

**PUBLIC COMMENT GUIDE • AMENDMENTS TO HEMP REGULATORY CODE****I. Overview**

The [2018 Farm Bill](#) directed the United States Department of Agriculture (USDA) to establish a national regulatory framework for hemp production in the United States. The USDA published the [Interim Final Rule](#) on October 31, 2019, which established the U.S. Domestic Hemp Production Program.

The USDA reviewed and approved the Nez Perce Tribe's Hemp Regulatory Code on February 12, 2021, which means the Tribe assumed primary regulatory responsibility for hemp production within its jurisdiction. The Tribe formally adopted the Hemp Regulatory Code via Resolution NP21-186 (March 9, 2021).

The USDA published the [Final Rule](#) on January 19, 2021, and it became effective on March 22, 2021. The Final Rule, which superseded the Interim Final Rule, incorporates modifications based on public comments [to the Interim Final Rule] and lessons learned during the 2020 growing season.

II. Proposed Amendments to the Nez Perce Tribe's Hemp Regulatory Code

The USDA Final Rule does not differ in major ways from the Interim Rule, but it is generally more favorable to hemp producers, tribes, and states. The Final Rule modifies sampling requirements to be less burdensome.

Until the Tribe's Hemp Plan is updated, our growers cannot take advantage of the options under the Final Rule. For example:

A. Pre-Harvest Sampling

The Final Rule gives 30 days (rather than 15 days) to collect samples before harvest, which will ease the burden on producers and regulators alike.

B. New Remediation options for Hemp growers

The Interim Rule required "hot" crops to be totally destroyed. The Final Rule relaxes these requirements substantially. Instead of destroying a crop that tests over the THC limit, the Final Rule allows tribal hemp plans to include two new remediation options to help salvage some of the hemp crop.

C. Higher Negligence Limit

For growers who do everything correctly and still get a "hot" compliance test, the Final Rule has raised the limit of when a negligent violation must be imposed.

D. On-Farm Disposals

Instead of requiring "hot" hemp crops to be destroyed in a DEA Reverse Distributor, the new Final Rule allows for on-the-farm disposal using techniques typically used in agricultural practice