

**USDA CHECKLIST FOR APPROVING STATE AND TRIBAL GOVERNMENTS HEMP PLANS**

Farm Bill Criteria and USDA Requirements State or Tribal Government name: <input type="text" value="Oregon"/>	Satisfies Requirement (Yes or No)	Applicable Regulations, Laws or Procedures	Reviewer Comments
<b>Plan to Maintain Relevant Producer and Land Information</b>			
<ul style="list-style-type: none"> <li>Collect, maintain and provide to USDA contact and real-time information for each hemp producer licensed or authorized in the state or territory of the tribal government (whichever applicable)</li> </ul>	--	990.3 (a) (1)	Yes, but does not specifically state
<ul style="list-style-type: none"> <li>Provide contact information for each hemp producer covered under the plan including name, address, telephone number, and email address (if available). If the producer is a business entity, the information must include the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and EIN number of the business entity. This information can be provided via mail, fax, or email.</li> </ul>	Yes	990.3 (a) (1) (i)	ORS 571.305 (3) a,b,c,d,e Name and address of applicant, name and address of hemp operation, GSP and legal description
<ul style="list-style-type: none"> <li>A legal description collected and forwarded for land where hemp is produced in the state or tribal territory</li> </ul>	yes	990.3 (a) (1) (ii)	ORS 571.305 (3) c
<ul style="list-style-type: none"> <li>Maintain and report to USDA status of licensed producers (and any changes) and license or authorization numbers of producers</li> </ul>	--	990.3 (a) (1) (iii)	Will maintain information but does not specifically state it will report to USDA
<b>Plan for accurate and effective sampling and testing using post decarboxylation or similar reliable methods</b>			
Procedures for collecting samples from the flower material of plants	Yes	990.3 (a) (2) (i)	<b>603-048-0600</b> <b>Pre-Harvest Sampling and Testing for Tetrahydrocannabinol (1)</b> Required Sampling and Testing: (d) only plants with flowers shall be sampled.
Procedures to conduct sampling and testing 15 days prior to the harvest date anticipated	No	990.3(a)(2)(i)	603-048-0600 states 28 days not 15 days
Procedures to ensure the method used for sampling represents a homogenous composition of the lot	Yes	990.3 (a) (2) (ii)	Pre-Harvest Sampling and Testing for THC (4) (b) b Produce a sample that is representative of the harvest lot.
Procedure/statement/allowance to require the producer or an authorized representative of the producer to be present at the growing site during sample collection	No	990.3 (a) (2) (iii)	Has authority for audits but not during a sampling

**USDA CHECKLIST FOR APPROVING STATE AND TRIBAL GOVERNMENTS HEMP PLANS**

<p>Procedures to allow for representatives of the sampling agency to have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, buildings, etc. used for cultivation and/or handling</p>	<p>No</p>	<p>990.3 (a) (2) (iv)</p>	<p>Has authority for audits but not during a sampling</p>
<p>Procedures to ensure that a producer does not harvest any cannabis prior to samples being taken</p>	<p>Yes</p>	<p>990.3 (a) (2) (v)</p>	<p>Violations and Penalties Section (D) Failing to test a hemp item in accordance with OAR 603-048-2300 through 603-048-2480 prior to sale, transfer, or attempt to sale or transfer;</p>
<p>Procedures to require testing for delta-9 THC concentration with detection. The procedures must require accurate identification of the acceptable hemp THC level. Testing methods must include but are not limited to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Post decarboxylation or other similarly reliable method *If "similarly reliable," verify with AMS S&amp;T</li> <li><input type="checkbox"/> Consideration of potential conversion of delta-9 THCA into THC and test result measure total available THC (THC + THCA)</li> <li><input type="checkbox"/> Gas or liquid chromatography with detection</li> <li><input type="checkbox"/> Procedures to determine total THC concentration on a dry weight basis</li> </ul>	<p>No</p>	<p>990.3 (a) (3)</p>	<p>- OAR Chapter 333, Divisions 7 and 64, -A grower may only use a laboratory that complies with sample or matrix spike recovery requirements and Relative Percent Difference requirements as described in Exhibit B. Need to add DEA registration.</p>
<p>Procedures that prohibit handling, processing, or entering the stream of commerce of any hemp grown in a lot where the acceptable hemp THC level is noncompliant</p>	<p>Yes</p>	<p>990.3 (a) (3) (i)</p>	<p>Violations and Penalties Section (D) Failing to test a hemp item in accordance with OAR 603-048-2300 through 603-048-2480 prior to sale, transfer, or attempt to sale or transfer; AND <b>(Retail Sale Requirements; Restrictions Section) (2)</b> A person may not sell an industrial hemp commodity or product to a consumer unless the industrial hemp used to process the commodity or product complied with the laws and regulations</p>

**USDA CHECKLIST FOR APPROVING STATE AND TRIBAL GOVERNMENTS HEMP PLANS**

			for the jurisdiction where the hemp was grown to ensure compliance with the 0.3 percent THC concentration limit
Procedures to ensure the hemp plant material from one lot not be commingled with hemp plant material from other lots	No	990.3 (a) (3) (ii)	
Procedures to require hemp testing laboratories to adhere to standards of performance for detecting THC concentration, including Measurement of Uncertainty (MU); must use DEA registered labs.	No	990.25	
<b>Plan for Disposal Procedures</b>			
<ul style="list-style-type: none"> <li>Procedures for plants that do not meet the requirements of this part</li> <li>Procedures to notify USDA of non-compliant plants and disposal of those plants from the lot where representative samples were taken. Test results must be included.</li> </ul>	Yes	990.3 (a) (4)	<b>603-048-0900</b> <b>Detainment, Seizure, Embargo, and Disposal</b> (2)The Department shall notify in writing the owner or person in possession of the harvest lot that the harvest lot is being detained, seized or embargoed by the Department. (4)The Department may order destruction of the harvest lot corresponding to a failed sample, subject to the grower or person in possession's right to a hearing as described in this rule,
<b>Plan for Inspection Procedures</b>			
Procedure for conducting annual inspections of random sample of licensed producers to verify that hemp is not produced in violation of this part	Yes	990.3 (a) (6)	<b>603-048-0650</b> <b>Industrial Hemp Inspection and Record Reviews</b> (1) The Department, as it deems necessary in the enforcement and carrying out its laws may, during normal business hours, inspect premises, machinery, equipment and facilities of registrants and inspect, any crop during any growth phase, and take

**USDA CHECKLIST FOR APPROVING STATE AND TRIBAL GOVERNMENTS HEMP PLANS**

			a representative composite sample for field analysis.
<b>Plan for Collection of Information</b>			
Procedure for submitting the information described in 990.70 to the Secretary not more than 30 days after the date on which the information is received.	No	990.3 (a) (7)	
Procedure for producers licensed under state and tribal government plans to share information with USDA, Agricultural Marketing Service (AMS), or Farm Service Agency (FSA) including: <input type="checkbox"/> Hemp crop acreage <input type="checkbox"/> Reporting total acreage of hemp planted, harvested, and disposed <input type="checkbox"/> License or authorization number <input type="checkbox"/> Street address <input type="checkbox"/> Geospatial location(s) of each lot or greenhouse where hemp will be produced <input type="checkbox"/> Acreage of greenhouse or indoor square footage dedicated to the production of hemp	No	990.3 (a) (9) and 990.7	
<b>Plan to Comply with Enforcement Procedures</b>			
<ul style="list-style-type: none"> <li>• Provides for corrective action plan for negligent violations:               <ol style="list-style-type: none"> <li>1. Failure to provide legal description of land</li> <li>2. Failure to obtain a license</li> <li>3. Produces cannabis with THC exceeding the acceptable hemp THC level</li> </ol> </li> </ul>	Yes	990.6	<b>Violations and Penalties (Does not specifically state the Failure to provide legal description of land) also imposes a civil penalty, not corrective action plan</b>
<ul style="list-style-type: none"> <li>• Procedures to provide for the correction of negligent violations:               <ol style="list-style-type: none"> <li>1. A reasonable date to correct the violation</li> <li>2. Reporting requirements for 2 years from date of the negligent violation</li> <li>3. Violations are not subject to federal, state, tribal, or local government criminal enforcement action</li> <li>4. Provides that a negligent violation 3 times within a 5-year period is ineligible to produce hemp for a period of 5 years from the date of the 3<sup>rd</sup> violation</li> <li>5. State or tribal government shall conduct inspections to determine if corrective action plan has been implemented</li> </ol> </li> </ul>	Not completely	990.6 (c)	<b>603-048-0800 Enforcement and Civil Penalty for Industrial Hemp Law Violation (4) Subject to the provisions of ORS Ch. 183, the Department may revoke the registration of a registrant for any reason that the Department may deny an initial or renewal application. AND 603-048-0900</b>

**USDA CHECKLIST FOR APPROVING STATE AND TRIBAL GOVERNMENTS HEMP PLANS**

			<b>Detainment, Seizure, Embargo, and Disposal</b>
<p>Procedures for producer violations made with a culpable mental state greater than negligence:</p> <ul style="list-style-type: none"> <li>• Producer shall be reported to the U.S. Attorney General and the chief law enforcement officer of the state or tribal government</li> </ul> <p>Procedures for addressing felonies.</p> <ul style="list-style-type: none"> <li>• Provides for a 10-year ineligibility restriction for persons with a State or Felony conviction relating to a controlled substance</li> <li>• Provides for controlled substance felony conviction exception for participants in state hemp pilot program authorized under the 2014 Agricultural Act after December 2018</li> <li>• Procedures for business entities to determine which participants are considered to be “key,” or have executive managerial control</li> </ul>		990.6 (d) and (e)	
Procedures stating that any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program	Yes	990.6 (f)	<b>Violations and Penalties (C)</b> Falsifying information or records required to be maintained by the Department;
Certification that the state or tribal government (whichever applicable) has resources and personnel to carry out required Farm Bill practices and procedures	Implied but not specifically stated	990.3 (a) (8)	
Plan may include other practices or procedures as long as consistent with this part and the Act. Plan may include requirements more stringent than this part or the Act.		990.3 (a) (9) (b) (1) and (2)	Handler registrations, seed producers, more stringent reporting, transporting, registration fees, retail, testing for human consumption, quality and research.