

May 11, 2018 (Updated)

Cannabidiol (“CBD”) and Industrial Hemp (“Hemp”) Products

Cannabidiol (CBD) comes from the marihuana plant. Based on the statutory definitions related to “marihuana” found in the Michigan Public Health Code (Act 368 of 1978), the Michigan Medical Marihuana Act (MMMA), and the Medical Marihuana Facilities Licensing Act (MMFLA), any extracts of marihuana or extracts of the marihuana plant will continue to be treated as marihuana.

The possession, purchase, or sale of marihuana or any marihuana product – including CBD – must be done in compliance with the MMMA and MMFLA.

The cannabis plant has over 100 cannabinoids – one of which is cannabidiol (CBD). Cannabinoids are most abundant in the flowering tops, resin, and leaves of the cannabis plant and are not found in parts of the cannabis plant that are excluded from the definition of marihuana, except for trace amounts – typically, only parts per million – that may be found where small quantities of resin adhere to the surface of seeds and mature stalk, not within the seeds nor the mature stalk. If cannabidiol is found on the seeds or stalks, it is found only as a result of contact with the resin produced by the cannabis plant.

As defined by Michigan state law, marihuana means:

- all parts of the plant Cannabis sativa L., growing or not
- the seeds of that plant
- the resin extracted from any part of the plant
- every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin

Marihuana does not include:

- the mature stalks of the plant
- fiber produced from the stalks
- oil or cake made from the seeds of the plant
- any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks

Hemp is the fiber and seed part of the Cannabis sativa L. plant. The term “hemp” is only used in state law as part of the Industrial Hemp Research Act (IHRA). Passed in 2014, the IHRA authorized the growing and cultivating of industrial hemp for research

This advisory bulletin does not constitute legal advice and is subject to change. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marihuana Facilities Licensing Act and associated Emergency Rules.

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purposes only. The IHRA authorized the Department of Agriculture and Rural Development or colleges/universities in Michigan to grow or cultivate – or both – industrial hemp for purposes of research. The research must be conducted under an agricultural pilot program or other agricultural or academic research project.

"Industrial hemp" and "Marihuana" are both defined by the Public Health Code as being derived from the plant *Cannabis sativa* L.

- "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis.
- "Marihuana" means all parts of the plant *Cannabis sativa* L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Marihuana does not include industrial hemp grown or cultivated (or both) for research purposes under the industrial hemp research act. The Industrial Hemp Research Act limits industrial hemp to cultivation or research and does not authorize its sale or transfer.