

1565.0600 SUPERVISION, SAMPLING, AND INSPECTION.

Subpart 1. **Licensee requirements.** A licensee must:

- A. maintain on record any additional testing results of final harvested materials and any processed materials to ensure compliance with the 0.3 percent total THC requirement;
- B. not knowingly make any materially false statement or misrepresentations regarding the licensee's cultivation or processing of cannabis plants;
- C. not cultivate, process, move, or distribute cannabis plants other than hemp unless licensed to do so;
- D. not cultivate or process hemp in an area not licensed by the commissioner;
- E. pay any fees applicable to the licensed activities; and
- F. have the legal right to the registered grow location, including the legal authority to grant the commissioner access to the grow location for inspection and sampling.

Subp. 2. **Sampling, testing, and destruction.**

- A. A licensee is responsible to ensure the licensee's hemp plants are within acceptable hemp THC levels.
- B. As a condition of obtaining and maintaining a license under this chapter, a licensee must allow a sampling agent, the commissioner, or the commissioner's designee to conduct field surveillance and crop sampling of the licensee's grow location or locations as requested by the commissioner. A regulatory sample must be collected by a sampling agent, the commissioner, or the commissioner's designee. A licensee is prohibited from collecting regulatory samples from the licensee's own growing locations.
- C. A license holder or an authorized representative shall be present at the grow location during inspection and be available by telephone before or during the inspection, if possible. The landowner on record may be an authorized representative if authorized by the license holder. Authorization for entrance to and inspection of property and collection of hemp samples for testing must be granted by signature of the licensee as a part of the licensing process. If neither the license holder nor an authorized agent is planning to be present during the inspection and sampling event, communications with the license holder occurring before the inspection and sampling event must make the licensee and the sampling agent aware of the lots to be sampled, the location of the lots, and any other information pertinent to the inspection process.
- D. The licensee must provide the sampling agent, the commissioner, or any law enforcement agency with complete and unrestricted access during business hours to:
 - (1) all areas where growing or harvested hemp and other cannabis plants are stored;
 - (2) all land, buildings, and other structures used for the cultivation, handling, producing, and storage of all hemp and other cannabis plants; and

(3) all locations listed in the producer's application and license.

E. A producer must not harvest a hemp lot unless a sample has been collected by the sampling agent no more than 30 days before the harvest. A sample must be collected by a sampling agent. A producer is prohibited from collecting a sample from the producer's own growing facility.

F. A sample collected according to established protocols approved by the commissioner are deemed representative of the location or lot from which the sample is obtained.

G. Lot compliance is based on whether the hemp THC level result determined on a dry weight basis includes a value of 0.3 percent within a range of values specified by plus or minus the measurement of uncertainty.

H. Any sample test result exceeding the acceptable hemp THC level is conclusive evidence that the lot represented by the sample is not in compliance with this chapter and must be disposed of or remediated in accordance with Code of Federal Regulations, title 7, section 990.27.

I. Any test result from a sample collected by the sampling agent is considered the official test result representing the lot.

J. A licensee must not commingle harvested lots of hemp plants with other harvested lots or other material without a proper Fit for Commerce certificate.

K. If a licensee is notified by the commissioner that the licensee's location will not be inspected by the commissioner within 30 days before harvest, the licensee is required to submit a certificate of analysis from an approved testing lab to demonstrate that the licensee's lots are within acceptable hemp THC levels.

Subp. 3. **Research and breeding.**

A. In addition to the requirements of part 1565.0400, an individual applying for a license to conduct hemp research and hemp breeding must submit to the commissioner a summary outlining the individual's objectives for performing hemp research or breeding, a timeline of activities, and a sampling plan that demonstrates a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC level. The sampling plan must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide a disposal plan for any cannabis plants that are found to exceed the acceptable hemp THC level.

B. A research and breeding licensee must provide testing data to the commissioner when requested and may be subject to inspection, sampling, and testing by the commissioner.

C. Hemp that is grown for research purposes may not be offered for sale or otherwise enter the stream of commerce.

D. A hemp breeder must report all new varieties to the commissioner before release for commercial sale. A hemp breeder must also provide documentation that shows the varieties developed have been tested through a minimum of two generations to be at or below 0.3 percent THC.

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

History: *46 SR 150*

NOTE: This temporary exempt rule is effective for two years and expires August 16, 2023.

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