

Act No. 61
Public Acts of 2021
Approved by the Governor
July 13, 2021
Filed with the Secretary of State
July 13, 2021
EFFECTIVE DATE: October 11, 2021

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Reps. Steenland, Hertel and Lilly

ENROLLED HOUSE BILL No. 4744

AN ACT to amend 2014 PA 547, entitled “An act to authorize the growing and cultivating of industrial hemp for research and development purposes; to require and provide for the registration and licensing of certain persons engaged in the growing, processing, and handling of industrial hemp; to provide for the collection of fees; to authorize the receipt and expenditure of funding for research and development related to industrial hemp; to prescribe the powers and duties of certain state agencies and officials and colleges and universities in this state; and to provide for certain fines and sanctions,” by amending section 2 (MCL 286.842), as amended by 2018 PA 641.

The People of the State of Michigan enact:

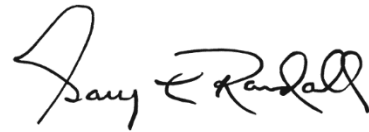
Sec. 2. As used in this act:

- (a) “Broker” means to engage or participate in the marketing of industrial hemp by acting as an intermediary or negotiator between prospective buyers and sellers.
- (b) “Cannabis” means the plant *Cannabis sativa* L. and any part of that plant, whether growing or not.
- (c) “Department” means the department of agriculture and rural development.
- (d) “Director” means the director of the department, or his or her designee.
- (e) “GPS coordinates” means latitude and longitude coordinates derived from a global positioning system.
- (f) “Grow” means to plant, propagate, grow, cultivate, or harvest live plants or viable seeds.
- (g) “Grower” means a person registered by the department under this act to grow industrial hemp.
- (h) “Handle” means to possess, store, or transport industrial hemp on premises owned, operated, or controlled by a registered grower or licensed processor-handler.
- (i) “Industrial hemp” means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.
- (j) “Licensing and registration fund” means the industrial hemp licensing and registration fund created in section 5.
- (k) “Location ID” means the unique identifier established by the applicant for each unique set of GPS coordinates where industrial hemp will be grown, handled, stored, processed, or brokered.
- (l) “Market” means to promote or sell industrial hemp or an industrial hemp commodity or product. Market includes, but is not limited to, efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers.
- (m) “Nonviable seed” means seed that has been crushed, dehulled, heat treated, or otherwise rendered to have a 0.0% germination rate.

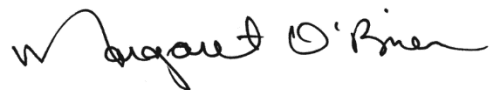
- (n) "Person" means an individual, partnership, corporation, association, or other legal entity.
- (o) "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety of industrial hemp throughout the area.
- (p) "Process" means to convert raw industrial hemp into a marketable form.
- (q) "Processor-handler" means a person licensed by the department under this act to process, handle, broker, or market industrial hemp.
- (r) "Program" means the industrial hemp licensing and registration program established by this act.
- (s) "Propagule" means a plant or plant part that is utilized to grow a new plant.
- (t) "Research fund" means the industrial hemp research and development fund created in section 4.
- (u) "Testing facility" means a safety compliance facility licensed under the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or a testing facility approved by the department.
- (v) "THC" means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.
- (w) "Variety" means a subdivision of a species that has the following characteristics:
 - (i) The subdivision is uniform, in the sense that variations between the subdivision and other subdivisions in essential and distinctive characteristics are describable.
 - (ii) The subdivision is distinct, in the sense that the subdivision can be differentiated by 1 or more identifiable morphological, physiological, or other characteristics from all other known subdivisions.
 - (iii) The subdivision is stable, in the sense that the subdivision will remain uniform and distinct if reproduced.
- (x) "Viable seed" means seed that has a germination rate of greater than 0.0%.
- (y) "Volunteer cannabis plant" means a cannabis plant that is not intentionally planted and grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor