

INDUSTRIAL HEMP GROWERS ACT (EXCERPT)

Act 220 of 2020

CHAPTER III

Grower Registration

333.29301 Report to USDA Farm Service Agency; grower duties.

Sec. 301. (1) After a grower is granted a registration under chapter II and not more than 60 days before the grower plants any industrial hemp, the grower shall report the following information to the USDA Farm Service Agency:

(a) The address and total acreage of and GPS coordinates for each field, greenhouse, building, or other location where industrial hemp will be grown.

(b) The grower's registration number.

(2) A grower shall do all of the following:

(a) Allow the department or a law enforcement agency to enter onto and inspect all premises where industrial hemp is or will be located, with or without cause and with or without advance notice.

(b) On request from the department or a law enforcement agency, produce a copy of the grower's registration for inspection.

(c) Contact the department to collect an official hemp sample under section 401.

(d) Harvest the industrial hemp lot within 30 days after an official hemp sample is collected under section 401.

(e) Dispose of or remediate under section 407, without compensation, any industrial hemp lot determined to be noncompliant under section 405.

(f) Dispose of the following, without compensation, under section 407:

(i) Industrial hemp that is at a location that is not disclosed on the grower's application under section 201.

(ii) Industrial hemp that is grown in violation of this act.

(g) Report all of the following information to the department by November 30 of each year:

(i) Total acreage of industrial hemp that the grower grew in the immediately preceding growing season.

(ii) Total acreage of industrial hemp that the grower harvested in the immediately preceding growing season.

(iii) Total acreage of industrial hemp that the grower disposed of in the immediately preceding growing season.

(h) Use only a compliance monitoring testing facility to test unofficial hemp samples for compliance monitoring to determine whether the industrial hemp is in compliance with this act.

(i) If the department is inspecting or investigating a complaint, the grower or the grower's authorized agent must be present and do all of the following:

(i) Allow the department to have access to all structures directly related to the production of industrial hemp including, but not limited to, a barn, machine shed, greenhouse, or storage area.

(ii) Provide business records including books, accounts, records, files, and any other documents in print or electronic media that the department determines is relevant or necessary for the inspection or investigation.

(iii) Allow a law enforcement agency to accompany the department during an inspection or investigation.

(iv) Allow the department to collect official hemp samples for the purpose of completing an inspection or investigation.

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29303 Prohibitions on grower.

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

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

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

(c) Grow industrial hemp in a location that is not owned or completely controlled by the grower. As used in this subdivision, "completely controlled" means to be solely responsible for all of the industrial hemp grown at a location.

(d) Grow industrial hemp in a dwelling.

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

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

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

(h) Sell raw industrial hemp to a person in this state that is not licensed as a processor-handler under the industrial hemp research and development act, 2014 PA 547, MCL 286.841 to 286.859, or as a processor

under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, as authorized under this act.

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

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

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29305 Sign posting requirements.

Sec. 305. (1) A grower shall post signage in a conspicuous location at each boundary line of each location where industrial hemp is grown. The signage must include all of the following:

(a) The statement, "Industrial Hemp Registered with the Michigan Department of Agriculture and Rural Development".

(b) The grower's name.

(c) The grower's registration number.

(2) The signage described under subsection (1) must meet all of the following requirements:

(a) Be a minimum of 8 inches by 10 inches.

(b) Use print that is clearly legible and not smaller than 3/8 inch tall.

(c) Be made of weather-resistant material.

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29307 Record of sale of raw industrial hemp.

Sec. 307. A grower shall provide a record of sale of raw industrial hemp to a processor-handler licensed under the industrial hemp research and development act, 2014 PA 547, MCL 286.841 to 286.859, or a processor licensed under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801. The record of sale must contain all of the following information:

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

(b) The total weight of industrial hemp purchased.

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

(d) The date of the sale.

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

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29309 Maintenance of records.

Sec. 309. (1) A grower shall maintain records that contain all of the following information:

(a) Each record of sale generated under section 307.

(b) The name and mailing address of any person from whom the grower purchased viable industrial hemp.

(c) The name of each variety of industrial hemp the grower grows.

(d) Evidence that the information required to be reported under section 301 was submitted and received by the USDA Farm Service Agency.

(e) A notice of disposal generated under section 407(6)(b), if applicable.

(2) A grower shall maintain the records under subsection (1) for 5 years and make the records available to the department on request.

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29311 Growing locations; approval required.

Sec. 311. (1) Before implementing a modification to a growing location listed in a registration, the grower must submit a growing location modification request on a form provided by the department and the required fee under section 511, and obtain written approval from the department.

(2) The department shall not approve a growing location modification request under this section unless the grower has paid the growing location modification fee in full.

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020;—Am. 2021, Act 4, Imd. Eff. Mar. 24, 2021.

333.29313 Sale of industrial hemp to processor.

Sec. 313. A grower may sell industrial hemp to a processor that is licensed under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

History: 2020, Act 220, Imd. Eff. Oct. 16, 2020.