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

PROPOSED AMENDMENT

2 CSR 70-17.100 Sampling Requirements and Results of Analysis The department is amending sections (5), (9), (10), (11), (14), and (15).

PURPOSE: This amendment updates reporting information for Certified Samplers, timelines for pre-harvest sampling, submitting compliance certificates of analysis, and close out of orders of destruction.

PURPOSE: This rule explains the sampling requirements and results of analysis for the program.

(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.
   (C) Complete and submit all reporting as required by the department.

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

(10) The harvested materials from the lot are considered publicly marketable products if the sample used to determine compliance with applicable laws and regulations meets the definition of acceptable THC level.

(11) For any pre-harvest 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.

   (A) The laboratory retest the original sample;
   (B) To remediate the lot and then resample the lot per the Sampling Protocol to determine compliance; or
   (C) To proceed with an Order of Destruction for the lot.

(14) Registered producers must submit certificates of analysis for all samples used to determine compliance with applicable laws and regulations to the department within seven (7) calendar days of receipt.

   (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) calendar days of receipt of the department’s order of destruction. The Missouri State Highway Patrol or local law enforcement agency must complete certification of ordered crop destruction. In addition—

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


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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Agriculture, Plant Industries Division, Hemp Program, PO Box 630, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. 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.