

INDUSTRIAL HEMP GROWERS ACT (EXCERPT)

Act 137 of 2020

CHAPTER VII

Emergency Rule Codification

333.28701 Grower registered under industrial hemp research and development act; sampling, testing, and disposal requirements; applicable until October 31, 2020.

Sec. 701. For a grower registered under the industrial hemp research and development act, 2014 PA 547, MCL 286.841 to 286.859, beginning August 15, 2020 and until October 31, 2020, all of the following apply to the sampling, testing, and disposal of industrial hemp:

(a) A grower that intends to harvest or destroy an industrial hemp crop shall contact the department to schedule a total delta-9-THC test of a representative sample of each variety of industrial hemp by a testing facility. A grower that schedules a total delta-9-THC test under this subdivision shall submit a representative sample of each variety of industrial hemp to the department. A representative sample of each variety of industrial hemp must contain leaves and pistillate inflorescence. The department shall prescribe a sampling procedure and publish the sampling procedure on the department's website. All representative samples submitted to the department under this subdivision are the property of the department.

(b) A testing facility shall perform total delta-9-THC testing on a representative sample of a variety of industrial hemp submitted to the department under subdivision (a) not less than 15 days before the grower intends to harvest or destroy the industrial hemp crop.

(c) A testing facility that performs total delta-9-THC testing under subdivision (b) shall do all of the following:

(i) Test representative samples of industrial hemp in accordance with ASTM International or other nationally or internally recognized test methods, or any other test method approved by the department.

(ii) Perform the test postdecarboxylation.

(iii) Make a quantitative laboratory determination of the total delta-9-THC on a dry weight basis.

(d) The department or a grower may conduct additional testing on a representative sample of industrial hemp. The additional testing may include any of the following:

(i) Cannabidiol and cannabidiol acid levels.

(ii) Foreign matter inspections.

(iii) Microbial and mycotoxin screening.

(iv) Pesticides.

(v) Chemical residue.

(vi) Fungicides.

(vii) Insecticides.

(viii) Metals screenings.

(ix) Residual solvents levels.

(x) Terpene analysis.

(xi) Water activity content.

(e) The testing facility that conducts total delta-9-THC testing under subdivision (b) shall provide to the department and grower a certified report that states the results of the total delta-9-THC. The certified report must include the following information:

(i) The grower's registration number.

(ii) The grower's name.

(iii) The grower's address.

(iv) The industrial hemp growing location.

(v) The total delta-9-THC on a dry weight basis.

(f) Within 15 days after receipt of a certified report of compliant industrial hemp under subdivision (e), the grower shall harvest the compliant industrial hemp. If the grower is unable to complete harvesting of the compliant industrial hemp within 15 days, the grower shall contact the department to schedule an additional total delta-9-THC test of a representative sample of each variety of industrial hemp by a testing facility. A grower that schedules an additional total delta-9-THC test under this subdivision shall submit a representative sample of each variety of industrial hemp that has not been harvested to the department. Within 15 days after receipt of an additional certified report of compliant industrial hemp under this subdivision, the grower shall harvest the remaining compliant industrial hemp.

(g) If the certified report of the total delta-9-THC test under subdivision (e) indicates a total delta-9-THC concentration that is more than 0.3% on a dry weight basis, the grower may destroy the industrial hemp crop

or repeat the total delta-9-THC testing under subdivision (e) up to 2 additional times. If a third total delta-9-THC test is conducted under this subdivision and the certified report of the total delta-9-THC test indicates a total delta-9-THC concentration that is more than 0.3% on a dry weight basis, the testing facility shall provide to the department and grower a certified report that states the results, and the department shall issue to the grower a destruction order that contains the following information:

- (i) The industrial hemp crop to be destroyed.
- (ii) The date by which the destruction of the industrial hemp crop must occur.
- (iii) If applicable, the method of destruction.
- (iv) Whether department oversight of the destruction is required.

(h) All growers are subject to inspection and sampling of industrial hemp by the department at reasonable times to ensure compliance with this section. If a grower fails to comply with a department inspection, the department may initiate enforcement proceedings. The grower or an authorized agent of the grower shall be present during a department inspection or sampling and shall provide the department with unrestricted access to all industrial hemp, including all buildings and structures used for the cultivation or storage of industrial hemp, and documents regarding the growing of industrial hemp.

(i) As used in this section:

(i) "Compliant industrial hemp" means industrial hemp with a total delta-9-THC concentration of not more than 0.3% on a dry weight basis.

(ii) "Grower" means that term as defined in section 2 of the industrial hemp research and development act, 2014 PA 547, MCL 286.842.

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