

Legislative Analysis



REVISE DEFINITIONS OF MARIJUANA-RELATED TERMS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4517 (H-4) as reported from committee
Sponsor: Rep. Yousef Rabhi

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4740 (H-1) as reported
Sponsor: Rep. Pat Outman

House Bill 4741 as reported
Sponsor: Rep. TC Clements

House Bill 4744 as reported
Sponsor: Rep. Richard M. Steenland

House Bill 4742 as reported
Sponsor: Rep. Tenisha Yancey

House Bill 4745 (H-1) as reported
Sponsor: Rep. Jim Lilly

House Bill 4743 as reported
Sponsor: Rep. Julie Calley

House Bill 4746 as reported
Sponsor: Rep. Roger Hauck

Committee: Regulatory Reform
Complete to 5-26-21

SUMMARY:

House Bill 4517 would amend the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which regulates the recreational marijuana market, to define the term *THC*, revise the definitions of *industrial hemp* and *marihuana*, and allow or require the Marijuana Regulatory Agency (MRA) to promulgate certain rules. House Bills 4740 to 4746 would amend different acts to establish uniform definitions for certain terms relating to the medical and recreational marijuana industries by defining those terms as they are defined in the MRTMA. House Bill 4745 would also amend the definitions of the terms *bona fide physician-patient relationship* and *written certification* to remove the requirement that a “relevant medical evaluation” be in person.

House Bill 4517 would amend the MRTMA to define the term *THC*, revise the definitions of *industrial hemp* and *marihuana*, and allow the MRA to exclude certain things from the definition of *THC*. The MRA would also be required to establish, by rule, a limit on the total amount of *THC* that a product for human or animal consumption could contain.

The definition of *industrial hemp* would be revised to mean any of the following:

- A plant, or a part of a plant, of the genus *Cannabis*, whether growing or not, with a *THC* concentration of 0.3% or less on a dry-weight basis.
- The seeds of a plant of the genus *Cannabis* with a *THC* concentration of 0.3% or less on a dry-weight basis.
- If it has a *THC* concentration of 0.3% or less on a dry-weight basis, a compound, manufacture, salt, derivative, mixture, preparation, extract, cannabinoid, acid, salt, isomer, or salt of an isomer of a plant, or a part of a plant, of the genus *Cannabis*.

- A product to which one of the following applies:
 - If it is intended for human or animal consumption, the product, in the form in which it is intended for sale to a consumer, meets both of the following requirements:
 - Has a THC concentration of 0.3% or less on a dry-weight or per volume basis.
 - Contains a total amount of THC that is less than or equal to the limit established by the MRA under the bill. (The bill would require the MRA to establish, by rule, a limit on the total amount of THC that a product intended for human or animal consumption could contain and still fall under this provisions.)
 - If it is not intended for human or animal consumption, the product meets both of the following requirements:
 - Contains any of the substances described above.
 - Has a THC concentration of 0.3% or less on a dry-weight basis.

The definition of *marihuana* would be revised to mean any of the following:

- A plant, or a part of a plant, of the genus *Cannabis*, whether growing or not.
- The seeds of a plant of the genus *Cannabis*.
- Marihuana concentrate (the resin extracted from any part of a plant of the genus *Cannabis*).
- A compound, manufacture, salt, derivative, mixture, extract, acid, isomer, salt of an isomer, or preparation of any of the above.
- A marihuana-infused product (a topical formulation, tincture, beverage, edible substance, or similar product that contains marihuana or other ingredients and is intended for human consumption).
- A product with a THC concentration of more than 0.3% on a dry-weight basis or per volume or weight in the form in which it is intended for sale to a consumer.
- A product that is intended for human or animal consumption and that contains, in the form in which it is intended for sale to a consumer, a total amount of THC that is greater than the limit established by the MRA by rule for a product that is intended for human or animal consumption and is defined as industrial hemp (see above).

Except for marihuana concentrate extracted from any of the following, *marihuana* would not include any of the following:

- The mature stalks, or fiber produced from the mature stalks, of a plant of the genus *Cannabis*.
- Oil or cake made from the seeds of a plant of the genus *Cannabis*.
- A compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks of a plant of the genus *Cannabis*.
- Industrial hemp.
- An ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

- A drug for which an application filed in accordance with 21 USC 355 is approved by the federal Food and Drug Administration (FDA).¹

The bill would define *THC* to mean any of the following:

- Tetrahydrocannabinolic acid.
- A tetrahydrocannabinol, regardless of whether it is artificially or naturally derived, unless excluded by the MRA as described below.
- A tetrahydrocannabinol that is a structural, optical, or geometric isomer of a tetrahydrocannabinol that is not excluded by MRA rule.

The MRA could promulgate rules to exclude a tetrahydrocannabinol from the definition of THC if the MRA determines, after making findings with respect to each of the following factors, that the tetrahydrocannabinol does not have a potential for abuse:

- The actual or relative potential for abuse of the tetrahydrocannabinol.
- The scientific evidence of the tetrahydrocannabinol's pharmacological effect, if known.
- The state of current scientific knowledge regarding the tetrahydrocannabinol.
- The history and current pattern of abuse of the tetrahydrocannabinol.
- The scope, duration, and significance of abuse of the tetrahydrocannabinol.
- The tetrahydrocannabinol's risk to the public health.
- The potential of the tetrahydrocannabinol to produce psychic or physiological dependence liability.

MCL 333.27953 and 333.27958

House Bill 4740 would amend the Medical Marijuana Facilities Licensing Act to revise the definitions of *industrial hemp*, *marihuana*, and *marihuana-infused product* to mean those terms as defined in the MRTMA.

MCL 333.27102

House Bill 4741 would amend the Industrial Hemp Growers Act to revise the definitions of *industrial hemp*, *marihuana*, and *THC* to mean those terms as defined in the MRTMA.

MCL 333.29103

House Bill 4742 would amend the Marijuana Tracking Act to revise the definition of *marihuana* to mean that term as defined in the MRTMA.

MCL 333.27902

House Bill 4743 would amend the Public Health Code to delete the definitions of *marihuana* and *industrial hemp* and define those terms as defined in the MRTMA.

MCL 333.7106

¹ <https://www.govinfo.gov/content/pkg/USCODE-2010-title21/pdf/USCODE-2010-title21-chap9-subchapV-partA-sec355.pdf>

House Bill 4744 would amend the Industrial Hemp Research and Development Act to delete the definitions of *industrial hemp* and *THC* and define those terms as defined in the MRTMA

MCL 286.842

House Bill 4745 would amend the Michigan Medical Marihuana Act to revise the definition of *marihuana* to mean that term as defined in the MRTMA. In addition, the definitions of the terms *bona fide physician-patient relationship* and *written certification* currently include completion of a “relevant, in-person, medical evaluation of the patient.” The bill would delete the requirement that the relevant medical evaluation of the patient be in person. The bill would also define *MRA* to mean the Marijuana Regulatory Agency created under Executive Reorganization Order No. 2019-2 and amend several provisions to refer to the MRA instead of the Department of Licensing and Regulatory Affairs.

MCL 333.26423

House Bill 4746 would amend the Michigan Liquor Control Code to revise the definition of *marihuana* to mean that term as defined in section 3 of the MRTMA.

MCL 436.1914b

FISCAL IMPACT:

The bills would not have a significant fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bills (5-4-21):

- Marijuana Regulatory Agency
- Michigan Cannabis Manufacturing Association
- Students for Sensible Drug Policy
- Michigan Cannabis Industry Association

The following entities indicated support for the bills (5-4-21):

- Natrabis
- Emerald Business Park

The following entities indicated support for HB 4517 (5-4-21):

- Michigan Association for Justice
- U.S. Hemp Roundtable

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.