

HOUSE BILL NO. 6290

December 12, 2024, Introduced by Reps. Wilson, Bruck, McKinney and Aragona and referred to the Committee on Agriculture.

A bill to amend 2020 PA 220, entitled
"Industrial hemp growers act,"
by amending sections 103, 211, 303, and 307 (MCL 333.29103,
333.29211, 333.29303, and 333.29307), section 103 as amended by
2021 PA 58 and sections 211, 303, and 307 as amended by 2021 PA 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 103. As used in this act:
- 2 (a) "Acceptable THC level" means the application of the
- 3 measurement of uncertainty to the reported total delta-9-THC

1 concentration level on a dry weight basis that produces a
2 distribution or range that includes 0.3% or less total delta-9-THC.

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

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

7 (d) "Compliance monitoring testing facility" means a
8 laboratory that meets both of the following requirements:

9 (i) Is registered with the DEA to conduct chemical analysis of
10 controlled substances under 21 CFR 1301.13.

11 (ii) Performs routine compliance monitoring testing of
12 unofficial hemp samples throughout the growing season.

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

17 (f) "Conviction" means a plea of guilty or nolo contendere, or
18 a finding of guilt related to a controlled substance felony, unless
19 1 of the following applies:

20 (i) The finding of guilt is subsequently expunged.

21 (ii) The finding of guilt is set aside under 1965 PA 213, MCL
22 780.621 to 780.624, or otherwise expunged.

23 (iii) The individual is pardoned.

24 (g) "Corrective action plan" means a plan created under
25 section 601.

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

28 (i) "Criminal history report" means a report that meets all of
29 the following requirements:

1 (i) Is prepared by the United States Federal Bureau of
2 Investigation or another authority approved by the department.

3 (ii) Includes fingerprint-based criminal history record
4 information.

5 (iii) Is completed not more than 60 days before an application
6 is submitted under section 201.

7 (j) "Culpable mental state greater than negligence" means to
8 act intentionally, knowingly, willfully, or recklessly.

9 (k) "DEA" means the United States Drug Enforcement
10 Administration.

11 (l) "Department" means the department of agriculture and rural
12 development.

13 (m) "Designated sampling agent" means a federal, state, or
14 local law enforcement agent authorized by the department to collect
15 official samples under section 401.

16 (n) "Dispose" means an activity that transitions industrial
17 hemp into a nonretrievable or noningestible form of industrial hemp
18 under section 407.

19 (o) "Dry weight basis" means the ratio of the amount of
20 moisture in cannabis to the amount of solid in cannabis.

21 (p) "Dwelling" means a house, building, tent, trailer,
22 vehicle, or other shelter that is occupied in whole or in part as a
23 home, residence, living place, or sleeping place for 1 or more
24 individuals either permanently or transiently, or any portion
25 thereof.

26 (q) "Fund" means the industrial hemp fund created in section
27 107.

28 (r) "Good standing" means all fees or fines owed under this
29 act are paid and there are no outstanding fees or fines owed to the

1 department.

2 (s) "GPS coordinates" means latitude and longitude coordinates
3 derived from a global positioning system that are taken from a
4 central point within a growing area or structure and that include
5 decimal degrees to 6 places after the decimal.

6 (t) "Grow" or "growing", unless the context requires
7 otherwise, means to plant, propagate, cultivate, or harvest live
8 plants or viable seed. Grow or growing includes drying and storing
9 harvested industrial hemp, possessing live industrial hemp plants
10 or viable seed on a premises where the live industrial hemp plants
11 or viable seed are grown, growing industrial hemp for the purposes
12 of conducting research, and selling harvested industrial hemp to a
13 ~~processor-handler licensed under the industrial hemp research and~~
14 ~~development act, 2014 PA 547, MCL 286.841 to 286.859, or processor~~
15 licensed under the medical marihuana facilities licensing act, 2016
16 PA 281, MCL 333.27101 to 333.27801, as authorized under this act.
17 Grow or growing does not include selling an intermediary, in-
18 process, or finished industrial hemp product or smokable hemp
19 flower.

20 (u) "Grower" means a person that is required to be registered
21 under section 201.

22 (v) "Industrial hemp" means that term as defined in section 3
23 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL
24 1, MCL 333.27953.

25 (w) "Industrial hemp plan" means the plan created under
26 section 105.

27 (x) "Key participant" means a person that has a direct or
28 indirect financial interest in the person or business producing
29 hemp or a person in a corporate entity at an executive level that

1 is regularly responsible for decision making impacting the growing
2 of industrial hemp. A key participant includes, but is not limited
3 to, any of the following:

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

5 (ii) For a partnership, a partner.

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

9 (y) Key participant does not include positions such as farm,
10 field, or shift managers.

11 (z) "Lot" means either of the following:

12 (i) A contiguous area in a field, greenhouse, or other indoor
13 growing area that contains the same variety or strain of cannabis
14 throughout.

15 (ii) A farm, tract, field, or subfield as these terms are
16 defined in 7 CFR 718.2.

17 (aa) "Marihuana" means that term as defined in section 3 of
18 the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1,
19 MCL 333.27953.

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

24 (cc) "Negligence" means the failure to exercise the level of
25 care that a reasonably prudent person would exercise in the same or
26 similar circumstances.

27 (dd) "Noncompliant industrial hemp" means industrial hemp that
28 is not in compliance with this act or the rules promulgated under
29 this act.

1 (ee) "Official hemp sample" means a sample of an industrial
2 hemp lot that is collected by a designated sampling agent under
3 section 401 in accordance with department sampling protocols and is
4 tested by a regulatory testing facility.

5 (ff) "Percentage of THC on a dry weight basis" means the
6 percentage, by weight, of THC in cannabis after excluding the
7 moisture from the cannabis.

8 (gg) "Person" means an individual, partnership, corporation,
9 association, college or university, or other legal entity.

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

13 (ii) "Program" means the industrial hemp program established
14 by this act.

15 (jj) "Registration" means a grower registration granted under
16 this act.

17 (kk) "Regulatory testing facility" means a laboratory that
18 meets all of the following requirements:

19 (i) Is registered with the DEA.

20 (ii) Is authorized to conduct chemical analysis of controlled
21 substances pursuant to 21 CFR 1301.13.

22 (iii) Meets the requirements under section 403.

23 (iv) Conducts testing of official hemp samples.

24 (ll) "Remediate" means an activity that transitions
25 noncompliant industrial hemp into industrial hemp that is in
26 compliance with this act and the rules promulgated under this act.
27 ~~under section 407.~~

28 (mm) "THC" means that term as defined in section 3 of the
29 Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL

1 333.27953.

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

6 (oo) "Unofficial hemp sample" means a sample of industrial
7 hemp collected by a grower for routine compliance monitoring
8 testing throughout the growing season for testing by a compliance
9 monitoring testing facility.

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

11 (qq) "Variety" means a subdivision of a species that has the
12 following characteristics:

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

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

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

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

24 Sec. 211. (1) An initial registration granted by the
25 department under this act expires at midnight on January 31
26 immediately following the date on which the registration is
27 granted.

28 (2) Other than a registration granted under subsection (1), a
29 registration is valid for 1 year beginning on February 1 and

1 expiring at midnight on the following January 31.

2 (3) To renew a registration, an applicant must do all of the
3 following:

4 (a) Submit an application on a form and in a manner provided
5 by the department.

6 (b) If the application is submitted on or before January 31,
7 pay the registration fee under section 511.

8 (c) If an application is submitted after January 31, pay the
9 registration fee under section 511 and a late fee of \$250.00.

10 (4) If an applicant provides express written consent to
11 disclose personal information on an application, the applicant's
12 name, email address, and telephone number may be disclosed to a
13 grower ~~, a processor handler licensed under the industrial hemp~~
14 ~~research and development act, 2014 PA 547, MCL 286.841 to 286.859,~~
15 or a processor licensed under the medical marihuana facilities
16 licensing act, 2016 PA 281, MCL 333.27101 to 333.27801. If the
17 applicant does not provide express written consent to disclose
18 personal information on the application, any information submitted
19 by the applicant to the department on the application is exempt
20 from disclosure under the freedom of information act, 1976 PA 442,
21 MCL 15.231 to 15.246. This subsection does not apply to the
22 disclosure of personal information to a law enforcement agency.

23 (5) A registration is nontransferable.

24 Sec. 303. A grower shall not do any of the following:

25 (a) Grow industrial hemp that is not in compliance with the
26 grower's registration.

27 (b) Grow industrial hemp in a location that is not disclosed
28 on the grower's application under section 201.

29 (c) Grow industrial hemp in a location that is not owned or

1 completely controlled by the grower. As used in this subdivision,
2 "completely controlled" means to be solely responsible for all of
3 the industrial hemp grown at a location.

4 (d) Grow industrial hemp in a dwelling.

5 (e) Grow a variety of industrial hemp that is on the list
6 created under section 505.

7 (f) Sell or transport, or permit the sale or transport of,
8 viable industrial hemp plants or viable seed.

9 (g) Harvest industrial hemp before an official hemp sample is
10 collected under section 401.

11 (h) Sell raw industrial hemp to a person in this state that is
12 not licensed ~~as a processor handler under the industrial hemp~~
13 ~~research and development act, 2014 PA 547, MCL 286.841 to 286.859,~~
14 ~~or~~ as a processor under the medical marihuana facilities licensing
15 act, 2016 PA 281, MCL 333.27101 to 333.27801, as authorized under
16 this act.

17 (i) Dispose of industrial hemp without submitting a notice of
18 intent to dispose to the department under section 407(6)(a). This
19 subdivision does not apply to a grower that disposes of industrial
20 hemp affected by poor health, pests, disease, or weather or to
21 prevent cross-pollination of male or hermaphrodite industrial hemp
22 plants.

23 (j) Sell an intermediary, in-process, or finished industrial
24 hemp product or smokable hemp flower, unless the grower is licensed
25 ~~as a processor handler under the industrial hemp research and~~
26 ~~development act, 2014 PA 547, MCL 286.841 to 286.859, or as a~~
27 processor under the medical marihuana facilities licensing act,
28 2016 PA 281, MCL 333.27101 to 333.27801.

29 Sec. 307. A grower shall provide a record of sale of raw

1 industrial hemp to a ~~processor-handler licensed under the~~
2 ~~industrial hemp research and development act, 2014 PA 547, MCL~~
3 ~~286.841 to 286.859, or a processor licensed under the medical~~
4 ~~marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to~~
5 ~~333.27801. The record of sale must contain all of the following~~
6 ~~information:~~

7 (a) The name and license number of the processor-handler or
8 processor purchasing the industrial hemp.

9 (b) The total weight of industrial hemp purchased.

10 (c) The total sale price of the industrial hemp.

11 (d) The date of the sale.

12 (e) The certified report of the total delta-9-THC testing
13 under section 405 for each variety of industrial hemp purchased.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 6288 (request no.
16 06609'24) of the 102nd Legislature is enacted into law.