

# **Nevada Department of Agriculture**

Board Update

on

Interim Hemp Rule

Effective October 31, 2019- November 1, 2021

Ashley Jeppson, Plant Industry Administrator



# Hemp Definition

The 2018 Farm Bill defines hemp as:

- Plant species *Cannabis sativa L.*
- Includes the seeds, all derivatives, extracts, cannabinoids, etc.
- Delta-9 THC not more than 0.3% on a dry weight basis



# Updates-November 2019

- 2018 Farm Bill released January 2019
- Corresponding interim rule released November 2019
- USDA Comment period- 60 days (with consideration up to December 31, 2019)



# Current Program

- Applications received and reviewed annually (calendar based) (Grower, producer, handler)
- Application requires:
  - Landowner approval
  - Location
  - Acreage/square footage
  - Intended production details
  - Compliance Testing (Total Potential THC)
  - Crop disposal if  $>0.3\%$  THC



# USDA State Hemp Program Expectations

- Growers must register with NDA
- Sample the flower
- Crop must be sampled and tested 0.3% or less THC
- Post-decarboxylated or similarly reliable analytical method
- State plan must be approved and implemented by 2021 growing season

# USDA Expectations Continued

- Crop disposal if exceeds THC limits
- Harvest within 15 days of sampling
- DEA Accredited Lab
- USDA Lab Accreditation
- Measurement of uncertainty?? (Currently margin of error +/- .04)
- Crop disposal-law enforcement

# USDA Expectations Continued

- Negligence criteria if crop testing is  $>0.5\%$  THC
- $>3$  negligent violations in 5 years-no longer eligible for production within 5 years of 3<sup>rd</sup> incident
- Criminal history report; for business must include key participants (10 year history-drug related)
- 3 year licensing (Calendar year)

