

**Michigan Office of Administrative Hearings and Rules**

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**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Licensing and Regulatory Affairs

**Division/Bureau/Office:**

Marihuana Regulatory Agency

**Name of person completing this form:**

Jessica Fox

**Phone number of person completing this form:**

517-284-9294

**E-mail of person completing this form:**

FOXJ12@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Elizabeth Arasim

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2019-71 LR

**Title of proposed rule set:**

Marihuana Infused Products and Edible Marihuana Product

**3. Purpose for the proposed rules and background:**

To provide one, cohesive set of rules for regulating marihuana licenses for both adult use and medical marihuana in the State of Michigan.

**4. Summary of proposed rules:**

The proposed topic-based rule sets are intended to provide clarity/consistency to those working in both the medical and adult use markets. The rule sets provide for the implementation of a program to license medical/adult use marihuana businesses. The rule sets implement, administer, and enforce appropriate standards for marihuana businesses and associated equipment and establish regulations ensuring the safety, security, and integrity of the operation of marihuana businesses.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

The Flint Journal (Pub: 1/28/20), The Grand Rapids Press (Pub: 1/28/20), The Mining Journal (Pub: 1/16/20)

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

2/1/2020

**7. Date, time, and location of public hearing:**

2/12/2020 09:30 AM at Auditorium , 525 West Ottawa Street, Lansing, Michigan

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

[https://dtmb.state.mi.us/ARS\\_Public/Transaction/RFRTransaction?TransactionID=15](https://dtmb.state.mi.us/ARS_Public/Transaction/RFRTransaction?TransactionID=15)

**9. List of the name and title of agency representative(s) attending public hearing:**

Executive Director Andrew Brisbo, Legal Analyst Kelly Kronner, Legal Analyst Jessica Fox, Legal Analyst Joshua Galicki

**10. Persons submitting comments of support:**

Michigan Cannabis Manufacturers Association  
 Dykema Gossett, PLLC  
 Choice Laboratories  
 Cannabis Business Association of Michigan  
 Michigan Coalition of Independent Cannabis Testing Laboratories  
 PSI Labs

**11. Persons submitting comments of opposition:**

None.

**12. Identify any changes made to the proposed rules based on comments received during the public comment period:**

	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for change</b>	<b>Rule number &amp; citation changed</b>
1	Michigan Cannabis Manufacturers Association		There is a safety concern in listing the address of the facility that packaged the product.	The agency agrees with this comment. 420.407(a) has been deleted and the following subsections re-lettered appropriately.	420.407
2	Dykema Gossett, PLLC		The definition of employee does not include professional services and should.	The agency agrees and makes this change for consistency with this change in other sections.	420.401(d)

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3	Choice Laboratories		“active ingredient” excludes industrial hemp and only determines active based upon THC level.	The agency agrees with this comment and has modified this section accordingly.	420.401(1)(a)
4	Cannabis Business Association of Michigan		The current rule does not allow for variability due to the precision of testing.	The agency agrees with this comment.	420.404
5	Dykema Gossett, PLLC		The current rule does not allow for variability due to the precision of testing.	The agency agrees with this comment.	420.404
6	Choice Laboratories		The rule needs to allow for variance.	The agency agrees with this comment.	420.404
7	Michigan Coalition of Independent Cannabis Testing Laboratories		The rule should allow for a variance in potency of 10%.	The agency agrees with this comment.	420.404
8	PSI Labs		The rule should allow for a variance in potency of 10%.	The agency agrees with this comment.	420.504(g)

**13.Date report completed:**

3/24/2020