

Legislative Analysis



DISPOSAL OF MARIJUANA PLANT WASTE

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<http://www.house.mi.gov/hfa>

House Bill 6056 as reported
Sponsor: Rep. Scott VanSingel

Analysis available at
<http://www.legislature.mi.gov>

House Bill 6057 as reported
Sponsor: Rep. Mari Manoogian

Committee: Regulatory Reform
Complete to 6-9-22

SUMMARY:

House Bills 6056 and 6057 would make several changes to the laws governing medicinal and adult recreational marijuana use by adding provisions relating to the disposal of marijuana plant waste. House Bill 6056 would amend the Medical Marijuana Facilities Licensing Act (which addresses medical marijuana), while House Bill 6057 would amend the Michigan Regulation and Taxation of Marijuana Act (which addresses adult recreational marijuana). Both bills would add defined terms to their respective acts, although HB 6057 contains the definitions and HB 6056 contains a reference to those added definitions.

House Bill 6056 would amend the Medical Marijuana Facilities Licensing Act to provide that, when a *marijuana disposer* is acting in accordance with the act in disposing of *marijuana plant waste* or transporting it for disposal, the disposer is exempt from search and inspection (except an inspection authorized under the act or the Natural Resources and Environmental Protection Act (NREPA)), criminal penalties under state law or local ordinances regulating marijuana, civil and criminal prosecution for a marijuana-related offense, or any other sanction (including seizure of marijuana or other property based on a marijuana-related offense).

*Marijuana disposer*¹ would mean the owner or operator of any of the following:

- A site that qualifies as a registered composting facility under section 11521(4) of NREPA.
- An incinerator for which an operating permit has been issued under Part 55 of NREPA.
- A landfill for which an operating license has been issued under Part 115 of NREPA.
- An anaerobic digester for which an operating license has been issued under Part 115 of NREPA.

Marijuana plant waste would mean a root, stalk, leaf, stem, or root ball of a marijuana plant, including any associated soil or organic potting media, that is intended for destruction by means of incineration, landfilling, composting, or anaerobic digestion. Marijuana plant waste would not include hazardous waste as defined in section 11103 of NREPA.

¹ Note that, in accordance with the conventions of Michigan law, the defined term is actually “marihuana disposer.” This summary uses the spelling *marijuana* except when referring to a named act or fund.

The bill also would provide that, while other license types are allowed to transfer marijuana plant waste to a marijuana disposer, they are not authorized to transport the waste. Only a secure transporter license holder would be authorized to both transfer marijuana plant waste to a marijuana disposer and transport marijuana plant waste from a licensee to a marijuana disposer's site or facility.

Finally, the bill would prohibit the Cannabis Regulatory Agency² from promulgating a rule or emergency rule that requires a marijuana facility to combine marijuana plant waste with any other product or render marijuana plant waste unusable or unrecognizable.

House Bill 6056 would not take effect unless HB 6057 were also enacted into law.

MCL 333.27102 et seq.

House Bill 6057 would amend the Michigan Regulation and Taxation of Marijuana Act to add the transfer of marijuana plant waste to a marijuana disposer to a list of actions that, when performed by specified licensees under the act, are not unlawful; not an offense; not grounds for seizing or forfeiting property; not grounds for arrest, prosecution, or penalty in any manner; not grounds for search or inspection except as authorized by the act; and not grounds to deny any other right or privilege.

The bill also would add to this list, for a marijuana disposer or an agent acting on behalf of a marijuana disposer who is 21 years of age or older, disposing of marijuana plant waste at the disposer's site or facility; transporting marijuana plant waste from a licensee to the disposer's site or facility; or receiving compensation for services.

Finally, the bill would prohibit the Cannabis Regulatory Agency from promulgating a rule that requires a marijuana facility to combine marijuana plant waste with any other product or render marijuana plant waste unusable or unrecognizable.

MCL 333.27960, 333.27958, and 333.27960

BACKGROUND AND DISCUSSION:

Under current law, waste parts of the marijuana plant must be mixed with a certain amount of additional organic matter (the amount depends on volume of the plant waste) before being disposed of in a landfill. According to sponsor testimony, the original rationale behind this disposal method was to ensure that individuals could not obtain marijuana by digging through the trash of grow facilities. However, with all usable parts of the marijuana plant (that is, those containing THC) now processed, the risk of this happening is low, and because the waste parts of the plant are organic, they can be composted or otherwise disposed of in a non-landfill facility. The bill sponsors, industry groups, and environmental organizations support allowing the organic plant matter to be disposed of in this fashion to minimize waste going to landfills.

² Effective April 1, 2022, the Marijuana Regulatory Agency was renamed the Cannabis Regulatory Agency (CRA) by Executive Order 2022-1 to reflect a regulatory authority that includes hemp as well as marijuana. (Regulation of processors-handlers of hemp is the purview of the CRA, while regulation of industrial hemp cultivation remains the responsibility of the Michigan Department of Agriculture and Rural Development (MDARD).)

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

The following entities indicated support for the bills (5-17-22):

- Cannabis Regulatory Agency
- Michigan Recycling Coalition
- Michigan Cannabis Industry Association
- Cannabis Certification Council
- Composting Council for Michigan

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.