**Section 1200.50 Inspection, Sampling, and Testing**

a) All licensees shall be subject to inspections at the discretion of the Department to ensure compliance with the Act. This includes but is not limited to: both scheduled and unannounced annual inspections, random inspections, and inspections for the purposes of auditing.

b) Failure to comply with any inspection shall result in the initiation of disciplinary proceedings pursuant to Section 1200.120.

c) Either the licensee or an agent of the licensee shall be present for the inspection and sampling and shall provide the inspector with unrestricted access to all industrial hemp plants, parts, seeds, and harvested material, including all buildings and other structures used for the cultivation and storage of industrial hemp and all documents pertaining to the licensee's industrial hemp cultivation and business.

d) All samples intended for use for official sample and test results must be taken by a sampling agent as defined in Section 100.10, and must be analyzed by a Department-approved testing laboratory under Section 1200.60.

1) If it is the business practice of the testing laboratory to have an agreement or contract with the sampling agent to accept samples, the sampling agent must have a valid agreement or contract. Growers are responsible for utilizing a sampling agent that is compliant with this Section.

2) Samples may be hand delivered by the sampling agent to the testing laboratory or may be shipped to a testing laboratory using standard shipping methods where permitted.

e) Each industrial hemp lot must undergo official sampling and testing to verify that the total THC concentration does not exceed 0.3% on a dry weight basis.

1) Individual or composite samples, as appropriate based on lot size and pursuant to published USDA sampling guidance, of each variety of hemp will be sampled from the licensee's land area, including indoor cultivation sites.

2) A representative sample will be taken by a sampling agent or Department personnel.

f) Sampling procedures conducted by sampling agents shall comply with this Part, including the following requirements:

1) Standard sampling and performance-based sampling procedures must be sufficient at a confidence level of 95% that no more than 1% of the plants in each lot would exceed the acceptable hemp THC level and ensure that a representative sample is collected that represents a homogeneous composition of the lot.

2) The sampling agent shall verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to the Department.

A) The licensee or designated employee may accompany the sampling agent throughout the sampling process.

B) The sampling agent shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers, buds, or both flowers and buds). The sampling agent shall visually establish the homogeneity of the stand to establish that the growing area is of like variety.

3) Hemp licensees may not harvest hemp until a sampling agent, within 30 days prior to the anticipated harvest, collects representative samples from the cannabis plants for THC concentration measurements.

4) The sampling agent will take a representative sample from every lot of the crop site, using USDA sampling guidance, dated January 15, 2021 and industry best practices to ensure a homogenous composition of the sample.

A) The selection of plants for testing will be at the sampling agent's discretion. Hemp growers may not act as their own sampling agents.

B) The number of plants sampled will be determined by the sampling agent based on USDA sampling guidance, dated January 15, 2021.

5) Samples shall be collected and maintained in such a way that there is no comingling of samples or sample material.

6) Any cannabis plants observed outside of the crop site boundaries must be reported to the Department and law enforcement. The Department may elect to contact law enforcement on behalf of the sampling agent or request the sampling agent to contact law enforcement directly.

7) The sampling agent shall notify the Department if they are unable to collect a sample because the licensee does not provide unrestricted access to the site or because the sampling agent reasonably believes that the licensee has commenced harvest prior to sample collection. The sampling agent shall not collect a sample if the sampling agent is not allowed complete, unrestricted access to the site; and/or reasonably believes the licensee has commenced harvest prior to sample collection.

g) The sampled material shall be tested by a testing laboratory.

1) A quantitative laboratory determination of the total THC concentration on a dry weight basis will be performed.

2) A sample test result with a total THC concentration on a dry weight basis that exceeds 0.3% but is less than 0.7% may be retested at the expense of the licensee if a sufficient quantity of the original official sample remains. A request for a retest by the licensee shall be received by the Department within 3 business days after initial receipt of the original test results by the licensee.

3) All harvested industrial hemp receiving both a sample test result and a sample retest result with total THC concentrations on a dry weight basis that exceeds 0.3% shall be disposed of by the licensee unless the licensee chooses to remediate; pursuant to subsection (j).

4) All harvested industrial hemp receiving a sample test result with a total THC concentration on a dry weight basis that equals or exceeds 0.7% shall be disposed of by the licensee unless the licensee chooses to remediate; pursuant to subsection (j).

5) Any sampled material not meeting the definition of hemp will be reported to the Department. Such report made by a licensee will include the disposal records.

6) All harvested industrial hemp awaiting test results shall be stored by the licensee and shall not be processed or transported until passing test results are obtained.

7) The actual cost of testing shall be paid by the licensee.

h) Crops harvested for hemp microgreens are not subject to the testing requirements described in Section 1200.50(f) and (g).

1) Due to extremely low levels of cannabinoids in the immature plants, sampling and testing of every lot of hemp microgreens is unnecessary.

2) Licensees are responsible for ensuring seeds used by the licensee for hemp microgreen production are from cannabis plant varieties meeting the definition of hemp.

3) A licensed grower that produces a crop that does not meet the definition of a hemp microgreen under this subsection shall either:

A) Follow the compliance, sampling and testing requirements pursuant to this Section; or

B) Dispose of the crop by approved methods of disposal that include: plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; burying plant material into the earth and covering with soil, and any other methods approved by USDA and published on the Department's website.

i) Standard Remediation Procedures and Guidelines

1) Procedures for Non-compliant Hemp.

Non-compliant hemp may only be disposed of or remediated. Only successfully remediated crops will be allowed to enter the stream of commerce. All other non-compliant crops shall be disposed.

2) Remediation.

A) Remediation may take place using one of the following options:

i) Non-compliant hemp may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves, and seeds.

ii) Non-compliant hemp may be remediated by shredding the entire hemp lot to create biomass. Lots shall be kept separate and shall not be combined during this process.

B) The licensee or designated employee, or an approved representative of the Department, as the Department deems appropriate, shall remediate or dispose of non-compliant hemp. The Department may require that a representative of the Department be present during the remediation or disposal process or that the licensee provide pictures, videos, or other proof that disposal occurred.

C) Upon notification that a lot has tested above the acceptable hemp THC level, the licensee shall notify the Department of the licensee’s decision to either dispose of or remediate the non-compliant lot and the method of disposal or remediation the licensee will use. If the licensee refuses to dispose of or remediate the non-compliant hemp lot, the Department will issue the licensee an Order of Disposal.

D) All lots subject to remediation shall be stored, labeled and kept apart from each other and from other compliant hemp lots stored or held nearby.

3) Separation and removal of the flowers from the stalks, leaves and seeds.

A) The flowers, including buds, trichomes, "trim", and "kief", shall be removed from the lot and destroyed. Methods may include, but are not limited to, by hand, mechanical, or chemical removal of non-compliant flowers and floral materials.

B) Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds shall be separated from the non-compliant floral material and clearly labeled and marked as "hemp for remediation purposes".

C) Seeds removed from non-compliant hemp during remediation shall not be used for propagative purposes.

4) Creation of Biomass.

A) The entire lot shall be shredded to create a homogenous and uniform biomass.

B) The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce. Biomass that fails the retesting is non-compliant hemp and shall be disposed of.

C) Remediated biomass shall be separated from any compliant hemp stored in the area and clearly labeled as "hemp for remediation purposes". Remediated biomass shall not leave the labeled area until a test result that does not exceed 0.3% total THC is received or the biomass is ready to be disposed of.

5) Resampling Remediated Biomass or Remediated Stalks, Leaves and Seeds.

A) Remediated biomass or remediated stalks, leaves, and seeds shall be resampled and retested to ensure compliance before entering the stream of commerce. Remediated biomass or remediated stalks, leaves, and seeds that exceed 0.3% total THC concentration on a dry weight basis shall be destroyed.

B) The resample must be taken by the sampling agent in a manner described in USDA sampling guidance, dated January 15, 2021.

C) When taking the resample, the sampling agent shall take remediated biomass or remediated stalks, leaves and seeds material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, 750 mL or three standard measuring cups of remediated biomass or remediated stalks, leaves and seeds material shall be collected. Sampling agents may collect more remediated biomass or remediated stalks, leaves and seeds material based on the requirements of the testing laboratory. If 750 mL of material is not available, the sampling agent shall collect enough remediated biomass or remediated stalks, leaves and seeds material for a representative sample.

D) An original copy of the resample test results, or a legible copy, must be retained by the licensee or an authorized representative and be made available for inspection for a period of three years from the date of receipt.

E) Laboratories testing a resample shall utilize the same testing protocols as when testing a standard sample.

(Source: Amended at 49 Ill. Reg. 119, effective December 23, 2024)