

204.8 Inspections and tests — harvest and transportation permit — certificate of analysis.

1. *a.* The department shall conduct an annual inspection of a licensee's crop site to determine if the crop produced at the site qualifies as hemp under [this section](#). The annual inspection shall include obtaining a sample of plants that are part of the crop and providing for an official test of that sample. The inspection shall be conducted as provided in [section 204.9](#).

b. A licensee shall deliver a notice to the department stating the expected harvest date for the crop produced at the licensee's crop site. The department must receive the notice at least thirty days prior to the expected harvest date. The department shall conduct the annual inspection of the site within thirty days prior to the actual harvest date.

c. The department shall provide the department of public safety any official test results that indicate a sample exceeds the maximum concentration of delta-9 tetrahydrocannabinol in excess of two percent on a dry weight basis.

d. A licensee shall not harvest any portion of a crop produced at the licensee's crop site unless the department has obtained a sample of plants to conduct a test as provided in [this section](#) and has issued the licensee a temporary harvest and transportation permit or certificate of analysis. The department may adopt rules that it determines necessary or desirable to administer and enforce the terms and conditions of a permit. The department shall have unrestricted access to a crop site subject to a permit. A licensee subject to a permit shall receive permission from the department prior to moving the hemp, shall not commingle the hemp, and shall not transfer the hemp to another person.

e. The department shall issue a verified copy of the temporary harvest and transportation permit or certificate of analysis to any other person upon request of the licensee. The permit or certificate shall be published by the department as an official form.

f. To the extent allowed by the federal hemp law, the certificate of analysis shall be proof that the harvested crop described on the form qualifies as hemp pursuant to the results of an official test.

g. A temporary harvest and transportation permit expires when the department issues the licensee a certificate of analysis. A permit or certificate of analysis terminates upon the issuance of an order of disposal of the licensee's crop as provided in [section 204.10](#) or upon the revocation of the licensee's hemp license as provided in [section 204.11](#).

2. The department may conduct official tests for additional varieties of hemp located on the same licensed crop site. The department may conduct additional inspections and tests upon the request of a licensee.

3. The official test shall be a composite test of the plants obtained by the department from a licensee's crop site during the annual inspection and shall be conducted by a laboratory designated by the department. The sample must have an acceptable delta-9 tetrahydrocannabinol concentration, resulting from a post decarboxylation analysis, that does not exceed three-tenths of one percent on a dry weight basis.

a. The laboratory shall report delta-9 tetrahydrocannabinol concentration on a dry weight basis that accounts for a measurement uncertainty associated with the result of a measurement. The measurement uncertainty shall characterize the dispersion of the values that could be reasonably attributed to the particular quantity subject to measurement. The acceptable delta-9 tetrahydrocannabinol concentration occurs when the application of the measurement uncertainty to the reported delta-9 tetrahydrocannabinol concentration on a dry weight basis produces a distribution or range that includes three-tenths of one percent or less.

b. The post decarboxylation value is the result of an analysis determined after the process of decarboxylation that determines the total potential delta-9 tetrahydrocannabinol content derived from the sum of the delta-9 tetrahydrocannabinol concentration and delta-9 tetrahydrocannabinolic acid content and reported on a dry weight basis. The post decarboxylation value may be determined by using a chromatographic technique using heat and gas chromatography, through which the tetrahydrocannabinolic acid content is converted from its acid form to its neutral form. The post decarboxylation value may also be calculated by using a high-performance liquid chromatograph technique, which

keeps the tetrahydrocannabinolic acid intact and requires a conversion calculation of that tetrahydrocannabinolic acid to determine the total potential delta-9 tetrahydrocannabinol content in a given sample.

4. The department of public safety or a local law enforcement agency may conduct an inspection of a licensee's crop site in order to determine that the licensee is complying with the criminal provisions of [this chapter](#) as well as [chapters 124](#) and [453B](#). The department of public safety or a local law enforcement agency may conduct a test of the plants obtained by that department or local law enforcement agency from the licensee's crop site during the inspection according to procedures adopted by the department of public safety.

[2019 Acts, ch 130, §8, 18, 19](#); [2020 Acts, ch 1065, §12, 13, 19](#); [2020 Acts, ch 1121, §107 – 109](#)

Referred to in [§124.401G, 204.2, 204.3, 204.5, 204.7, 204.9, 204.10, 204.15, 453B.18](#)

Section implemented effective April 8, 2020; the secretary of agriculture published an advisory notice that the state plan for the production of hemp was certified by the United States department of agriculture in IAB Vol. XLII, No. 21 (4/8/20), p. 2630; 2019 Acts, ch 130, §18, 19

Subsection 1, paragraph d amended

Subsection 3 stricken and rewritten