

INDUSTRIAL HEMP GROWERS ACT (EXCERPT)
Act 220 of 2020

333.29407 Destruction or remediation of noncompliant hemp; timeline; methods; grower duties; exceptions.

Sec. 407.

(1) A grower that receives a certified report under section 405(2) shall, within 30 days after receiving the certified report, dispose of the noncompliant hemp lot under subsection (2) or remediate the noncompliant industrial hemp lot under subsection (3).

(2) Except as provided in subsection (8), a grower shall dispose of a noncompliant industrial hemp lot 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, deep burial, or burning.

(3) Except as provided in subsection (8), a grower shall remediate a noncompliant industrial hemp lot using 1 of the following methods:

(a) Removing all of the floral material and disposing of the floral material under subsection (2).

(b) Shredding the industrial hemp plant into a biomass-like material.

(4) If a grower remediates a noncompliant industrial hemp lot under subsection (3), the grower shall contact the department to collect an official hemp sample of the industrial hemp lot under section 401. The official hemp sample must be tested by a regulatory testing facility under section 403. 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 grower must harvest the industrial hemp lot within 30 days after the official hemp sample is collected under section 401. 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 grower must dispose of the industrial hemp lot under subsection (2). The regulatory testing facility shall provide the grower and the department a certified report that states the results of any total delta-9-THC test completed under this subsection.

(5) The industrial hemp disposed of under subsection (2) must be rendered nonretrievable or noningestible.

(6) A grower that disposes of industrial hemp under subsection (2) shall do both of the following:

(a) Submit a notice of intent to dispose to the department at least 48 hours before disposing of the industrial hemp. The grower shall submit the notice of intent to dispose on a form and in a manner provided by the department.

(b) Submit a notice of disposal to the department within 48 hours after the industrial hemp is disposed of under subsection (2) that contains all of the following information:

(i) The date of the disposal.

(ii) The method of disposal.

(iii) The total acreage or square footage disposed of.

(iv) The reason for disposal.

(v) Photographic or video evidence of the disposal.

(7) The grower shall allow an agent of the department to be present during any disposal or remediation activities conducted under this section.

(8) Industrial hemp that is disposed of for any of the following reasons is not subject to the disposal requirements under this section:

(a) Poor health.

(b) Pests.

(c) Disease.

(d) Weather.

(e) To prevent cross-pollination of male or hermaphrodite industrial hemp plants.

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