

**PROPOSED REGULATION OF THE
NEVADA DEPARTMENT OF AGRICULTURE**

LCB FILE NO. R066-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/17/2017**

NAC 587: Standards For Certification Of Industrial Hemp Seed Proposed Amendments

Black Text = Current Regulation

~~Red Text~~ = Proposed Removed Language

Blue Text = Proposed New Language

Revised 8/16/2017

587. *Applicability.* (NRS 587.077, 587.083) *The general standards for certification of seed as adopted by the Department and NAC 587.931 to 587.937, inclusive, govern the standards for the certification of industrial hemp seed.*

587. *Requirements for land.* (NRS 587.077, 587.083)

1. An industrial hemp seed crop that is grown for certification must not be planted on land on which the previous crop grown was of the same kind, unless the previous crop grown was of the same variety and met all of the certification requirements for the same or higher class.

2. The application for certification must indicate the crops grown the previous 3 years on the land.

3. At least 2 years must elapse between the destruction of varieties of dissimilar adaptation and establishment of a new stand for the production of seed for certification.

4. An industrial hemp crop that is grown for breeder seed designation can be accepted at the approval of the Department.

(a) A breeder class industrial hemp field must not be planted on land on which the previous 10 crops were industrial hemp of any kind.

587. *Requirements for Isolation.* (NRS 587.077, 587.083)

1. Isolation areas must be kept free of Industrial Hemp plants. Under optimum conditions, not more than 3 plants per 11 square feet of harmful contaminants (species that can cross pollinate with the inspected crop) are permitted within the required isolation distance(s) adjacent to the inspected crop. The conditions of each crop are assessed by the seed certifying agency which may alter this standard, usually by reducing the number of contaminant plants permitted per square yard, according to the contamination risks involved.

2. The required isolation as outlined in Table 1 must be in place prior to the time of flowering and crop inspection.

3. If dioecious male plants start flowering before removal from field, all plants around them should be destroyed for a radius of 10 feet for Foundation and 6 feet for registered seed crops.

4. Except as otherwise provided in subsection 2, the minimum distance a field of industrial hemp must be from a different variety or a field of the same variety of industrial hemp that does not meet the requirements for the same class designation is:

Table 1:

<i>Inspected crop</i>	<i>Other Crop</i>	<i>Isolation Distance Required (Feet)</i>
<i>Dioecious type – Registered and Foundation</i>	<i>1) Different varieties of industrial hemp</i>	<i>16,150</i>
	<i>2) Non-certified crop of same kind</i>	<i>16,150</i>
	<i>3) Lower certified class seed crop of same variety</i>	<i>6,640</i>
	<i>4) Same class of certified seed of same variety</i>	<i>3</i>
<i>Dioecious type – Certified</i>	<i>1) Different varieties of industrial hemp</i>	<i>3,320</i>
	<i>2) Non-certified crop of same kind</i>	<i>3,320</i>
	<i>3) Lower certified class seed crop of same variety</i>	<i>646</i>
	<i>4) Same class of certified seed of same variety</i>	<i>3</i>
<i>Monoecious type and Hybrids – Registered and Foundation</i>	<i>1) Dioecious variety of industrial hemp</i>	<i>16,150</i>
	<i>2) Non-certified crop of same kind</i>	<i>16,150</i>
	<i>3) Different varieties of the same type of industrial hemp (monoecious or female hybrid)</i>	<i>6,460</i>
	<i>4) Lower certified class seed crop of same variety</i>	<i>3,230</i>
	<i>5) Same class of certified class of same variety</i>	<i>3</i>
<i>Monoecious type and hybrids - Certified</i>	<i>-Dioecious variety of industrial hemp</i>	<i>3,230</i>
	<i>-Non-certified crop of same kind</i>	<i>3,230</i>
	<i>-Different varieties of the same type of industrial hemp (monoecious or female hybrid)</i>	<i>646</i>
	<i>-Lower certified class seed crop of same variety</i>	<i>646</i>
	<i>-Same class of certified class of same variety</i>	<i>3</i>

5. Industrial hemp seed crops entered for certification are required to be at least 5 miles from a medical marijuana and/or a recreational marijuana cultivation area. The Department will consider implementing a variance relating to isolation distances concerning indoor versus outdoor cultivation of Cannabis.

587. Inspection of Seed Crops; Control of Contamination (NRS 587.077, 587.083)

1. The Department will make an inspection of a seed crop of industrial hemp after female flowers are produced.

2. Producers will notify the Department when the ideal inspection time is for each crop at least 2 weeks in advance.

3. A field of industrial hemp entered for certification must show evidence of control of:

- (a) Contaminating crops and varieties; and
- (b) Objectionable and noxious weeds.

4. Industrial hemp varieties of the monoecious gender must show evidence of control of:

- (a) Contaminating genders that exceed the varietal designation amount

(b) Deviation from the varietal characteristic regarding monoecious/dioecious genders cannot exceed more than 10% from varietal definition.

5. The Department will collect one sample of a seed crop per year when the flower is at the most mature state to analyze for total tetrahydrocannabinol (THC).

(a) The sample will be taken using the following method:

1. Of each plant sampled, the top 6 inches of the female flower will be harvested.
2. A total of 10 plants per field, per variety will be sampled following a manner that is proportionate with the designated field.
3. Each field sample will be contained in a single, sealable plastic bag.
4. Latex or nitrile gloves must be worn when sampling and will be sterilized or exchanged upon entering different fields.
5. Samples will be labeled according to date, producer, species, variety and sample number.

587. Fields of Industrial Hemp: Maximum Tolerances (NRS 587.077, 587.083)

1. Except as otherwise provided in subsections 2 and 3, a field of industrial hemp must meet the following tolerances to be eligible for certification:

	<i>Maximum Permitted in Each Class</i>			
<i>Factor</i>	<i>Breeder</i>	<i>Foundation</i>	<i>Registered</i>	<i>Certified</i>
<i>Other Varieties</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>1:5,000</i>
<i>Other Crops</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>1:2,000</i>

2. Total tetrahydrocannabinol (THC) concentrations exceeding 0.3% on a dry weight basis will result in immediate disqualification for seed certification and the crop will be destroyed.

3. Any *Cannabis sativa L.* other than industrial hemp varieties are prohibited from being present within an industrial hemp field.

(a) In the event that any variety of *Cannabis sativa L.* other than industrial hemp is detected, the crop will be ordered to be destroyed.

587. Maximum Impurity Standards (NRS 587.077, 587.083)

1. Impurity Standards

(a) Impurities should be removed prior to crop inspection.

(b) Any combination of impurities may be reason for declining certified status.

(c) An Industrial Hemp crop for certified status, unless otherwise specified by the Breeder, must not exceed the limits, as outlined in Table 2., of harmful contaminants (species that can cross pollinate

with the inspected crop), plants of other varieties or distinct types foreign to the variety being inspected, weeds or other crops with seeds that are difficult to separate from Industrial Hemp seed (e.g. Hemp Nettle)

(d) Table 2 indicates the maximum number of impurities permitted by AOSCA in approximately 10,000 plants of the inspected crop. The inspector makes at least 6 counts (10,000 plants each) or the equivalent to determine the number of impurities. The resulting average of these counts must not exceed the maximum impurity standards in Table 2.

Table 2:

<i>Inspected Crop</i>	<i>Maximum Impurity Standards per 10,000 Plants in Registered and Certified Industrial Hemp Seed Crops</i>		
	<i>Maximum Number of "Too Male" monoecious plants</i>	<i>Maximum Number of Dioecious Male Plants Shedding Pollen</i>	<i>Maximum number of other Impurities</i>
<i>Dioecious Type – Foundation</i>	-	-	3
<i>Dioecious Type – Registered & Certified</i>	-	-	10
<i>Monoecious Type – Foundation</i>	500	1	3
<i>Monoecious Type – Registered</i>	1000	2	10
<i>Monoecious Type – Certified</i>	-	100	10

587. Minimum standards for classes of industrial hemp seed (NRS 587.077, 587.083)

1. Each lot of seed entered for certification must be sampled and meet the minimum standards for the class of seed produced. Samples will be drawn by a representative of the Department pursuant to NAC 587.180 and 587.190, and must meet the following standards:

Factor	Standards for Each Class			
	Breeder	Foundation	Registered	Certified
<i>Pure seed (minimum)</i>	99.0%	98.0%	98.0%	98.0%
<i>Other crop (maximum)</i>	0.01%	0.01%	0.03%	0.08%
<i>Weed seed (maximum)</i>	0.1%	0.1%	0.2%	0.25%
<i>Noxious weed seed (maximum)</i>	None	None	None	None
<i>Objectionable weed seed (maximum)</i>	None	None	None	None
<i>Inert matter (maximum)</i>	1.0%	2.0%	2.0%	2.0%
<i>Other Varieties (maximum)</i>	0.005%	0.005%	0.01%	0.07%
<i>Other Kinds (maximum)</i>	0.01%	0.01%	0.03%	0.07%
<i>Germination and hard seed (minimum)</i>	90.0%	80.0%	80.0%	80.0%

587. Application for certification; contents and submission requirements. (NRS 587.077, 587.083)

1. For each planting, an applicant must submit to the Department an application for certification.
2. Each application must:
 - (a) Be on a form obtained from the Department;
 - (b) List all sources of the seed stock planted;
 - (c) Include documentation that verifies the eligibility of the seed stock planted;
 - (d) Include a map that shows the location of the farm and the planting;
 - (e) Include any other information requested by the Department;
 - (f) Be received by the Department on or before June 1 of the year the seed stock is planted; if not received by this date a \$100.00 fee will be added; and
 - (g) Be accompanied by the certification fees.

587. Fee for certification; refund. (NRS 587.077, 587.083)

1. For each planting, the Department will, in addition to fees pursuant to NAC 557, charge and collect a certification fee of \$15.00 per acre with a minimum charge of \$50.00 per application.
2. Checks must be payable to the "Nevada State Department of Agriculture."
3. An applicant must pay the certification fee set forth in subsection 1:
 - (a) On or before June 1 of the year in which the seed stock is planted; or
 - (b) If the seed stock is planted after June 1, not later than 5 days after the date on which the seed stock is planted.
4. The Department will refund the certification fees paid for any planting that is withdrawn from certification if the request for a refund is submitted in writing to the Department before the first field inspection.