revenue and profit per acres are materially higher for CBD growers than hemp fiber and oilseed producers. CBD growers require few acres to make millions of dollars in revenue and profit whereas hemp fiber and oilseed producers are competing with narrow margins with substitute crops (e.g. cotton, soy, canola). Farmers anywhere would heavily object to fees for any acre under commodity production. There should be no per acre fee for hemp fiber and oilseed producers and a lower application fee as hemp fiber and oilseeds must compete with other commodities that do not have per acre fees. If revenue is needed for the program, a higher per acre fee should be applied to CBD growers, not hemp fiber and oilseed growers who face competition with other commodities. (1)(B) The Handler registration fee is starting to reflect the different profit margins between

CBD and hemp fiber and oilseed handlers. However, the fee does not adequately reflect the profitability of the different handlers and the regulator burden. A hemp fiber and oilseed facility would be required to pay \$1,500 in fees whereas a CBD facility would pay \$3,500 in fees. The profitability and regulatory burden with CBD extraction is much more than 2.33 times a hemp fiber and oilseed facility. (1)(C) This section should include a proportionally higher fee for CBD seeds and clones/propagations due to the much higher profit margins associated with CBD genetics. A ten-times multiple or more would be required based on the difference in profit margins and regulatory testing burdens. (2) Again, the annual renewal fee on a per acreage basis should be materially less, if non-existent, for hemp fiber and oilseed producers. Again, hemp fiber and oilseed producers face competition with other commodities whereas CBD does not. The per acreage fee presents a competitive disadvantage vs. cotton, soy and other oilseeds. This could be viewed as protectionism for competing crops as it prevents hemp from taking their market share. (3) Again, the fees should be based solely on the profitability of handlers. Hemp fiber and seed handlers face tough competition with existing commodities and will have lower profit margins than CBD handlers. CBD will require more inspections and create a higher regulatory burden this needs to be tested and verified to a much higher degree when evaluating pesticide and heavy metal contaminants, which are currently not required for hemp fiber and oilseed handlers. Regulators should proceed with the understanding that CBD is a pharmaceutical product that will eventually be regulated by the FDA as such. Hemp fiber and seed will never face the same parts per billion testing requirements unless soy, canola, and other oilseed products require the same. (4) Again, CBD seeds and clones/propagations should be included. Clones/propagations seem to be exempt from fees in this amendment. Fees should be much higher for CBD genetics than hemp fiber and oilseed genetics based on profit margins and regulatory burden.”

RESPONSE: 194.746, RSMo establishes the requirements for a person to sell agricultural hemp seed and propagules. 195.764, RSMo allows the department to charge reasonable fees. Fees were determined based on the anticipated number of registrations and permits issued to cover the cost for the department to administer the program. No changes have been made as a result of the comment.

COMMENT #9: “The title should be amended to remove the parenthesized section. The language is redundant of language in the rule.”
RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the title to remove the redundant language in the title.

COMMENT #10: “In section (4), “will be assessed” should be amended to “may be assessed” to allow discretion if unforeseen circumstances impact the timing of a registrants renewal.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the text from “will” to “may” as is appropriate to allow additional flexibility based on circumstances.

2 CSR 70-17.070 Industrial Hemp Program Fees

(4) If fees are not paid by the due date, a late fee of twenty-five percent (25%) may be assessed for fees that are up to thirty (30) days past due. A late fee of fifty percent (50%) may be assessed for fees thirty-one (31) to sixty (60) days past due. Fees not paid within sixty (60) days of the due date will result in revocation of the producer registration or permit.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department

of Agriculture amends a rule as follows:

2 CSR 70-17.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2676). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments regarding the proposed amendment.

COMMENT #1: “(9) 2 CSR 70-17.080 #2 Basic rights/rules of privacy guaranteed by the United States constitution are voided due to a grower’s desire to raise a marketable commodity- this is a fact. In the worst case scenario the grower is growing a commodity that is worthless if tested as ‘hot’. A hot crop is no danger to the public and would be so low in THC that it could never be marketed as Recreational Cannabis. Furthermore, if an individual wanted to grow recreational cannabis, the last thing they would do is register themselves and their grow location with the state and Law enforcement. You would have much better odds finding an illicit grow in the middle of a section sized cornfield. a. The rule presents major issue when employed in same legislation as 2 CSR 70-17.050 #8, as the state has removed itself of all liability and responsibility in regards to any accidents (god forbid) or financial damages caused by the state during random inspection. b. Solution- Require MDA and/or Law enforcement to give reasonable notice (24 hours) before arriving for inspection of land/test. If anything suspect is occurring on the farm, it would be easy to tell as 24 hours isn’t enough time to “hide all the evidence”. To require that there be no requirement of reasonable notice to inspect registered hemp acres (again, a commodity as per 2018 farm bill) is a breach of privacy and a massive hurdle in the way of encouraging growers to diversify their business. The ‘they should have nothing to hide’ argument holds no water on the basis of principle and the basic rights afforded to us citizens of the US. 10) 2 CSR 70-17.080 #3 How would permit holder allow law enforcement into a secure area if they arrive unannounced and permit holder is not present? Again, with respect to 2 CSR 70-17.050 #8, would law enforcement physically break and enter a seed warehouse if no one was present at the time of an un-announced inspection? Permit holder would have no recourse for financial and reputational damages in that event.
RESPONSE: Sections 195.740 thru 195.773, RSMo allow for the legal production of industrial hemp under the requirements of regulations. Site access to locations registered for the production of industrial hemp is required to ensure compliance with Federal and State Laws. Timing of inspections will be determined based on policy established by the department within the parameters of both state law and Chapter 17 of the *Missouri Code of State Regulations*. No changes have been made as a result of the comment.

COMMENT #2: “Agree.”

RESPONSE: The comment states agreement with the rule, no changes have been made as a result of the comment.

COMMENT #3: “The title should be amended to remove “Inspection and Sampling.” The sampling and inspection are addressed in other rules.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the title to remove the section “Inspection and Sampling.”

2 CSR 70-17.080 Site Access for Missouri Department of Agriculture (MDA) and Law Enforcement Inspection

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture rescinds a rule as follows:

2 CSR 70-17.090 Inspection of Site, Crop, and Sampling Requirements for Laboratory Analysis (Responsibilities of Registered Grower and Handler) **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2676). No changes have been made in the proposed rescission, so it not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received one (1) comment in support of the proposed rescission.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2676-2677). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received fifteen (15) comments regarding the proposed amendment.

COMMENT #1: “11) 2 CSR 70-17.100 #1— Testing for THC should not be required in certified varieties grown for grain and fiber purposes. These plants will not test hot regardless of how long they are left in the field.”

RESPONSE: Federal and state law do not differentiate between variety purposes. For compliance, all lots must be tested to ensure compliance with state and federal law. No changes have been made as a result of the comment.

COMMENT #2: “Missouri rule for Hemp production 2 CSR 70.17.100 contains line 3 3 Registered producers must collect samples within fifteen (15) days prior to harvest or taking cuttings of parent plants. Since stock plants that are being grown for Hemp cuttings must be kept in a vegetative condition (under long days). Cuttings that are flowering are not usable so there are no flowers on hemp stock plants. Federal guidelines for collecting hemp samples state in section 6 . Collecting Samples from each lot: 6.1. Sampling agents shall always walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot. 6.2. While walking through the growing area, the inspector shall cut at least “n” flowering material, meaning inflores-

cences (the flower or bud of a plant) at random but convenient distances. Avoid collecting too many specimens from the borders of the field/greenhouse. 6.3. The cut shall be made just underneath a flowering material, meaning inflorescence (the flower or bud of a plant), located at the top one-third {1/3} of the plant. (See figure below.) The sample size must be of adequate volume to accommodate laboratory tests. Since stock plants have no flowers it would not be possible to sample stock plants following the federal guidelines for sampling. If we must take samples even though it does not follow federal guidelines it will put Missouri hemp industry at an economic disadvantage. Fahr Greenhouses have a number of potential customers that my want cuttings on a weekly bases that will have production facilities in Missouri and other states. Under 2 CSR 70.17.100 line 3 I would have to take samples at least twice a month. Per USDA website sampling cost would be \$400 to \$600 per variety every two weeks regardless of how many cutting I would sell each week. I have tried to find out if other states have this rule and have not found any. Therefore because of this rule I would not be able to financially compete with cutting suppliers from other states. I ask that stock plants that are being grown for cuttings be exempt from sampling.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has deleted the phrase, “... or taking cuttings from parent plants” from the final Orders.

COMMENT #3: “2 CSR 70-17.100 Sampling Requirements Is there a difference between the USDA and the State of Missouri rules in regards to samplings and actions to be taken? (8) How long must the registered producer or permit holder maintain a copies of the record of destruction? The fiscal note on Private Cost is probably underestimated at 500 dollars”

RESPONSE: Sampling requirements are required per State and Federal law, the rule restates and clarifies the statute therefore, no direct costs are identified in the rule for private entities, the department has estimated the direct private entity cost at less than \$500 in the aggregate. No changes have been made as a result of the comment.

COMMENT #4: “The legal limit on hemp is .3 , but if cross pollinates and increases THC in plant above .3 then when we cut down and take to processor. The processor/company can refine and distill the THC out into a separate container and then destroy. Thus the THC never enters the open market and the hemp crop does not have to be destroyed. I would propose this for any level below 1.”

RESPONSE AND EXPLANATION OF CHANGE: Federal rule allows for calculation of the laboratory’s “Margin of Uncertainty” for test results. The department will update language taking into account the margin of uncertainty as determined by the testing laboratory.

COMMENT #5: “Dear Sir or Madam: Thank you for taking the time to read this comment regarding the proposed amendments to Missouri’s industrial hemp program, 2 CSR 70-17.010, et. al. (the “Proposed Amendments”), published on the Missouri Register in Volume 44, Number 21 on November 1, 2019. We are grateful to the Missouri Department of Agriculture (the “Department”) for the promulgation of the Proposed Amendments to further advance Missouri’s Industrial Hemp program in anticipation of the 2020 industrial hemp growing season. Generally, we respectfully suggest that the Department review its Proposed Amendments in light of the release of the United States’ Department of Agriculture’s (“USDA”) Interim Final Rules for the U.S. Domestic Hemp Production Program (“Interim Rules”), implemented by the 2018 Federal Farm Bill. In the Interim Rules, the USDA establishes minimum requirements which with individual states’ plans and state operators must comply. Due to some inconsistencies between the Department’s Proposed Amendments and the Interim Rules, we respectfully suggest that the Department review its rules for consistency with the Interim Rules prior to finalization. Our goal is to see the Department’s proposed hemp program succeed so that Missouri’s

agricultural industry will continue to flourish, and USDA approval is integral to that goal. This review for consistency's sake will ensure the USDA's ultimate approval of the Department's plan, and the successful implementation of Missouri's Industrial Hemp Program. Also, more precisely, we respectfully suggest that 2 CSR 70-17.100, be amended to read as follows: Sampling Requirements and Results of Analysis: "(2) Independent testing laboratories or independent persons authorized by the department, must collect samples within fifteen (15) days prior to harvest or taking cuttings of parent plants." We respectfully recommend this specific change in order to (1) safeguard the integrity of the collected sample and Missouri's hemp testing program as a whole; and (2) to align the Proposed Amendments with the Interim Rules, which require that sample collection be performed by a third-party. If registered producers are permitted to collect their own samples, the opportunity for loss of integrity in the chain of custody is great. Registered producers may be tempted to manipulate the sampling process because they have a strong financial incentive to ensure samples results in a delta-9 THC concentration of less than three-tenths of one percent (0.3%) on a dry weight basis. This conflict of interest could result in the selection of non-representative samples which would not provide an accurate measure of the THC content of the entire batch, which could in turn allow hemp and hemp products that have a THC content exceeding legal limits to be released into the market. In turn, if consumers obtain these products, they may unknowingly consume high-THC products, or "medical marijuana," without prior authorization by a Missouri physician. Allowing independent testing laboratories, or other independent persons authorized by the Department to collect the sample, ensures the reliability, impartiality, and repeatability of the hemp sample and thereby the sample results. This will serve to protect the health and safety of Missouri residents and position the Proposed Amendments to comply with the Interim Rules. One goal of hemp sampling is to create sampling uniformity across Missouri. Allowing registered producers, who are most likely farmers, to collect samples will not result in comparable samples, regardless of the level of detail of the Department's sampling protocols. However, uniformity in sampling can be achieved by trained laboratory personnel or other trained independent persons authorized by the Department. These persons are equipped to follow and execute complicated protocols using randomized statistics. Once the samples are obtained using the sample protocols, the physical integrity of the sample must be maintained in order for the laboratory to accurately test the sample. Laboratories testing protocols need to adjust and follow regulatory requirements. Therefore, laboratories (or others authorized by the department) are in the best position to adapt to these changes and immediately updated protocols. For example, as we learn more about how temperature affects hemp (and THC), regulators may determine that all hemp samples need to be stored in temperature-controlled containers. 2 CSR 70-17.100(4) contemplates a two-sample system hereby allowing the second composite sample to be sent for analysis in the event the first sample exceeds three-tenths of one percent (0.3%) but is less than or equal to seven-tenths of one percent (0.7%). We applaud the opportunity to double-check sample results prior to crop destruction. However, this retest opportunity will be wasted if the second sample is not collected and preserved in such a manner that protects the integrity of the hemp testing system. For the reasons stated above, we believe independent testing laboratories, or other independent persons authorized by the Department, are in the best position to collect and transport hemp samples in order to ensure the integrity and accuracy of sample results, and to align the Proposed Amendments with the Interim Rules. Thank you again for your time and attention to this matter."

RESPONSE AND EXPLANATION OF CHANGE: The department concurs that language should align with the Interim Final Rule published by the United States Department of Agriculture and is adding new sections (2) - (7) establishing a Certified Hemp Sampler requirement including the process to become a certified sampler and requirements for the certified persons to follow. The following are

being added to the rule: (2) "Samples of all lots must be collected by a certified hemp sampler." (3) and subsections (A) - (E); "Requirements for a person to certify as a Certified Hemp Sampler include:" (4) "Hemp sampler certification is valid for a period of 3 years, with continued compliance. Certifications can be renewed by completing the requirements set in 2 CSR 70-17.100(3) to certify as a Certified Hemp Sampler." (5) "Certified Hemp Samplers may provide a fee-for-service to registered producers." (6) and subsections (A) - (C); "Certified Hemp Samplers shall:" (7) and subsections (A) - (C): "The department may immediately revoke the certification for a hemp sampler if they:"

COMMENT #6: "With respect to section (5), and at least until durable and THC-compliant varieties of L. Sativa can be established, it is requested that the Delta-9 THC tolerance level be elevated to 1.0% initially, and then perhaps evaluated annually for possible reduction thereafter. A 1.0% threshold is more reasonably achievable and will result in less economic waste. Many factors, including fertilization, available sunlight, and soil conditions impact THC levels. Until these factors are better understood or the aforementioned varieties are established, a slightly higher THC level would serve as a more feasible and economically viable standard. Accordingly, it is recommended that the 0.3% THC threshold in subsection (A) be raised to 1.0%, that the 0.3% and 0.7% thresholds of subsection (B) be raised to 1.0% and greater than 1.0% respectively, and that the 0.7% threshold of subsection (C) be raised to greater than 1.0%. Lastly, it is recommended that exceptions to the destruction mandates of subsections (B) and (C) allow for the sale of non-compliant industrial hemp to permitted processors for subsequent isolation and removal of excess THC. Such an exception will help overcome the economic waste inherent in the existing proposed rules. With respect to section (7), it is recommended that the three (3) business day notification be extended to fifteen (15) calendar days as the latter is a more reasonable time frame during harvest and that the THC level be raised from 0.3% to 1.0% for the same reasons as stated above. With respect to section (8), it is recommended that destruction requirement be extended from fifteen (15) days to thirty (30) calendar days as the latter is a more reasonable time frame during harvest. Further, with respect to subsection (8)(B), it is requested that the three (3) business day destruction report submission period be extended to fifteen (15) calendar days for reasons previously stated above."

RESPONSE AND EXPLANATION OF CHANGE: (5) Federal rule allows for calculation of the laboratory's "Margin of Uncertainty" for test results. The department will update language taking into account the margin of uncertainty as determined by the testing laboratory. Language has been updated and numbering "(9) Samples must be taken within fifteen (15) days prior to harvest, or timeframe designated by USDA."; The destruction of crop must be completed with the 15 days established, the department agrees that extending the timeline to 30 days for submission of the report is reasonable and has updated the language to reflect this change.

COMMENT #7: "Delta-9 should be measured on a dry weight basis."

RESPONSE: Comment is not related to this rule. The comment relates to 2 CSR 70-17.010 Definitions. Federal law and rule clearly define the testing requirements for delta-9 tetrahydrocannabinol to include post decarboxylation using gas chromatography or liquid gas chromatography. No changes have been made as a result of the comment.

COMMENT #8: "Rules and stipulations are bordering on ridiculous and are very burdensome. What happened to the Republican party wanting less government regulations in businesses?"

RESPONSE: General comment. No changes have been made as a result of the comment.

COMMENT #9: "Significant additions must be added to this rule to

outline the role and requirements of Certified Hemp Samplers. Necessary additions include requirements to become a certified hemp sampler, certification length and renewal, role requirements, what lots they are and are not allowed to sample, and how their certification may be revoked. Additional details should be outlined in sampling protocol.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has added new sections (2) – (7) addressing the requirements to become certified industrial hemp samplers, application requirements, sampling requirements, and other provisions for clarification of the role of certified industrial hemp samplers.

COMMENT #10: “This rule should be revised to incorporate the new concepts of acceptable hemp THC level and measurement of uncertainty.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has provided reference to acceptable hemp THC level based on the laboratory’s measurement of uncertainty. Definitions for both have been added to 2 CSR 70-17.010 Definitions.

COMMENT #11: “Statement (3) that outlines registered producers as the persons who will collect samples for THC testing must be revised to indicate only Certified Hemp Samplers may collect samples.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment resulting from the publication of the USDA’s Interim Final Rule and has made necessary changes to reflect federal rule.

COMMENT #12: “Statements (4) and (5) in regards to retesting should be removed as IFR allows retesting at any level if requested by the producer. The retesting must occur from a laboratory ‘retain specimen’ instead of a composite sample portion retained by the producer.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment resulting from the publication of the USDA’s Interim Final Rule and has made necessary changes to reflect federal rule.

COMMENT #13: “This rule should be revised to indicate when a certificate of analysis (hot or not) should be sent to MDA and by whom (producer or lab).”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment resulting from the publication of the USDA’s Interim Final Rule and has made necessary changes to reflect federal rule.

COMMENT #14: “The statement (now 14) regarding destruction should be revised, especially part (B). IFR allows for thirty (30) days for the destruction reports to be filed by the producer. The currently proposed three (3) days is a burden on producers who are facing a challenging time already.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has adjusting the reporting times accordingly.

COMMENT #15: “The statement (9, now 15) must be revised to better communicate the intended post-sampling procedures. First, crops may be harvested prior to test results being obtained. Second, they may be stored on site ‘by the registered producer or permit holder’ but can also be stored off-site at their request. Third, this statement should indicate that lots should not be commingled. And finally, revised that these actions must wait until compliant test results are obtained, not just any test results. By not adding ‘compliant’ test results, this could allow producers who receive a hot test result to then commingle or sell their crop.”

RESPONSE AND EXPLANATION OF CHANGE: The department

concurs with the comment and added clarifying language regarding timing of sampling and when harvested products may enter commerce.

2 CSR 70-17.100 Sampling Requirements and Results of Analysis

(1) All industrial hemp lots produced within a parcel of land must be sampled in accordance with the department’s sampling protocol and tested by a testing laboratory to ensure compliance with applicable laws and regulations.

(2) All samples used to determine compliance with applicable laws and regulations must be collected by a certified sampler or authorized department personnel. All samples used to determine compliance with applicable laws and regulations must be submitted to a testing laboratory for analysis.

(3) Requirements for a person to qualify as a certified sampler include:

(A) Complete a training course approved by the department;

(B) Pass a certification test with a score of no less than eighty percent (80%);

(C) Submit a certified industrial hemp sampler application; and

(D) Submit a non-refundable application fee of fifty dollars (\$50) to the department at the time of application.

(4) An industrial hemp sampler certification is valid for a period of three (3) years unless revoked by the department. Certifications can be renewed by completing the requirements set in 2 CSR 70-17.100(3) to qualify as a certified sampler. Certified samplers must pay an annual fee of fifty dollars (\$50) for the second and third year of certification. Annual fees are due by the end of the month of the anniversary date of the initial approval.

(5) Certified samplers or authorized department personnel shall—

(A) Adhere to the department sampling protocol for collection and handling of samples; and

(B) Complete and attach a department chain of custody form to each sample.

(6) No certified sampler shall sample a lot for a registration in—

(A) His or her name;

(B) His or her employer’s name; or

(C) Which he or she is a key participant.

(7) The department may revoke the sampler’s certification if he or she—

(A) Admits to or has been found by the department to have violated proper procedures established in the department’s hemp sampling protocol;

(B) Makes any false statements to the department, Missouri State Highway Patrol or any law enforcement agency with regard to industrial hemp; or

(C) Fails 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.

(8) Sampled plant material from separate lots shall not be commingled.

(9) Samples must be taken within fifteen (15) days prior to harvest.

(10) The lot is a publicly marketable product if the sample used to determine compliance with applicable laws and regulations meets the definition of acceptable THC level.

(11) For any sample exceeding the acceptable THC level, the registered producer may request the laboratory to retest the sample. The

registered producer must notify the department and the laboratory of the request in writing.

(12) If a retest is not requested or the retest exceeds the acceptable THC level, the department will issue an order of destruction to the producer.

(13) Registered producers must maintain a copy of each certificate of analysis as part of the Industrial Hemp Plant Monitoring System for a period of three (3) years from the date of analysis.

(14) Registered producers must submit certificates of analysis for all samples used to determine compliance with applicable laws and regulations to the department.

(A) Registered producers must submit to the department, within three (3) business days of receipt, copies of any certificate of analysis that show the tested sample measured above the acceptable THC level as evidence that the lot does not comply with applicable laws and regulations.

(B) Registered producers must submit to the department, within thirty (30) business days of receipt, copies of any certificate of analysis that show the tested sample measured within the acceptable THC level as evidence that the lot does comply with applicable laws and regulations.

(15) The department may issue to the registered producer or permit holder an order of destruction for any lot testing out of compliance. Destruction must be completed by the registered producer or permit holder within fifteen (15) days of receipt of the department's order of destruction. The Missouri State Highway Patrol or local law enforcement agency must complete certification of crop destruction. In addition—

(A) The registered producer or permit holder must maintain a destruction report; and

(B) The registered producer or permit holder must submit a copy of the destruction report to the department within thirty (30) business days of crop destruction.

(16) All harvested lots awaiting a certificate of analysis shall not be processed, commingled, or sold until compliant test results are obtained.

(17) Registered producers or permit holders are financially responsible for all costs associated with contracting laboratory services, sample collection, delivery of samples to the testing laboratory, and laboratory analysis.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2677-2679). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received twelve (12) comments on the proposed amend-

ment.

COMMENT #1: “2 CSR 70-17.110 (D) Method of destruction (What is the approved methods of destruction? Is there any research into other profitable uses for the crop? Hemp lumber should not be ruled out.”

RESPONSE: 195.758, RSMo established the requirement for destruction of non compliant hemp plants. The department will provide options for destruction based on most practical methods for the location and quantity in question. No changes have been made as a result of the comment.

COMMENT #2: “filling a report within 10 days of selling a seed or a propagules is time and labor intensive. I would suggest that we be able to file reports monthly just like an auto dealer. so I propose all reports be filed every 30 days or within the 10th day of the following month.”

RESPONSE: The department concurs with the comment and will adjust the dates for reasonableness and coincide with federal rules published on 10/31/2019. The following changes are being made; (3)(C)(1) “Within three (3) days...” is adjusted to “Within thirty (30) days...”, (4)(A)(1) (3)(C)(1) “Within ten (10) days...” is adjusted to “Within thirty (30) days...”(4)(B)(1) (3)(C)(1) “Within three (3) days...” is adjusted to “Within thirty (30) days...” as a result of the comment.

COMMENT #3: “We should not be measuring or monitoring the results after decopolization. We should keep the testing as is stated in Missouri current rule. 87.7 THCA is unrealistic and almost 85% of today growers would be in violation if rule passed today as is. This is a lot of livelihoods destroyed for a rule that was not created with real life in mind. There is no procedure for margin in error. Dry weight will give you the highest possible reading. it is almost impossible to get above 60% Thca/ DEA should not be involved. This is not criminal if farmer creates a strand with more THC that allotted. it is also not negligent. Why is growing HEMP harder then growing Medical Marijuana. Why are farmers going to be treated like gangsters and criminals. Why would the DEA be involved? Missouri dept of agriculture can handle monitoring and executing rule of law. There are no defined rules on how to register with the DEA.”

RESPONSE: Comment is not related to this rule. The comment relates to 2 CSR 70-17.010 Definitions. Federal law and rule clearly define the testing requirements for delta-9 tetrahydrocannabinol to include post decarboxylation using gas chromatography or liquid gas chromatography. No changes have been made as a result of the comment.

COMMENT #4: “With respect to subsection (3)(C)(1), it is recommended that the three (3) day period be extended to fifteen (15) calendar days as the latter is a more reasonable time frame during harvest. With respect to subsection (4)(A)(1), it is recommended that the ten (10) day period be extended to thirty (30) calendar days for the reason stated above. With respect to subsection (4)(B)(1), it is recommended that the ten (10) day period be extended to fifteen (15) calendar days for the reason stated above.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and will adjust the dates for reasonableness and coincide with federal rules published on 10/31/2019. The following changes are being made; (3)(C)(1) “Within three (3) days...” is adjusted to “Within thirty (30) days...”, (4)(A)(1) (3)(C)(1) “Within ten (10) days...” is adjusted to “Within thirty (30) days...”(4)(B)(1) (3)(C)(1) “Within three (3) days...” is adjusted to “Within thirty (30) days...” as a result of the comment.

COMMENT #5: “This rule should be revised to include FSA reporting requirements, as it will be required by IFR.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has added FSA reporting of planted

acres in 2 CSR 70-17.050 General Provisions.

COMMENT #6: “The statement (3)(A)2.D. in regards to the planting report should be revised to include broader documentation stating the origin of the seed or propagule in case a producer has retained seed from a previous year’s crop is developing their own genetics.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has added documentation requirements for the origin of seed and propagules.

COMMENT #7: “The destruction reports (3)(C) should be given thirty (30) days for submission. Three (3) days is too short of a timeline, especially in a challenging time for producers.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has increased the timing for submission of destruction reports from three (3) days to thirty (30) days.

COMMENT #8: “The destruction reports (3)(C) should be revised to “B. Amount destroyed” as to capture information of still-growing crops, harvested material, etc. It should also give the option of “C. Date(s) of destruction” as some operations may require multiple days to complete destruction.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and made the suggested changes allowing for improved documentation by registrants.

COMMENT #9: “The harvest reports (D) should be revised to eliminate parts of (3)(D)D. to instead read “Location of viable seed storage.” Calling out specific instances such as “until distributed, sold, or destroyed” may provide loopholes or burdensome recordkeeping.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has made the suggested change, this should allow for improved documentation of the location of viable industrial hemp.

COMMENT #10: “The distribution and sales reports (4)(A) should be revised to allow for a monthly report instead of every ten (10) days. This revision follows actual business practices and reduces recordkeeping burden permit holders.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has increased the timing for permit holder reports to meet the business practices.

COMMENT #11: “The destruction reports (4)(B) should be revised as the destruction reports for producers in (3)(C) were revised. They should be given thirty (30) days for submission. Three (3) days is too short of a timeline, especially in a challenging time for permit holders. This revision reflects the revision in a previous statement.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has increased the timing for submission of destruction reports from three (3) days to thirty (30) days.

COMMENT #12: “This rule should be revised overall to incorporate “lot” instead of “variety” where applicable.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has changed the term “variety” to “lot” where applicable to standardize tem usage with the IFR.

2 CSR 70-17.110 Industrial Hemp Plant Monitoring System Requirements

(1) All registered producers and permit holders must keep and maintain an Industrial Hemp Monitoring System for all records, reports, data, and certificates of analysis relating to the planting, cultivation, harvest, sampling, storage, destruction, sale, or distribution of viable industrial hemp. All records, reports, data, and certificates of analysis must be kept for a period of three (3) years from the date of each activity.

(3) Registered producers shall maintain the following:

(A) Planting Reports—

1. Registered producers must record, within thirty (30) days of planting, a planting report, including the replanting of seeds or propagules on a parcel of land. For each industrial hemp lot planted, the planting report shall contain:

A. GPS coordinates for the parcel of land;

B. The number of acres or square footage of each variety planted;

C. The GPS coordinates for each lot planted; and

D. The seed bag label or tag, bulk seed certificate, bill of lading/invoice for propagule(s), or documentation stating the origin of the industrial hemp.

(B) Sample Analysis Reports—

1. Certificates of analysis for all industrial hemp lots sampled by a certified sampler and tested by a testing laboratory must be kept for a period of three (3) years from date of analysis.

(C) Destruction Reports—

1. Within thirty (30) days of crop destruction the registered producer must produce a destruction report that includes the:

A. Copy of the department’s order of destruction or a written statement justifying the destruction of the lot;

B. Amount destroyed;

C. Date(s) of destruction; and

D. Method of destruction.

(D) Harvest Reports—

1. Within thirty (30) days of harvest, the registered producer must produce a harvest report including:

A. Date of harvest for each lot;

B. Number of acres or square footage of each lot harvested;

C. Amount of each industrial hemp lot harvested; and

D. Location of viable seed storage.

(4) Permit holders shall maintain the following:

(A) Distribution and Sales Reports—

1. Within thirty (30) days of distributing or selling agricultural hemp propagules or agricultural hemp seed, permit holders shall record—

A. Name, address, phone number, permit number, and permit expiration date of the permit holder distributing or selling agricultural hemp seed or propagules;

B. Date(s) of sale and distribution;

C. Complete variety name;

D. Amount of each variety sold or distributed;

E. Name, address, and phone number, registration or permit number, and registration or permit expiration date of the registered producer or permit holder to whom the agricultural hemp seed or propagules were distributed or sold; and

F. Documentation verifying that copies of certificates of analysis were provided for each industrial hemp variety distributed or sold.

(B) Destruction Reports—

1. Within thirty (30) days of crop destruction the permit holder shall produce a destruction report that includes the:

A. Copy of the department’s order of destruction or a written statement justifying the destruction of the lot;

B. Amount destroyed;

C. Date(s) of destruction; and

D. Method of destruction.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture

under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture amends a rule as follows:

2 CSR 70-17.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2679). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received three (3) comments on the proposed amendment.

COMMENT #1: “COMMENT: 2CSR 70-17.120 Revocation of Registration (1) What happens to people whose records were expunged? (2) In a bid to work with New and Beginning Farmers we should develop a process for bringing them into agriculture endeavors? (3) This provision cannot be reasonably stated to only cost private entities 500.00 dollars”

RESPONSE: (1) Expunged records generally do not appear in a background check. (2) Comment does not apply to the rule. (3) No direct costs are identified in the rule for private entities, the department has estimated the direct private entity cost at less than \$500 in the aggregate. No changes have been made as a result of the comment.

COMMENT #2: “It would be more reasonable and more just to simply remove the clause “within the last ten (10) years” from section (1). If the registration or permit holder has paid their debt to society and complied with all other requirements of this legislation, restricting such a person’s ability to engage in a lawful industry just adds further punishment for past behavior for which restitution has already been made, especially so if such past behavior is limited to violations of cannabis laws which are now undergoing substantial and popular reform across the nation.”

RESPONSE: 195.746 & 195.749, RSMo establish the requirements for the state and federal fingerprint background check. No changes have been made as a result of the comment.

COMMENT #3: The statement (1) should be revised to remove permit holders as they are not required to complete a background check in the first place. This statement should also be revised to remove “within the last ten (10) years” as that will have been checked at the time of application.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has removed references to background checks for Agricultural Hemp Propagule and Seed Permit applicants or holders and the phrase “within the last ten (10) years” due to the background check requirements at the time of application.

COMMENT #4: “The title should be amended to add “or Permit” as the rule addresses what factors may result in the revocation of a registration or permit.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and has amended the title to include “or Permit.”

2 CSR 70-17.120 Revocation of Registration or Permit

(1) The department may immediately revoke a registration if the registered producer or any key participant pleads guilty to, pleads *nolo contendere* to, is found guilty of, or is convicted of, 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 producer or permit holder admits to or is found by

the department to have—

(A) Violated any provision of sections 195.203 to 195.773, RSMo or any regulation promulgated thereunder;

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Agriculture under section 195.773, RSMo Supp. 2019, the Missouri Department of Agriculture adopts a rule as follows:

2 CSR 70-17.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2679-2680). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Agriculture received nine (9) comments on the proposed rule.

COMMENT #1: “Agree.”

RESPONSE: General Comment. No changes have been made as a result of the comment.

COMMENT #2: “Leave it to the farmer’s.”

RESPONSE: General Comment. No changes have been made as a result of the comment.

COMMENT #3: “It should simply read delta-9 measured on a dry weight basis.”

RESPONSE: Comment is not related to this rule. The comment relates to 2 CSR 70-17.010 Definitions. Federal law and rule clearly define the testing requirements for delta-9 tetrahydrocannabinol to include post decarboxylation using gas chromatography or liquid gas chromatography. No changes have been made as a result of the comment.

COMMENT #4: “It should simply read delta-9 measured on a dry weight basis.”

RESPONSE: Comment is not related to this rule. The comment relates to 2 CSR 70-17.010 Definitions. Federal law and rule clearly define the testing requirements for delta-9 tetrahydrocannabinol to include post decarboxylation using gas chromatography or liquid gas chromatography. No changes have been made as a result of the comment.

COMMENT #5: “This rule should revise the seed label requirements to be formatted in a table for better understanding of the requirements.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has revised the seed label requirements into a table format.

COMMENT #6: “The statement (3)(A)2. should be revised as it currently reads 18 seeds per pound or 18 seeds per 100 grams which is not the same. This was typed in error in the initial submission. It should instead read 80 per pound or 18 per 100 grams, which is roughly equivalent.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has updated (3)(A)2. to “2. Not in excess of eighty (80) noxious weed seeds per pound or eighteen (18) per one hundred (100) grams.” This establishes consistency with

other seed requirements under the Missouri Seed Act.

COMMENT #7: “The statement (3)(A)3. should be revised as it references another statement (2)(A)1. that does not exist. It should instead read (3)(A)2.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and changed the reference to “(3)(A)2.” which is the correct section reference in the rule.

COMMENT #8: “The last sentence of the purpose, “This rule applies only to agricultural hemp seed and propagule permit holders only if they only sell agricultural hemp seeds.” The sentence does not clarify the purpose of the rule.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has removed the last sentence of the purpose statement for clarity.

COMMENT #9: “The example provided in (3)(A)2. stating, “Example: Timothy—Not in excess of 80 noxious weed seeds per pound or Not in excess of 18 noxious weed seeds per 100 grams.” Is not needed and does not provide clarity to the rule.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has removed the example in (3)(A)2.

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.

(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 paragraph (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:

Kind or Kind and Variety of Seed		
Pure seed %	Germination %	Net weight
Inert matter %	Hard seed %	Lot #
Other crop %	Total germination and hard seed %	Origin
Weed seed %		Month and year of germination test
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.		

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Financial and Administrative Services
Chapter 261—School Transportation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo 2016, and section 304.060, RSMo Supp. 2019, the

board amends a rule as follows:

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2019 (44 MoReg 2680-2681). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf and Hard of Hearing
Chapter 300—Hearing Aids**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.245, RSMo Supp. 2019, the Missouri Commission for the Deaf and Hard of Hearing adopts a rule as follows:

5 CSR 100-300.010 Hearing Aid Distribution Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3192-3200). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement, and Procedure of General Applicability**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-3.230 Payment Policy for Provider Preventable Conditions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3201-3202). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO

HealthNet Division, under sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3051-3065). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division rescinds a rule as follows:

13 CSR 70-15.090 Procedures for Evaluation of Appropriate Inpatient Hospital Admissions and Continued Days of Stay **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3066). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 4—Applications

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board adopts a rule as follows:

20 CSR 2030-4.100 Applications—Formerly Licensed **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3202). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

20 CSR 2120-2.005 General Rules—Applicable to all Licensees and Registrants **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3202-3203). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board adopts a rule as follows:

20 CSR 2120-2.008 When Forms Considered Filed **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3203-3204). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board rescinds a rule as follows:

20 CSR 2120-2.050 Miscellaneous Rules **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3204). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2120—State Board of Embalmers and Funeral Directors

Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2016, the board amends a rule as follows:

20 CSR 2120-2.070 Funeral Establishments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3204-3208). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2205—Missouri Board of Occupational Therapy

Chapter 4—Supervision

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under section 324.065, RSMo 2016, the board amends a rule as follows:

20 CSR 2205-4.010 Supervision of Occupational Therapy Assistants and Occupational Therapy Assistant Limited Permit Holders is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3208-3209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed amendment.

COMMENT #1: Kristen Neville with the American Occupational Therapy Association (AOTA) submitted a letter supporting the change regarding supervision of occupational therapy assistants and occupational therapists holding a limited license.

RESPONSE: The board appreciates the letter of support from AOTA. No changes have been made to the proposed amendment as a result of this comment.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2205—Missouri Board of Occupational Therapy

Chapter 4—Supervision

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under section 324.065, RSMo 2016, the board amends a rule as follows:

20 CSR 2205-4.020 Supervision of Occupational Therapist Limited Permit Holders is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed amendment.

COMMENT #1: Kristen Neville with the American Occupational Therapy Association (AOTA) submitted a letter supporting the repeal of the one (1) year practice requirement before an occupational therapist may supervise an occupational therapy assistant or an occupational therapist limited license holder.

RESPONSE: The board appreciates the letter of support from AOTA. No changes have been made to the proposed amendment as a result of this comment.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2220—State Board of Pharmacy

Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2019, and section 338.280, RSMo 2016, the board amends a rule as follows:

20 CSR 2220-2.145 Minimum Standards for Multi-Med Dispensing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3209). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2220—State Board of Pharmacy

Chapter 7—Licensing

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2019, the board adopts a rule as follows:

20 CSR 2220-7.075 Temporary Pharmacist License for Non-Resident Military Spouses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 16, 2019 (44 MoReg 3209-3211). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.020 General Membership Provisions is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3073-3077). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director rescinds a rule as follows:

22 CSR 10-2.045 Plan Utilization Review Policy is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3077). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director adopts a rule as follows:

22 CSR 10-2.045 Plan Utilization Review Policy is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3077-3078). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.046 PPO 750 Plan Benefit Provisions and Covered Charges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3078). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.047 PPO 1250 Plan Benefit Provisions and Covered Charges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3078-3079). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.053 Health Savings Account Plan Benefit Provisions and Covered Charges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3079-3080). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3080-3090). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.061 Plan Limitations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3091-3092). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.070 Coordination of Benefits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3092-3093). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication

in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.075 Review and Appeals Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3093-3096). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3096-3097). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN**

**Division 10—Health Care Plan
Chapter 2—State Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.090 Pharmacy Benefit Summary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3097-3099). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.110 General Foster Parent Membership Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3099-3100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.020 General Membership Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director rescinds a rule as follows:

22 CSR 10-3.045 Plan Utilization Review Policy is rescinded.

A notice of proposed rulemaking containing the proposed rescission

was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3100-3101). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director adopts a rule as follows:

22 CSR 10-3.045 Plan Utilization Review Policy is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3101). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.055 Health Savings Account Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3102). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.057 Medical Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3103-3113). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.058 PPO 750 Plan Benefit Provisions and Covered Charges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3113). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.059 PPO 1250 Plan Benefit Provisions and Covered Charges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3113-3114). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.061 Plan Limitations is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3114-3115). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.070 Coordination of Benefits is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3115-3116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.075 Review and Appeals Procedure is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3116-3119). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH
CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.090 Pharmacy Benefit Summary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3119-3121). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.