

INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT ACT (EXCERPT)
Act 547 of 2014

286.854 Testing required before harvesting or destroying an industrial hemp crop; failure to comply; certified report of testing results; rules; falsified sample; felony; penalties.

Sec. 14.

(1) A grower that intends to harvest or destroy an industrial hemp crop shall schedule a test of a sample of the crop by a testing facility, and the testing facility shall test the sample not less than 15 days before the intended harvest or destruction date.

(2) A grower who harvests or destroys a crop before receiving the results of testing under this section is subject to suspension and revocation of his or her registration.

(3) The testing facility shall measure the THC concentration of each sample collected under this section. The following apply to the THC test results:

(a) If the result of the THC test indicates a delta-9-THC concentration of less than 0.3% on a dry weight basis, the testing facility shall provide to the grower and to the department a certified report stating that result.

(b) If the result of the THC test indicates a delta-9-THC concentration that is equal to or greater than 0.3% on a dry weight basis, the grower may destroy the crop or repeat the testing an additional 2 times. The testing facility shall provide to the grower and to the department a certified report stating the result of each test performed under this subdivision.

(c) If a third THC test under this subsection indicates a delta-9-THC concentration that is equal to or greater than 0.3%, the testing facility shall provide to the grower and to the department a certified report stating that result and the department or a law enforcement agency shall order destroyed, or confiscate, all cannabis that is in the grower's possession.

(4) The department shall establish rules for testing under this section in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) An individual who allows a falsified sample of an industrial hemp crop to be taken by a testing facility under this section is guilty of a felony and shall be imprisoned for not less than 1 year or more than 2 years and shall be fined \$5,000.00.

History: Add. 2018, Act 641, Eff. Jan. 15, 2019

Compiler's Notes: Former MCL 286.854, which pertained to definitions, was repealed by Act 451 of 1994, Eff. Mar. 30, 1995. For the transfer of all authorities, powers, duties, functions, and responsibilities of the department of agriculture and rural development to license and regulate process handlers to the cannabis regulatory agency formerly known as the marijuana regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.