

# CANNABIS PRODUCTS AND SALES AT MICHIGAN FARMERS MARKETS

## Frequently Asked Questions



### HOW DOES THE STATE OF MICHIGAN DEFINE THE DIFFERENCE BETWEEN INDUSTRIAL HEMP AND MARIJUANA?

Industrial hemp and marijuana are produced from the same parent plant, *Cannabis sativa L.* and *Cannabis indica*. Michigan relies on the concentration of THC, the intoxicating compound in cannabis, to classify plants as marijuana or hemp. Products with THC levels greater than 0.3% are considered marijuana and products with THC levels at or below 0.3% are classified as hemp.<sup>1</sup>

### WHAT IS CANNABIDIOL (CBD) AND IS IT LEGAL TO SELL?

CBD is a single, non-intoxicating compound in the cannabis plant, not to be confused with THC. CBD oil that is labeled for topical use, such as in soaps and lotions, is legal to sell in Michigan. It is illegal to market CBD by adding it to food and beverage products, labeling it as a dietary supplement, or by making health claims about the product.<sup>2</sup> To sell CBD, a vendor is required to have a Processor-Handler License issued by the Michigan Department of Agriculture and Rural Development (MDARD)<sup>3</sup>.

### CAN A VENDOR SELL INDUSTRIAL HEMP PRODUCTS AT A FARMERS MARKET?

If the vendor is properly licensed, the products are legal, and the market's rules and policies allow for the sale of industrial hemp products, a vendor may sell industrial hemp products at a farmers market. Any person who is processing, handling, brokering, or marketing industrial hemp needs to be licensed as a processor-handler through the State of Michigan in accordance with the Industrial Hemp Research and Development Act, Public Act 547 of 2014, as amended. For information on becoming licensed, visit [www.michigan.gov/IndustrialHemp](http://www.michigan.gov/IndustrialHemp).

### ARE SALES OF INGESTIBLE HEMP PRODUCTS LEGAL?

Some, not all, industrial hemp products are Generally Regarded As Safe (GRAS) products. The hemp products that are GRAS and can be sold include: hulled hemp seed, hemp seed protein powder, and hemp seed oil.<sup>4</sup> In Michigan, all food production must be in accordance with the Michigan Food Law when applicable.

Products that are not GRAS and are derived from extraction, including cannabinoids (CBD, CBG) and products that include cannabinoids, are unlawful to sell as ingestible products per the FDA. This includes CBD tinctures that are labeled for consumption.

### CAN VENDORS SELL MARIJUANA FLOWERS OR EDIBLES AT THE FARMERS MARKET?

No. The sale of marijuana products outside of a licensed facility or licensed marijuana establishment is not allowed unless the local municipality has local ordinances in place allowing such and permitted pursuant to a Marijuana Event License. The legal requirements for these businesses do not fit a typical farmers market setting. For more information on licensing and requirements, visit [www.michigan.gov/mra](http://www.michigan.gov/mra).

### CAN VENDORS SELL SMOKABLE HEMP FLOWER AT A FARMERS MARKET?

MDARD is not prohibiting the sale of smokable hemp by a licensed processor-handler. Currently, there are no labeling or packaging requirements for smokable hemp (which contains a THC level at or below 0.3%). Provided the market's rules and policies allow for the sale, it is legal to sell smokable hemp flower. Smokable marijuana flower (THC levels above 0.3%) is not legal for sale.

## CAN A VENDOR SELL VIABLE HEMP SEED, HEMP TRANSPLANTS, STARTS, SEEDLINGS, CLONES, ETC.?

Viable hemp seeds and plants may only legally be sold to other registered hemp growers or licensed processors and must be packaged and labeled in accordance with the MI Seed Law. Viable means that the seed is intended to produce a plant. Anyone who is not a registered hemp grower or licensed processor cannot purchase these products, including public farmers market patrons.

## DO I NEED A LICENSE TO BUY CBD FROM A LICENSED VENDOR AND ADD IT TO MY UNLICENSED PRODUCT, LIKE SOAP?

Yes, any vendor selling any CBD product or products with CBD as an ingredient must be licensed.

## CAN CBD PET TREATS BE SOLD AT A FARMERS MARKET?

CBD is not considered Generally Regarded As Safe (GRAS) by the FDA. Food items, including pet food, are considered adulterated if they contain unapproved ingredients like CBD. CBD cannot be included in animal feed or treats for animals to eat.<sup>5</sup>

## IS IT LEGAL TO MARKET CBD OIL AS MEDICINAL FOR PETS?

The FDA has not approved CBD for any use in animals. Therefore, it is also unlawful to market CBD oil as medicinal for pets.

## CAN A FARMERS MARKET SELL HEMP PRODUCTS, INCLUDING CBD, ONLINE FOR CURBSIDE PICK-UP?

While online sales are allowable, a market may only facilitate the sale and cannot accept money or reimburse the vendor for the sale of these products. If the market were to exchange money for the product at any point, it would be acting as a broker and would require licensing. Additional licensing questions can be sent to [MDARD-Industrialhemp@michigan.gov](mailto:MDARD-Industrialhemp@michigan.gov).

## ARE THERE LISTS OF HEMP GROWERS, PROCESSORS, OR HANDLERS AVAILABLE TO THE PUBLIC IN MICHIGAN?

No, this information is exempt from disclosure under PA 547 of 2014 and PA 220 of 2020, and MDARD is prohibited from disclosing it to the general public.<sup>6</sup>

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<sup>1</sup>Michigan Bureau of Licensing and Regulatory Affairs (2019) "Michigan Offers Guidance on CBD and Industrial Hemp." Available from <https://www.michigan.gov/lara/00,--493396-11472-154-0,4601,7.html>.

<sup>2</sup>Food and Drug Administration (2020) "What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD." Available from <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis>.

<sup>3</sup>Industrial Hemp Research and Development Act (2019). MCL 286.847. Available from [http://www.legislature.mi.gov/\(S\(ug4kp5ukm5fyz3egqux30pfj\)\)/mileg.aspx?page=getobject&objectname=mcl1847-286-](http://www.legislature.mi.gov/(S(ug4kp5ukm5fyz3egqux30pfj))/mileg.aspx?page=getobject&objectname=mcl1847-286-)

<sup>4</sup>Food and Drug Administration (2020) "FDA Regulation of Cannabis and Cannabis-Derived Products, Including Cannabidiol (CBD)." Available from <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#legaltosell>.

<sup>5</sup>Longanbach, D. (2020) "Processed Industrial Hemp and CBD Products: A Guide on Legality in Michigan." Available from [https://www.canr.msu.edu/contentAsset/raw-data/826a288e16-fe463-c84-ac4-da6b1808696/fileAsset?language\\_id=1](https://www.canr.msu.edu/contentAsset/raw-data/826a288e16-fe463-c84-ac4-da6b1808696/fileAsset?language_id=1).

<sup>6</sup>MSU Extension and MDARD (2019) "FAQ on Hemp Licensing and Regulation." Available from [https://content.govdelivery.com/attachments/MIDARD/10/12/2019/file\\_attachments/1340521/Industrial20%Hemp20%FAQs.pdf](https://content.govdelivery.com/attachments/MIDARD/10/12/2019/file_attachments/1340521/Industrial20%Hemp20%FAQs.pdf).

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