

INDUSTRIAL HEMP GROWERS ACT (EXCERPT)

Act 137 of 2020

CHAPTER I

General Provisions

333.28101 Short title.

Sec. 101. This act shall be known and may be cited as the "industrial hemp growers act".

History: 2020, Act 137, Imd. Eff. July 8, 2020.

333.28103 Definitions.

Sec. 103. As used in this act:

(a) "Acceptable THC level" means the application of the measurement of uncertainty to the reported total delta-9-THC concentration level on a dry weight basis that produces a distribution or range that includes 0.3% or less total delta-9-THC.

(b) "Applicant" means a person that submits an application for a registration.

(c) "Cannabis" means the plant *Cannabis sativa* L. and any part of that plant, whether growing or not.

(d) "Controlled substance felony" means a felony violation of the laws of any state having to do with controlled substances or a felony violation of federal law having to do with controlled substances.

(e) "Corrective action plan" means a plan created under section 601.

(f) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

(g) "Criminal history report" means a report prepared by the United States Federal Bureau of Investigation that includes fingerprint-based criminal history record information.

(h) "DEA" means the United States Drug Enforcement Administration.

(i) "Department" means the department of agriculture and rural development.

(j) "Fund" means the industrial hemp fund created in section 107.

(k) "GPS coordinates" means latitude and longitude coordinates derived from a global positioning system.

(l) "Grow" or "growing", unless the context requires otherwise, means to plant, propagate, cultivate, or harvest live plants or viable seed. Grow or growing includes drying and storing harvested industrial hemp, possessing live industrial hemp plants or viable seed on a premises where the live industrial hemp plants or viable seed are grown, and selling harvested industrial hemp to a processor or a processor licensed under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, as authorized under this act. Grow or growing does not include selling an industrial hemp product or smokable hemp flower.

(m) "Grower" means a person that is registered under section 201.

(n) "Industrial hemp" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(o) "Industrial hemp plan" means the plan created under section 105.

(p) "Key participant" means any of the following:

(i) For a sole proprietorship, a sole proprietor.

(ii) For a partnership, a partner.

(iii) For a corporation, an individual with executive managerial control including, but not limited to, a chief executive officer, a chief operating officer, or a chief financial officer.

(q) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(r) "Measurement of uncertainty" means the parameter associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to the measurement.

(s) "Person" means an individual, partnership, corporation, association, or other legal entity.

(t) "Postdecarboxylation test" means a test of cannabis for delta-9-THC after a carboxyl group is eliminated from delta-9-THC acid.

(u) "Program" means the industrial hemp program established by this act.

(v) "Registration" means a grower registration granted under this act.

(w) "Sample" means a sample from the floral material of a representative part of a homogenous cannabis variety taken from a grower at the location where the cannabis is growing.

(x) "Sampling" means the process of taking a sample.

(y) "Testing facility" means a laboratory approved by this state and registered with the DEA to conduct chemical analysis of controlled substances pursuant to 21 CFR 1301.13 and that meets the requirements under

section 403.

(z) "THC" means tetrahydrocannabinol.

(aa) "Total delta-9-THC" means the total available tetrahydrocannabinol measured as the sum of delta-9-tetrahydrocannabinol and 87.7% of the delta-9-tetrahydrocannabinol acid reported on a dry weight basis.

(bb) "USDA" means the United States Department of Agriculture.

(cc) "Variety" means a subdivision of a species that has the following characteristics:

(i) The subdivision is uniform, in the sense that variations between the subdivision and other subdivisions in essential and distinctive characteristics are describable.

(ii) The subdivision is distinct, in the sense that the subdivision can be differentiated by 1 or more identifiable morphological, physiological, or other characteristics from all other known subdivisions.

(iii) The subdivision is stable, in the sense that the subdivision will remain uniform and distinct if reproduced.

(dd) "Viable seed" means seed that has a germination rate of greater than 0.0%.

History: 2020, Act 137, Imd. Eff. July 8, 2020.

333.28105 Industrial hemp program; USDA approval.

Sec. 105. (1) The department shall establish, operate, and administer an industrial hemp program.

(2) The department shall develop and submit to the USDA for approval an industrial hemp plan for this state that complies with 7 USC 1639o to 1639s. Upon approval, the department shall use the industrial hemp plan to implement the program.

History: 2020, Act 137, Imd. Eff. July 8, 2020.

333.28107 Industrial hemp fund.

Sec. 107. (1) The industrial hemp fund is created within the state treasury.

(2) The state treasurer may receive the fees collected under section 511 for deposit into the fund. The state treasurer may also receive money or other assets from any other source for deposit into the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.

(4) The department is the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund to establish, operate, and enforce the program.

History: 2020, Act 137, Imd. Eff. July 8, 2020.