

**Florida Department of Agriculture and Consumer Services Rule
Rule 5E-4.016 Hemp Seed and Cultivars.**

Rule 5E-4.016 Hemp Seed and Cultivars.

(1) Definitions. The definitions provided in Sections 578.011, 581.217, F.S., and the following shall apply to Section 581.217, F.S., and this rule:

- (a) “**Certified hemp seed**” means a class of hemp seed which is the progeny of breeder, foundation, or registered hemp seed certified by a certifying agency.
- (b) “**Pilot project hemp cultivar**” is a clone or propagule of hemp approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.
- (c) “**Pilot project hemp seed**” is hemp seed approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.
- (d) “Total delta-9-tetrahydrocannabinol concentration” means [$\text{delta-9-tetrahydrocannabinol}$] + ($0.877 \times [\text{tetrahydrocannabinolic acid}]$).

(2) Pilot project hemp cultivars.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp cultivars by complying with the following:

1. Obtain a sample of the hemp cultivar and documentation evidencing the identity and origin of the hemp cultivar to be approved; and
2. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp cultivars, and perform testing on a representative sample to ensure the total delta-9-tetrahydrocannabinol concentration does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19, incorporated herein by reference and available online at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-11493>. The Hemp Sample Submission Form FDACS-08113 rev. 12/19 is incorporated herein by reference and

available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11492>;
and

3. Maintain records of all pilot project hemp cultivars approved by the institution or university for a minimum of two years.

(b) Approved pilot project hemp cultivars must be labeled as “Pilot Project Hemp Cultivar” and clearly identify the university or institution that granted the approval.

(3) Pilot project hemp seed.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., shall follow all requirements found in Chapter 578, F.S., and Rule Chapter 5E-4, F.A.C., when approving pilot project hemp seed.

(b) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp seed by complying with the following:

1. Obtain a sample of the hemp seed and documentation evidencing the identity and origin of the hemp seed to be approved; and
2. Perform testing to determine purity, germination, and noxious weed seed content as set forth in Rules 5E-4.003 and 5E-4.006, F.A.C. The manner of sampling, laboratory testing, and the tolerances to be applied to the results shall be the same as that set forth

in the “2019 AOSA Rules for Testing Seed” published by The Association of Official Seed Analysts which is hereby incorporated by reference. Copies may be obtained from AOSA, 653 Constitution Avenue N.E., Washington, DC 20002, USA or <https://www.analyzeseeds.com/publications/>, and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of the aftermentioned materials on the internet for purposes of public examination would violate federal copyright law; and

3. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp seed, and perform testing on a representative sample of the plants to ensure the total delta-9-tetrahydrocannabinol concentration

does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19; and

4. Maintain records of all pilot project hemp seed approved by the institution or university pursuant to Section 578.23, F.S.

(c) Approved pilot project hemp seed must be labeled according to Rule 5E-4.002, F.A.C., include the statement “Pilot Project Hemp Seed” and clearly identify the university or institution that granted the approval.

Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented 578.011(8), 578.23, 581.217(6), 581.217(12) FS. History—New 1-28-20.