

Cannabis Regulatory Agency Answers Recent Questions Regarding THCA

The Cannabis Regulatory Agency (CRA) is issuing this communication to answer recent questions that have arisen regarding THCA.

What is THCA?

Tetrahydrocannabinolic acid (THCA) is the acid precursor of Delta-9 Tetrahydrocannabinol (Delta-9 THC). Cannabis plants produce trichomes that are filled with a resinous substance composed of cannabinoids and terpenoid molecules. Of the cannabinoids, cannabis plants in their natural form—including buds, shake/trim, and kief—contain primarily THCA, rather than Delta-9 THC. THCA is a nonintoxicating cannabinoid that is converted to intoxicating Delta-9 THC through the process of decarboxylation (heating up to a critical temperature between 200-290 degrees Fahrenheit).

What is the status of THCA under Michigan’s marijuana statutes?

Under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), THC is defined to include THCA. See MCL 333.27953(aa). The MRTMA defines marijuana, generally, as cannabis in any form with a THC concentration greater than 0.3%. See MCL 333.27953(h). Accordingly, cannabis in any form with a concentration of THC (including THCA) greater than 0.3% is, by definition, marijuana. Under the Medical Marihuana Facilities Licensing Act (MMFLA), marijuana and industrial hemp have the same meaning as defined in the MRTMA. MCL 333.27102(h), (k).

Can licensees obtain and possess THCA?

Licensees under the MRTMA and MMFLA may only obtain and sell marijuana—which includes cannabis with THCA in concentrations greater than 0.3%—as provided in those statutes and the administrative rules. A licensee that obtains marijuana from a source not authorized in statute or rule will be subject to disciplinary action. A person not licensed under the MRTMA or MMFLA who sells marijuana or possesses marijuana in quantities greater than allowed by statute is in violation of state law.

Can licensees decarboxylate THCA into THC?

A medical marijuana processor licensed under the MMFLA or an adult-use marijuana processor or marijuana microbusiness licensed under the MRTMA that obtains THCA from a source authorized in statute or rule may decarboxylate it to Delta-9 THC.

Who can process or sell industrial hemp?

Cannabis in any form with a concentration of THC (including THCA) of 0.3% or less is defined as industrial hemp. See MCL 333.27953(f). Under the Industrial Hemp Research and Development Act, processing, handling, brokering, marketing, promoting, or selling industrial hemp requires an industrial hemp processor-handler license issued by the CRA.