

INDUSTRIAL HEMP GROWERS ACT (EXCERPT)

Act 137 of 2020

CHAPTER IV

Sampling, Testing, and Disposal

333.28401 Harvesting and destruction of industrial hemp crop; sampling requirements.

Sec. 401. (1) A grower that intends to harvest or destroy an industrial hemp crop shall contact the department at least 20 days in advance of harvest or destruction to collect a representative sample of each variety of industrial hemp. Sampling must be conducted at least 15 days before the grower's anticipated harvest or destruction, and the grower or the grower's authorized representative must be present.

(2) When the department conducts the sampling, the grower shall provide the department with complete and unrestricted access to both of the following during normal business hours:

(a) All cannabis.

(b) All acreage, greenhouses, indoor square footage, fields, buildings, or other locations, including any location listed in the application under section 201, where cannabis is growing or stored.

(3) The department shall transport or cause to be transported a sample collected under this section to a testing facility for total delta-9-THC testing under section 403.

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

333.28403 Testing facility requirements; duties; report.

Sec. 403. (1) A testing facility that performs total delta-9-THC testing must do all of the following:

(a) Adopt a laboratory quality assurance program that ensures the validity and reliability of the total delta-9-THC test results.

(b) Adopt an analytical method selection, validation, and verification procedure that ensures that the total delta-9-THC testing method is appropriate.

(c) Demonstrate that the total delta-9-THC testing ensures consistent and accurate analytical performance.

(d) Adopt method performance selection specifications that ensure that the total delta-9-THC testing methods are sufficient to detect the total delta-9-THC as required under this act.

(e) Report the measurement of uncertainty on the certified report of the total delta-9-THC test.

(f) Adopt a total delta-9-THC testing method that includes a postdecarboxylation test or other similar method.

(2) A testing facility shall ensure that a sample of industrial hemp is not commingled with any other sample of industrial hemp.

(3) A testing facility shall assign a sample identification number to each sample of industrial hemp.

(4) A testing facility shall report all of the following information to the department and to the USDA for each test performed:

(a) The grower's full name and mailing address.

(b) The grower's registration number.

(c) Each sample identification number assigned under subsection (3).

(d) The testing facility's name and DEA registration number.

(e) The date the total delta-9-THC testing was completed.

(f) The certified report under section 405 of the total delta-9-THC testing.

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

333.28405 Testing results; certified report; harvesting timeline.

Sec. 405. (1) If the results of the total delta-9-THC test indicate a total delta-9-THC concentration of not more than the acceptable THC level, the testing facility shall provide to the grower, the department, and the USDA a certified report stating the results of the total delta-9-THC test.

(2) If the results of the total delta-9-THC test indicate a total delta-9-THC concentration that is greater than the acceptable THC level, the testing facility shall provide the grower and the department a certified report stating the results of the total delta-9-THC test, and the grower must destroy the industrial hemp crop under section 407.

(3) The grower shall harvest an industrial hemp crop within 15 days after receiving the certified report under subsection (1). If the grower fails to harvest the industrial hemp crop within the 15 days, the grower may submit a request for a second collection of a sample. The second sample must be tested under section 403, and the grower must harvest the remaining industrial hemp crop within 15 days after receiving a second certified report.

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

333.28407 Destruction of crop timeline; methods; grower duties.

Sec. 407. (1) A grower that receives a certified report under section 405(2) shall destroy that crop within 15 days using 1 of the following methods:

(a) Plowing under using a curved plow blade to rotate the subsoil to the surface and bury the industrial hemp below the subsoil.

(b) Mulching, disking, or composting the industrial hemp and blending the industrial hemp with existing soil, manure, or other biomass material.

(c) Mowing, shredding, deep burial, or burning.

(2) The industrial hemp destroyed under subsection (1) must be rendered irretrievable or not ingestible.

(3) A grower that destroys industrial hemp shall do both of the following:

(a) Submit a notice to the department at least 48 hours before destroying the industrial hemp. The grower shall submit the notice in a form and manner provided by the department. The grower shall include in the notice the reason for the destruction of the industrial hemp.

(b) Submit to the USDA and the department a destruction report that contains all of the following information:

(i) The date of the disposal.

(ii) The method of disposal.

(iii) The total acreage disposed of.

(iv) A copy of the certified report under section 405(2).

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

333.28409 Effective date of Chapter IV.

Sec. 409. The provisions of this chapter are effective beginning November 1, 2020.

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