DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

~~MARIJUANA~~ **CANNABIS** REGULATORY AGENCY

INDUSTRIAL HEMP RULES FOR MARIHUANA BUSINESSES

Filed with the secretary of state on

The rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the executive director of the cannabis regulatory agency by section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206, sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958, and Executive Reorganization Order No**s**. 2019-2 and 2022-1, MCL 333.27001 and 333.27002.)

R 420.1001 and R 420.1003 of the Michigan Administrative Code are amended, and R 420.1003a is added, as follows:

R 420.1001 Definitions.

 Rule 1. (1) As used in these rules:

 (a) “Agency” means the ~~marijuana~~ **cannabis** regulatory agency.

 (b) “Broker” means that term as defined in section 2 of the industrial hemp research and development act, MCL 286.842.

 (c) “Department” means the department of licensing and regulatory affairs.

 **(d) “Edible industrial hemp product” means any product containing industrial hemp that is intended for human consumption in a manner other than inhalation. Edible industrial hemp product does not include industrial hemp-infused products that are intended for topical application.**

 (~~d~~**e**) “Grower” means that term as defined in section ~~2 of the industrial hemp research and development act, MCL 286.842~~ **103 of the industrial hemp growers act, MCL 333.29103**.

 (~~e~~**f**) “Handle” means that term as defined in section 2 of the industrial hemp research and development act, MCL 286.842.

 (~~f~~**g**) “Industrial hemp” means that term as defined in section ~~2 of the industrial hemp research and development act, MCL 286.842~~ **section 3 of the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27953**.

 **(h) “Industrial hemp growers act” means the industrial hemp growers act, 2020 PA 220, MCL 333.29101 to 333.29801.**

 **(i) “Industrial hemp infused product” means a topical formulation, tincture, beverage, edible industrial hemp product, or a product intended for consumption by inhalation, containing industrial hemp and other ingredients and that is intended for human or animal consumption, including inhalation.**

 **(j) “Industrial hemp product” means industrial hemp or an industrial hemp infused product, or both, as those terms are defined in section 3 of the Michigan regulation and taxation of marihuana act, MCL 333.27953, unless otherwise provided for in these rules.**

 (~~g~~**k**) “Industrial hemp research and development act” means the industrial hemp research and development act, 2014 PA 547, MCL 286.841 to 286.859.

 (~~h~~**l**) “Laboratory” means a safety compliance facility licensed under the medical marihuana facilities licensing act or a marihuana safety compliance facility licensed under the Michigan regulation and taxation of marihuana act, or both.

 (~~i~~**m**) “Marihuana processor” means that term as defined in section 3 of the Michigan regulation and taxation of marihuana act, MCL 333.27953.

 (~~j~~**n**) “Marihuana safety compliance facility” means that term as defined in section 3 of the Michigan regulation and taxation of marihuana act, MCL 333.27953.

 (~~k~~**o**) “Marihuana tracking act” means the marihuana tracking act, 2016 PA 282, MCL 333.27901 to 333.27904.

 ~~(l) “Market” means that term as defined in section 2 of the industrial hemp research and development act, MCL 286.842.~~

 (~~m~~**p**) “Medical marihuana facilities licensing act” or “MMFLA” means the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

 (~~n~~**q**) “Michigan medical marihuana act” means the Michigan ~~medical marihuana act~~**Medical Marihuana Act**, 2008 IL 1, MCL 333.26421 to 333.26430.

 (~~o~~**r**) “Michigan regulation and taxation of marihuana act” or “MRTMA” means the Michigan **Regulation and Taxation of Marihuana Act**~~regulation and taxation of marihuana act~~, 2018 IL 1, MCL 333.27951 to 333.27967.

 (~~p~~**s**) “Process” means that term as defined in section 2 of the industrial hemp research and development act, MCL 286.842.

 (~~q~~**t**) “Processor” means a facility licensed to operate under section 502 of the medical marihuana facilities licensing act, MCL 333.27502, and these rules.

 (~~r~~**u**) “Producer” means a processor licensed under the medical marihuana facilities licensing act or a marihuana processor licensed under the Michigan regulation and taxation of marihuana act, or both.

 (~~s~~**v**) “**These** ~~R~~**r**ules” means the administrative rules promulgated by the agency under the authority of the medical marihuana facilities licensing act, the marihuana tracking act, the Michigan regulation and taxation of marihuana act, and Executive Reorganization Order No**s**. 2019-2 **and 2022-1**, MCL 333.27001 **and 333.27002**.

 (~~t~~**w**) “Safety compliance facility” means a facility licensed to operate under section 505 of the medical marihuana facilities licensing act, MCL 333.27505, and these rules.

 (2) Terms defined in the acts have the same meanings when used in these rules unless otherwise indicated.

R 420.1003 Processing industrial hemp.

 Rule 3. (1) A producer may handle, process, market, or broker industrial hemp in compliance with the industrial hemp research and development act and any associated rules promulgated by the ~~Michigan department of agriculture and rural development~~**agency**.

 (2) A producer may obtain industrial hemp to process as allowed under the industrial hemp research and development act and any associated rules promulgated by the ~~Michigan department of agriculture and rural development~~**agency**.

 (3) A producer shall always store industrial hemp separately from marihuana products and in compliance with these rules relating to storage of marihuana products promulgated by the agency.

 (4) A producer shall document all industrial hemp obtained by the facility and ~~shall~~ make those records available to the agency upon request.

 (5) A producer shall **accurately** enter all transactions, current inventory, and other information into the statewide monitoring system as required by the industrial hemp research and development act and any associated rules promulgated by the ~~Michigan department of agriculture and rural development~~**agency**.

**R 420.1003a Maximum concentrations of THC for industrial hemp products intended for**

 **human or animal consumption.**

 **Rule 3a. (1) The maximum THC concentration for an edible industrial hemp product is 1 milligram of THC per serving, in the form in which it is intended for sale to a consumer. An edible industrial hemp product must not have more than 10 milligrams of THC per container, in the form in which it is intended for sale to a consumer.**

 **(2) The maximum THC concentration for an industrial hemp product or an industrial hemp infused product intended for consumption by inhalation is 1 milligram of THC per serving, in the form in which it is intended for sale to a consumer. An industrial hemp product or an industrial hemp infused product in this category must not have more than 10 milligrams of THC per container, in the form in which it is intended for sale to a consumer.**

 **(3) The maximum THC concentration for any other industrial hemp infused product meant for human or animal consumption not specifically listed in subrule (1) or (2) of this rule is 1 milligram of THC per serving, in the form in which it is intended for sale to a consumer. These industrial hemp products must not have more than 10 milligrams of THC per container, in the form in which it is intended for sale to a consumer.**

 **(4) This rule does not apply to industrial hemp infused products intended for topical application.**