

1565.0200 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Acceptable hemp THC level.** "Acceptable hemp THC level" means when the measurement of uncertainty is applied to total THC resulting in a distribution or range that includes 0.3 percent or less of delta-9 tetrahydrocannabinol as defined in Code of Federal Regulations, title 7, part 990.1.

Subp. 3. **Applicant.** "Applicant" means a person who submits an application for a license as required under this chapter. If the applicant is an entity, applicant means the owner or most responsible individual in charge of the entity.

Subp. 4. **Authorized representative.** "Authorized representative" means any individual authorized by the licensee to make changes to the license and share data on behalf of the licensee. The licensee remains responsible for compliance with the license requirements irrespective of the acts or omissions of an authorized representative.

Subp. 5. **Cannabis.** "Cannabis" means a genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species, and of which *Cannabis ruderalis* and *Cannabis indica* are subspecies. Cannabis also refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

Subp. 6. **Certified seed.** "Certified seed" means a hemp seed variety that has been bred to comprise satisfactory genetic purity and varietal identity and has been accepted by the Association of Seed Certifying Agencies (AOSCA), Organization of Economic Cooperation and Development (OECD), or other certifying entity as determined by the commissioner.

Subp. 7. **Certificate of analysis.** "Certificate of analysis" means a document issued by an ISO 17025 accredited laboratory that documents the total THC concentration of a lot that it accompanies.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subp. 9. **Controlled Substances Act.** "Controlled Substances Act" is the law codified in United States Code, title 21, sections 801-971.

Subp. 10. **Conviction.** "Conviction" means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged. For purposes of this part, a conviction is expunged when the conviction is removed from the individual's criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions. In addition, where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a conviction for purposes of this chapter.

Subp. 11. **Corrective action plan.** "Corrective action plan" means a plan proposed by a licensed hemp producer and approved by the commissioner to correct a negligent violation of or

noncompliance with a United States Department of Agriculture approved state hemp production plan, Minnesota statute, or any other provision under this chapter.

Subp. 12. **Criminal history report.** "Criminal history report" means a Federal Bureau of Investigation Identity History Summary that includes both federal and state criminal histories of an applicant obtained from the Bureau of Criminal Apprehension.

Subp. 13. **Culpable mental state greater than negligence.** "Culpable mental state greater than negligence" means to act intentionally, knowingly, willfully, recklessly, or with criminal negligence.

Subp. 14. **Decarboxylation.** "Decarboxylation" means the completion of the chemical reaction that converts THC acid (THCA) into delta-9 THC, the intoxicating component of cannabis. The decarboxylation value is also calculated using a conversion formula that sums delta-9 THC and 87.7 percent of THC acid.

Subp. 15. **Delta-9 tetrahydrocannabinol or THC.** "Delta-9 tetrahydrocannabinol" or "THC" mean the primary psychoactive component of cannabis. For the purposes of this chapter, delta-9 tetrahydrocannabinol and THC are interchangeable.

Subp. 16. **Department.** "Department" means the Department of Agriculture.

Subp. 17. **Destruction.** "Destruction" has the same meaning as disposal.

Subp. 18. **Disposal or dispose.** "Disposal" or "dispose" means an activity that transitions the noncompliant product into a nonretrievable or noningestible form. Disposal activities include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering it with soil.

Subp. 19. **Dry weight basis.** "Dry weight basis" means the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis substance including the plant, extract, or other derivative, after excluding moisture from the item.

Subp. 20. **Dwelling.** "Dwelling" means any residential building or portion of the building intended or built for occupancy by one or more persons with facilities for living, sleeping, cooking, and eating, including apartments, townhomes, and any other multi-family structures.

Subp. 21. **Entity.** "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Subp. 22. **Farm Service Agency or FSA.** "Farm Service Agency" or "FSA" means the agency formed with the United States Department of Agriculture.

Subp. 23. **Fit for Commerce certificate.** "Fit for Commerce certificate" means a document issued by the commissioner attesting that raw hemp plant material has been tested for total THC concentration and is in compliance with this chapter.

Subp. 24. **Geospatial location.** "Geospatial location" means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

Subp. 25. **Grow location.** "Grow location" means a contiguous land area, or greenhouses, hoop houses, or buildings for indoor cultivation, registered with the commissioner, on which a licensee or applicant conducts or will conduct licensed hemp cultivation activities. Each noncontiguous grow location must be registered separately.

Subp. 26. **Grower.** "Grower" means a person who grows hemp in order to harvest plants, plant parts, grain, or seed.

Subp. 27. **Genuine grower's declaration.** "Genuine grower's declaration" means a statement signed by a grower for a lot of hemp propagules that provides the lot number, kind, variety, origin, quantity, year of production, date of shipment, and name of the person to whom the lot was sold, shipped, or delivered.

Subp. 28. **Harvest report.** "Harvest report" means a form required to be submitted to the commissioner of agriculture by a licensed hemp grower on which the grower indicates the date the grower intends to harvest each hemp lot the grower reported on the planting report.

Subp. 29. **Immature plant.** "Immature plant" means a cannabis plant that is not flowering.

Subp. 30. **Key participant.**

A. "Key participant" means a sole proprietor, a partner in a partnership, a person with executive managerial control in a corporation, or a person who has a direct or indirect financial interest in an entity producing hemp.

B. A person with executive managerial control includes a person such as a chief executive officer, chief operating officer, or chief financial officer.

C. Key participant does not include farm, field, and shift managers.

D. Key participant does not include a member of the leadership of a Tribal government who is acting in the member's capacity as a Tribal leader, except when that member exercises executive managerial control over hemp production.

Subp. 31. **Licensee.** "Licensee" means any person who holds a license from the commissioner to grow, produce, or process hemp.

Subp. 32. **Lot.** "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout, and all hemp plants, plant parts, extracts, and derivatives from a common source. Lot also has the meaning given to "farm," "tract,"

"field," and "subfield" as these terms are defined in Code of Federal Regulations, title 7, section 718.2.

Subp. 33. **Marketable hemp product.** "Marketable hemp product" means a hemp product that does not contain any living hemp plant parts or viable seeds, and does not contain THC above the acceptable hemp THC level.

Subp. 34. **Measurement of uncertainty.** "Measurement of uncertainty" means 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. Measurement of uncertainty includes uncertainty due to sampling.

Subp. 35. **Negligence.** "Negligence" means failure to exercise the level of care that a reasonably prudent person would exercise in complying with this chapter.

Subp. 36. **Person.** "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, corporations, or businesses.

Subp. 37. **Planting report.** "Planting report" means a form required to be submitted to the commissioner of agriculture by a licensed hemp grower on which the grower indicates the date the grower planted each hemp lot, the variety name or names, and the FSA lot number or numbers.

Subp. 38. **Postdecarboxylation value.** "Postdecarboxylation value" means the THC value calculated with a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. This test calculates the total potential THC in a given sample.

Subp. 39. **Processing.** "Processing" means rendering hemp plants or plant parts from their natural or original state after harvest by refinement, decorticating, devitalizing, chopping, crushing, extracting, or packaging. Typical farm operations, including sorting, grading, baling, and harvesting, are not considered processing for purposes of this definition.

Subp. 40. **Processing location.** "Processing location" means any area, building, plant, or facility registered with and approved by the commissioner in which a licensee converts raw hemp into a marketable product.

Subp. 41. **Processor.** "Processor" means a person or business that converts raw hemp into a product.

Subp. 42. **Propagule.** "Propagule" means seeds, clones, transplants, and any other propagative hemp material.

Subp. 43. **Raw hemp.** "Raw hemp" means whole hemp plants, whether growing or not, or the stalks, viable seeds, unaltered flowers or leaves, or any unprocessed plant pieces or parts of hemp.

Subp. 44. **Remediation or remediating.** "Remediation" or "remediating" means the process of rendering noncompliant cannabis compliant by removing and destroying flower material while retaining stalk, stems, leaf material, and seeds, or shredding an entire plant into a biomass-like material, then retesting the shredded biomass material for compliance.

Subp. 45. **Sampling agent.** "Sampling agent" means a person trained on applicable United States Department of Agriculture, state, or Tribal procedures to collect hemp samples and who has approval and certification from the commissioner in order to collect regulatory samples for the department.

Subp. 46. **Sell or sale.** "Sell" or "sale" means:

A. keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging hemp;

B. having in possession with intent to sell, use, transport, negotiate, solicit, or exchange hemp;

C. storing, manufacturing, producing, processing, packing, and holding hemp for sale;

D. dispensing or giving hemp; or

E. supplying or applying hemp in the conduct of any hemp operation or carrying hemp in aid of traffic in hemp whether done or permitted in person or through others.

Subp. 47. **Territory of an Indian Tribe.** "Territory of an Indian Tribe" means:

A. all land within the limits of an Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, including rights-of-way running through the reservation;

B. all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or outside of the limits of a state;

C. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same; and

D. any land title that is either held in trust by the United States for the benefit of an Indian Tribe or individual or held by an Indian Tribe or individual subject to restriction by the United States against alienation and over which an Indian Tribe exercises jurisdiction.

Subp. 48. **Total THC.** "Total THC" means the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The total THC also means the value determined by using a liquid chromatograph technique, which keeps the THCA intact. The chromatograph technique means $\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}$, which calculates the potential total THC in a given sample.

Subp. 49. **Volunteer hemp plant.** "Volunteer hemp plant" means a hemp plant that results from a previous crop.

Subp. 50. **Variety.** "Variety" means:

- A. a subdivision of a kind that is distinct, uniform, and stable;
- B. distinct in the sense that the variety can be differentiated by one or more identifiable morphological, genetic, physiological, or other characteristics from all other varieties of public knowledge;
- C. uniform in the sense that variations in essential and distinctive characteristics are describable; and
- D. stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

Statutory Authority: *MS s 18K.06; L 2019 1Sp1 art 2 s 20*

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