

# Montana Seed Growers Association's Guidelines for Certified Industrial Hemp Seed Production in Montana.

(February 2019)

**Industrial Hemp** is defined in Federal and Montana statute as *Cannabis sativa* L. and any part of such plant, growing or not, that contains no more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry weight basis. Industrial Hemp is authorized as an alternative agricultural crop by the Montana Legislature. Section 80-18-101 through 80-18-111 of Montana Code Annotated.

## Definitions:

**Dioecious:** Types with males and female flowers on separate plants

**Monoecious:** Types with male and female flowers separated but on the same plant

**Unisexual Hybrids:** Types with sterile male flowers and fertile female flowers on the same plant

## Montana Industrial Hemp Program

Industrial Hemp may be grown in Montana in the Montana State Hemp Program under the regulation of the Montana Department of Agriculture for the purposes of complying with Federal and State Law. Individuals growing Industrial Hemp must have a Montana State Hemp License that shows the grower is in compliance with Montana State Hemp Laws. The holder of said license is responsible for obeying all Federal and State regulations. Only seed from an approved source can legally be planted in Montana. Industrial hemp is currently regulated as a Schedule I Controlled Substance by the federal government. Persons who violate state or federal laws regarding hemp may be subject to federal prosecution under the Controlled Substances Act (CSA).

**Industrial Hemp License** is required BEFORE planting hemp seeds in Montana. Only growers licensed by the Montana Department of Agriculture to produce Industrial Hemp are eligible to produce certified hemp seed.

## Variety Eligibility

Only varieties approved by the Montana Department of Agriculture are eligible for production of certified classes of seed. To be approved all varieties must follow and meet the requirements of the Federal Seed Act §201.68. The only varieties accepted for Seed Certification in Montana shall be accepted by one of the following methods:

- AOSCA National Variety Review Board
- An official seed certifying agency
- OECD

## Field Eligibility

Fields of foundation and registered classes of industrial hemp seed must not be planted on land which in the previous (5) years grew a crop of industrial hemp. Crops of certified seed must not be grown on land which in the preceding (3) years produced a crop of industrial hemp. Field requirements are established to help insure varietal integrity and purity.

## Application Requirements

Seed producers must apply for seed certification no later than June 15<sup>th</sup>. Growers must have already obtained licensing from the Montana Department of Agriculture prior to application. Applications

received late will be assessed a late fee, and any applications submitted after the optimal inspection period shall be rejected.

### **Isolation Distances**

Before choosing a field to plant, carefully look over the isolation distance requirements set forth in the Montana Seed Growers Association's Handbook of Seed Certification. Not complying with the set isolation distances is cause for rejection of seed fields.

### **Planting Requirements**

Fields should be planted in such a way that will facilitate roguing and field inspection. Solid-seeding is not recommended due to the growth habit of this crop. Large plant make roguing difficult and all rogued plants must be removed from fields prior to harvest and field inspection. Fields planted with row spacing less than 30 inches will be assessed a higher inspection fee. Growers who choose to swath an X in their field to help facilitate field inspection will receive a reduced acreage fee, regardless of row spacing. Contact the MSGA office for further details.

### **Roguing**

Roguing to remove off types and un-desirable plants shall be done before field inspection takes place. Rogued plants must be removed from the field prior to inspection or be removed in such a way that regrowth is not possible.

### **Field Inspection**

All fields of industrial hemp will be inspected at least twice prior to swathing or harvesting, except in the case of Foundation and Registered monoecious type and unisexual female hybrids, in which 3 inspections are required.

- Fields must be inspected at a stage growth when varietal purity is best determined. Crops not inspected at the proper stage for best determining varietal purity may be cause for declining certified status.
  - First inspection must be made before female (pistillate) flowers of the inspected crop are receptive and after the formation of male (staminate) flowers, preferably before pollen is shed.
  - Second inspection must be made during the receptive stage of the female plants in the inspected field, normally within 3 weeks of first inspection.
  - If a third inspection is necessary, it must be made with off type female flowers can be identified.
  - Isolation areas will be inspected for volunteer Industrial Hemp plants and harmful contaminants on each inspection.

### **Seed Conditioning**

Seed for final certification must be conditioned by a MSGA approved certified seed conditioner. A list of approved conditioners can be found on the MSGA website or by contacting the office.

### **Lab Testing**

All eligible seed lots must be tested for purity and germination by the Montana State Seed Testing Laboratory. A plant may also be sent to the Montana analytical lab for THC testing in accordance with Montana Department of Agriculture rules and regulations. Only lots that meet the required THC levels will be eligible for final certification and labeling.

**Final Certification**

Final certification will not be issued until the seed is conditioned by a licensed facility, tested for purity and germination, and the results are determined to meet or exceed the seed standards set forth by MSGA. Final certification will not be issued until tests are completed on THC by the Montana Department of Agriculture and are found to be less than .3%. Labels will be issued in the applicant's name only once final certification requirements have been met. Ownership of seed may not be transferred to anyone other than the licensee until the seed is sold to a Montana Department of Agriculture licensed producer or dealer.

**Fees (TBD)**

Fees shall be paid for at the time of application. Any late applications will be assessed a late fee. Applications received after the optimal time for processing and inspection shall be rejected. Re-inspection costs will be assessed for any field that needs additional inspections.

- \$30 Application fee

**Plus:**

- \$16 per acre for fields planted with 30 inch rows or greater
- \$30 per acre for fields planted in less than 30 inch rows
- \$6 per acre on any field, regardless of planting rows, where the grower cuts an X through the field to facilitate the inspection process. Growers must contact the MSGA office in Advance.

Contact the MSGA office prior to planting to ensure proper application and inspection process.