

## § I. Standards for industrial hemp seed production.

- (1) Fees for seed certification are:
  - a. Application fee \$30.00
  - b. Field Inspection \$30.00/hour

(2) All growers of industrial hemp certified seed crops are required to be licensed under the department's Seed licensing rules.

(3) Only varieties of industrial hemp approved by the department shall be eligible for certification. An approved variety must be a variety recognized by an international organization recognized by the department, such as the Association of Official Seed Certifying Agencies (AOSCA), Canadian Food Inspection Agency (CFIA), or the organization for economic cooperation and development (OECD) seed scheme.

(4) The allowable area of an industrial hemp seed crop area or seed production field may be determined and limited by the department.

(5) All industrial hemp fields established for seed certification **shall be planted with twenty-inch row spacing** to facilitate inspection, roguing, and harvesting.

(6) Growers must post signage approved by the department on at least four sides, including the main entry point of each authorized field.

- (7) Growers are required to obtain tetrahydrocannabinol (THC) test results

## § II. Definitions specific to industrial hemp seed production.

"**Dioecious type**" means a type of industrial hemp that has male and female flowers on separate plants.

"**Industrial hemp**" means all parts and varieties of the genera Cannabis, cultivated or possessed by a grower, whether growing or not, that contain a THC concentration of 0.3 percent or less by dry weight.

"**Industrial hemp seed production**" means an industrial hemp seed production field established with an appropriate generation of certified seed intended to produce a subsequent generation of certified seed.

"**Monoecious type**" means a type of industrial hemp that has male and female flowers on the same plant.

"**Too male**" means an intersexual plant that exceeds the ratio of male to female flowers as described in the variety description.

"**Unisexual female**" means a monoecious type of industrial hemp plant that has sterile male and fertile female flowers.

"**Unisexual female hybrid**" means a hybrid where the A line is a unisexual female type and the B line produces male fertile flowers.

"**Variety**" means a subdivision of a kind that is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; "uniform" in the sense that variations in essential and distinctive characteristics are describable; and "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.

"**Volunteer plant**" means an industrial hemp plant that results from a previous crop.

### § III. Land requirements for industrial hemp seed certification.

Land requirements to produce an industrial hemp seed crop are as follows:

(1) Crops must not be planted on land where foreseeable volunteer growth from a previous crop may cause contamination detrimental to certification.

(2) Fields for foundation and registered classes must not be planted on land which in the previous five years grew a different crop of industrial hemp or marijuana.

(3) Crops for certified class must not be planted on land which in the previous three years produced a crop of industrial hemp.

### § IV. Isolation requirements for industrial hemp seed certification.

Isolation requirements for industrial hemp seed production are as follows:

(1) Isolation areas must be kept free of any harmful plants that can cause contamination. Not more than one plant per eleven square feet of harmful contaminants (species that can cross pollinate with the inspected crop) is permitted within the required isolation distance(s) adjacent to the inspected crop. The conditions of each crop are assessed by the department, which may alter this standard, by reducing the number of contaminant plants permitted per square yard, per identified contamination risks.

(2) Foundation, registered and certified industrial hemp must be isolated from any medical marijuana production by fifteen miles.

(3) Industrial hemp seed production crops for certification must be isolated from all other industrial hemp varieties or fields not meeting the varietal purity requirements for certification as follows:

<b>Inspected Crop</b>	<b>Isolation Factor</b>	<b>Isolation Distance in Feet</b>
Dioecious type: Foundation and Registered	Different varieties of industrial hemp	16,150
	Lower certified class of same variety	6,460
	Same class of same variety	3
Dioecious type: Certified	Different varieties of industrial hemp	16,150
	Certified class of the same variety	3
Monoecious type and hybrids: Foundation and Registered	Dioecious variety of industrial hemp	16,150
	Different varieties of monoecious or female hybrid	6,460
	Certified class of same variety	3
Monoecious type and hybrids: Certified	Dioecious variety of industrial hemp	3,230
	Different varieties of monoecious or female hybrid	3,230
	Certified class of same variety	3

## **§ V. Field inspection standards and tolerances for industrial hemp seed certification.**

(1) Industrial hemp seed production crop fields shall be inspected by the department in three stages.

(a) The first inspection should be conducted before female (pistillate) flowers of the inspected crop are receptive and after the formation of male (staminate) flowers before pollen is shed.

(b) The second inspection should be conducted during the receptive stage of the female plants in the inspected field, normally within three weeks of first inspection.

(c) The third inspection should be conducted within ten days prior to harvest. The grower must notify the department of anticipated harvest date. Fields not harvested within ten days of the third inspection will require an additional inspection and THC test.

(d) Isolation areas will be inspected for volunteer plants and harmful contaminants at each department inspection.

(2) Off-type male flowers must be removed by the grower prior to producing pollen and evidence of removal must be identifiable during the department's crop inspection.

Rogued male flowers must be removed from the field and buried or otherwise destroyed by the grower to prevent pollen production.

(3) If dioecious male plants start flowering before removal from field, all plants around them must be destroyed by the grower within a radius of ten feet for foundation seed, six feet for registered seed and three feet for certified seed.

If dioecious male plants or if other off-type male flowers are found to be shedding pollen during any inspection, an additional inspection will be required within seven days to verify adequate control of detrimental pollen. An additional re-inspection fee will be assessed by the department.

(4) Plant samples will be taken by the department for THC testing at the third inspection. Test results in excess of 0.3% THC concentration by dry weight will be cause for rejection, and the field may be subject to destruction.

The seed crop for certification may be harvested after the third inspection and plant samples has been submitted for THC testing. However, no seed or other industrial hemp by-products may be transported off of the registered land area until THC testing with a result of 0.3% THC concentration by dry weight or less has been received and a release notice to the grower has been issued by the department.

(5) Intersexual plant type ratios shall not exceed the limits when defined in the variety description by the breeder.

(6) Excessive weeds or other factors that prevent varietal purity and identity determination shall be cause for the department to reject the affected field for certification purposes.

(7) Fields planted in such a manner that prevents inspector access shall be cause for the department to reject the affected field for certification purposes unless the grower remedies the condition in a timely manner as required by the department.

(8) Maximum impurity standards must not be exceeded based on six replicated counts of ten thousand plants according to the following table:

	Maximum impurity standards per 10,000 plants		
	Maximum number of "too male" monoecious plants	Maximum number of dioecious male plants shedding pollen	Maximum number of other impurities including other varieties
Dioecious type: Foundation	-	-	3
Dioecious type: Registered and Certified	-	-	10
Monoecious: Foundation	500	1	3
Monoecious: Registered	1000	2	10
Monoecious: Certified	2000	100	10

## § VI. Seed standards for industrial hemp seed certification.

Seed standards for industrial hemp seed production crops are as follows:

	Foundation	Registered	Certified
Pure seed (minimum)	98.00%	98.00%	98.00%
Other crop (maximum)	0.01%	0.03%	0.08%
Inert matter (maximum)*	2.00%	2.00%	2.00%
Weed seed (maximum)	0.10%	0.10%	0.10%
Other varieties (maximum)**	None found	0.01%	0.05%
Germination (minimum)	80.00%	80.00%	80.00%

\* Inert matter shall not contain more than 0.50% of material other than seed fragments.

\*\* Other varieties when distinguishable.