

**02 NCAC 62 .0104            REPORTING OF SAMPLING**

- (a) As soon as it is available, the laboratory shall submit the results of the THC analysis to the North Carolina Department of Agriculture and Consumer Services' Plant Industry Division and the holder of the license.
- (b) Samples with a THC level equal to or below 0.3% THC shall require no further action and the area or harvested plant material from which the sample was obtained shall be released for marketing or further processing.
- (c) Samples with a THC level greater than 0.3% THC shall be reported by the Division to the Industrial Hemp Commission and the licensee. The license holder may request a re-test of the sample. If no re-test is requested, or the re-tested sample is greater than 0.3% THC, the area represented by the sample, or any harvested plant parts from the area represented by the sample shall be subject to the following disposition:
  - (1) Industrial hemp stalks may be harvested, processed, and used for fiber or any other lawful purpose; and
  - (2) Industrial hemp seed may be harvested, processed, and rendered non-viable for food products, provided the source of the seed or transplants is seed or a transplant produced from seed or a living plant part that meets the criteria for Breeder, Foundation, Registered, or Certified categories as defined by the North Carolina Crop Improvement Association (NCCIA), including certification by other seed agencies recognized by NCCIA, and include a certifying tag of varietal purity issued by NCCIA or another official certifying agency as defined in G.S. 106-277.2(23).
- (d) If industrial hemp plant parts are harvested from a field, greenhouse, or a variety within a field or greenhouse, and are co-mingled with plant parts from another field, greenhouse, or variety within a field or greenhouse, prior to having knowledge of the results of the sample, the license holder does so at his or her own risk and with full knowledge that if an analysis of greater than 0.3% THC is returned, all co-mingled plant parts shall be destroyed.
- (e) No plants parts harvested from a planting being tested shall be marketed until released by the Division.

*History Note:*     *Authority G.S. 106-568.53(1)(8); 106-568.53A;*  
*Temporary Adoption Eff. February 24, 2017. (Codifier's Note: This Rule shall remain in effect until the permanent rule that replaces the temporary rule becomes effective. See S.L. 2016-93, s. 7).*