

Industrial Hemp

Introduction

Industrial hemp is the fiber and seed part of the plant *Cannabis sativa*, containing THC concentrations below three percent. Industrial hemp is defined in the Michigan Regulation and Taxation of Marihuana initiated law (333.27953c), and Section 333.27952 states the purpose of the Act is to “make industrial hemp legal under state and local law.” Hemp started out under the province of the Michigan Department of Licensing and Regulatory Affairs (LARA), but the authority to regulate hemp was transferred to the Michigan Department of Agriculture and Rural Development (MDARD).

Currently, hemp can only be grown in Michigan by obtaining a license from, and entering into a research agreement with, MDARD. Any product derived from industrial hemp with a THC concentration above three percent is classified as marijuana and regulated through the Marijuana Regulatory Agency (MRA) of LARA.

Legislation

2018 Farm Bill

The federal bill legalized the growing of industrial hemp as an agricultural product. The bill allows state departments of agriculture to get certified by the U.S. Department of Agriculture in order to regulate industrial hemp growers.

Michigan

Michigan passed a series of bills in December 2018 that require businesses to be licensed by MDARD to grow, process, or market industrial hemp. PA 641, 642, and 648 amended the Public Health Code definition of industrial hemp and marihuana and went into effect January 15, 2019. In April 2019, Gov. Whitmer and MDARD launched the Industrial Hemp Ag Pilot Program to allow for the growth, cultivation, and marketing of Michigan grown industrial hemp.

Local Government Pre-emption

Local governments have been preempted by the Industrial Hemp Research and Development Act from regulating industrial hemp. Section 19 of Public Act 641 provides:

“A political subdivision of this State shall not adopt any rule, regulation, code, or ordinance to restrict or limit any requirements under this act relating to industrial hemp. This act supersedes and preempts any rule, regulation, code, or ordinance of any political subdivision of this State relating to industrial hemp.”

Note on CBD

CBD (Cannabidiol) is a substance derived from cannabis plants that does not have psychoactive effects. MDARD’s bulletin on hemp contains the following information on CBD:

“...any substances that will be added to food or drink, or marketed as dietary supplements, must first be approved by the U.S. Food and Drug Administration. At this time, the FDA has not approved CBD for use in food or drink or as a dietary supplement. Therefore, it’s currently illegal to add CBD into food products or drinks or sell it as dietary supplements.”