

INDUSTRIAL HEMP

Preharvest Sampling Process - *technical bulletin*

Michigan Department of Agriculture and Rural Development

Phone: 800-292-3939 Online: www.Michigan.gov/IndustrialHemp

Michigan Public Act 220 of 2020, the Industrial Hemp Growers Act, as amended, requires official regulatory hemp crop samples to be collected and tested for THC level compliance before the crop can be harvested. This requirement reflects the United States Department of Agriculture's (USDA) final rule regarding hemp production.

The acceptable THC level is set by federal statute at 0.3% plus a measurement of uncertainty (unique to the laboratory performing sample testing due to equipment and processes). The actual maximum allowable THC level will be listed on laboratory test results.

Growers who participated in the Ag Pilot Program in 2019 or 2020 will see some significant changes were required to ensure Michigan is aligned with federal hemp cultivation requirements. Unlike the Ag Pilot Program, official regulatory samples must now be collected by a trained Michigan Department of Agriculture and Rural Development (MDARD) inspector.

Also new, non-compliant crops will not be eligible for re-sampling and re-testing. MDARD's Geagley Lab performs a second test on the sample to confirm the result if the first test shows non-compliance. If a hemp lot is found to have a non-compliant THC level, the lot must be disposed of OR remediated within 30 days.

Hemp growers must contact MDARD to schedule a sampling inspection **not more than 30 days and not less than 20 days before their anticipated harvest date**, via an online form collecting contact and lot location information. Since many growers have different hemp varieties maturing at different stages, growers can schedule as many sampling visits as needed so each variety is sampled at an appropriate stage; however, a site visit fee is charged for each visit.

At this time, all hemp crops must be sampled prior to harvest. As the program evolves, performance-based sampling procedures will be developed to reduce sampling needs for fiber crops, research, immature plants, and similar situations.

Scheduling a Sampling Inspection

1. Between 20 and 30 days prior to the anticipated harvest date, the grower must complete the online sampling request form. Visit www.Michigan.gov/IndustrialHemp and click on “Forms” and then select “[Request for Industrial Hemp Preharvest or Remediation Sampling Form.](#)” Complete the online application form. Ensure your firm has no outstanding fees or fines with MDARD prior to completing the form (for example, Geagley Lab testing from last year’s hemp samples). A sampling date will not be scheduled until all outstanding fees or fines are paid.
2. Once the application form is submitted, an MDARD inspector will contact you to arrange a sampling date and time and provide details regarding the steps for sample collection.
3. The inspector will collect information about the purpose of the crop (such as grain, smokable flower, clones, etc.); planting source (seed, clone, transplant); and business name and state or country of the firm from which the planting material was obtained.
4. Growers can reschedule the sampling date at least 24 hours prior by contacting the inspector directly, but remember, sampling inspections are scheduled on a first come, first-served basis.
5. If the grower or responsible representative is not present when the inspector arrives, samples will not be collected, and the grower will be charged a site visit fee.

What to Expect During a Preharvest Sampling Inspection?

6. The inspector will confirm the growing locations reported on the grower registration application are accurate. Growers or the responsible representative must have a copy of the registration certificate to show the inspector on site and should have copies of the maps submitted with the grower application form.
7. Growers must give inspectors unrestricted access to all areas where industrial hemp is (or will be) grown, stored, or processed.
8. The grower or the grower’s authorized representative must be present the entire time the inspector conducts preharvest sampling.
9. The inspector will collect a minimum of six cuttings of 5-8 inches from EACH hemp lot. The total number of cuttings collected from each lot depends on the size of the floral material and lot size. The inspector will select cuttings from the top third of a plant and will take no more than one cutting from a single plant.
10. The inspector will also determine if the grower will be storing the lot, processing it themselves, or sending to a processor.
11. Growers will receive a copy of the sampling and inspection report on site or via email.
12. If lots are harvested immediately, growers should ensure lots are labeled and separated from other previously tested and harvested lots, in case test results show noncompliant THC levels.
13. Growers will be notified VIA EMAIL within a few days of the official sample results.
14. Growers will receive a sampling/testing invoice VIA EMAIL, which must be paid within 15 days.

15. If the samples show THC levels at or below the acceptable THC level, the grower must harvest the compliant lots within 30 days of the sample being collected. If the lab testing reveals THC levels are above the acceptable level, the grower must dispose of or remediate the noncompliant lots within 30 days:

- a. Disposal – the grower must notify MDARD using an [online disposal form](#) at least 48 hours prior to disposal. See www.Michigan.gov/HempLaws for disposal steps and requirements.
- b. Remediation – the grower must notify MDARD no later than 20 days before the anticipated remediation date using the [online remediation form](#). Please visit www.Michigan.gov/HempLaws for remediation steps and requirements. MDARD must collect samples at the grower’s expense to verify the remediated lot.

Fees

A site visit fee is charged for each sampling visit and is a flat fee regardless of the number of samples collected. If additional sampling is needed later, additional site visit fees will be charged.

The testing fee is per lot. A lot is a contiguous (connected) area in a field, greenhouse or indoor growing structure containing the same variety of hemp throughout. Growing areas are considered separate lots when multiple varieties are being grown or a single variety is being grown in growing areas that are not contiguous. Each lot must be sampled separately.

Inspection and testing fees are listed below for the 2021 registration year (through January 31, 2022).

Preharvest site visit fee:	\$150 flat fee per visit
Preharvest testing fee:	\$125 per lot
Remediation site visit fee:	\$150 flat fee per visit
Remediation testing fee:	\$125 per lot

Fee for site visit with no representative present: \$150 and no sampling will be performed.

For more information about Michigan’s Industrial Hemp program, visit www.Michigan.gov/IndustrialHemp, call 800-292-3939, or email MDARD at MDARD-Industrialhemp@michigan.gov. **If an inspector has already reached out to you to conduct sampling, contact that person directly.**