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# STATE OF CONNECTICUT DEPARTMENT OF AGRICULTURE

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## Performance-Based Sampling Procedures

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**Applicability:** The sampling procedures in this document apply to research institutions and hemp producers of non-flowering hemp plants such as: hemp microgreen producers, hemp green producers or hemp transplant producers who sell, offer for sale or transfer immature non-flowering hemp plants.

### **I. Definitions:**

- 1. Research Institution:** an accredited institution of higher learning, or a research facility that conducts scientific research on hemp, or any licensee growing hemp for research purposes, and when none of the hemp is intended for commerce.
- 2. Hemp Microgreens:** immature hemp seedlings for human consumption that are cut-off above the soil or substrate line and harvested prior to flowering and not more than 14 days after germination. Hemp microgreens are typically between two (2) and three (3) inches in height, but not taller than five (5) inches.
- 3. Hemp Greens:** hemp leaves from immature plants germinated from seed and the plants are no more than ten (10) inches tall and are not flowering.
- 4. Hemp Transplants:** hemp seedlings, rooted cuttings (clones), immature plants produced from tissue culture, or other means of reproduction, which are not harvested but transplanted into a large container or field to mature for harvest.

### **II. General Requirements for all Performance Based Sampling**

- 1.** A lot of hemp shall only be eligible for performance-based sampling consideration if the licensee maintains records documenting the subject cultivar's compliance with the acceptable hemp THC level.
- 2.** All licensees shall ensure that the seeds, clones and starts used to produce hemp are from cannabis varieties that meet the definition of hemp.
- 3.** A licensee's sampling program accepted under this protocol that demonstrates, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to this alternative method will not test above the acceptable hemp THC level. Sampling plans must also demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot and provide a disposal plan for any

cannabis plants that are found to exceed the acceptable hemp THC level. The department reserves the right to sample, and test any hemp lot at any time to ensure compliance with the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. The department shall conduct random inspections, including records review of licensees, regardless of whether or not all licensees are subject to the sampling and testing requirement.

### III. **Research Institution Requirements:**

1. **Licensing:** Research institutions must hold a producer license.
2. **Not for Commercial Use:** Hemp produced by a research institution shall not enter the stream of commerce, or be transferred to any third party.
3. **Application Procedure:** In addition to the Producer License application requirements, research institutions must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that research of hemp is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa L.* that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.
4. **Testing Data:** Research institutions must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department.
5. **Reporting Requirements:** Research institutions shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.

6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials:** Any non-compliant lots of hemp produced by a research institution shall be disposed of and reported to the Connecticut Department of Agriculture.
7. **Inspection:** Research institutions shall be subject to a facility and records inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of any inspection.
8. **Negligent Violations:** Research institutions shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.
9. **Labeling and Sale of Seed and Transplants:** Any seed sold as a product of hemp breeding, must comply with the Connecticut and Federal Seed Law. Any transplant sold as a product of hemp breeding must be accompanied with a seed label for that variety.

#### IV. **Hemp Microgreens, Greens, and Transplants**

1. **Licensing:** Hemp producers of Microgreens, Greens, and Transplants must hold a producer license.
2. **Commercial Use:** Licensees are permitted to allow their hemp to enter the stream of commerce, and transferred to third parties, provided they have met the requirements of the state plan, any other applicable state and federal laws, and these sampling and testing requirements for growing Microgreens, Greens, and Transplants. Hemp Microgreen and Green producers may be subject to the Connecticut Produce Safety Rule.
3. **Application:** In addition to the Producer License application requirements, hemp producers of Microgreens, Greens, and Transplants must submit to the Department a description of their objectives that demonstrates to the Commissioner's satisfaction that growing Microgreens, Greens, and Transplants is being performed, a timeline of activities and a sampling plan that demonstrates, the alternative method has the potential to ensure, at a confidence level of 95 percent, that the cannabis plant species *Cannabis sativa* L. that will be subject to the alternative method will not test above the acceptable hemp THC level. The licensee will provide the Department with documentation on why their crop is eligible for the performance-based sampling plan, a sampling plan for sampling their crop and a disposal and remediation plan for any cannabis plants that are found to exceed the acceptable hemp THC level. Sampling plans must demonstrate a process for collecting a representative sample that is a homogeneous composition of the

lot. The sampling plan should also include frequency of sampling. All official samples will be completed by the Department's authorized sampling agents.

4. **Testing Data:** Hemp producers of Microgreens, Greens, and Transplants must provide testing data to the Commissioner when requested and are subject to inspection, sampling and testing by the Department. When hemp transplants move from the greenhouse/indoor facility to either larger pots or the field, this is not considered a harvest, and therefore would not require sampling because the final crop shall be sampled prior to harvest. The mature crop produced from hemp transplants is subject to sampling and testing.
5. **Reporting Requirements:** Hemp producers of Microgreens, Greens, and Transplants shall follow reporting requirements for each lot where hemp is produced, including reporting to FSA.
6. **Documentation of Destruction and/or Remediation of Non-Compliant Materials:** Any non-compliant lots of hemp produced by hemp producers of Microgreens, Greens, and Transplants shall be disposed of and/or remediated, and reported to the Connecticut Department of Agriculture.
7. **Inspection:** Hemp producers of Microgreens, Greens, and Transplants shall be subject to inspections on an annual basis by the Connecticut Department of Agriculture to determine compliance with requirements under this section. Licensees are also subject to official sampling if deemed necessary as a result of the inspection.
8. **Negligent Violations:** Hemp producers of Microgreens, Greens, and Transplants shall be assessed a negligent violation if the THC content of a sample collected by the department exceeds the acceptable hemp THC level.
9. **Labeling and Sale of Seed:** Any transplant sold by producer of Transplants must be accompanied by a seed label for that variety of hemp which complies with the Connecticut and Federal Seed Law.