

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

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Lansing, MI 48909
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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Marihuana Regulatory Agency

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Marihuana Declaratory Rulings

5. Rule numbers or rule set range of numbers:

R 420.821 - R 420.831

6. Estimated time frame:

12 months

Name of person filling out RFR:

JESSICA FOX

E-mail of person filling out RFR:

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Phone number of person filling out RFR:

517-284-9294

Address of person filling out RFR:

2407 North Grand River Avenue, Lansing Michigan

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

To promulgate a single rule set relating to requests for Declaratory Rulings under the Michigan Medical Marihuana Act (MMMA), Medical Marihuana Facilities Licensing Act (MMFLA), the Marihuana Tracking Act (MTA), the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and associated administrative rules. The creation of the rule set is also in an effort to create clarity about the requirements for a Declaratory Ruling within the MRA.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The Executive Director of the Agency is authorized to promulgate these rules.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The Executive Director of the Agency is authorized to promulgate these rules based upon Section 5 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26425; Section 206 of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27206; Sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; Section (3)(3) of The Marihuana Tracking Act, 2016 PA 282, MCL 333.27903(3); and Executive Reorganization Order No. 2019-2, MCL 333.27001.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with, duplicate, or exceed any other regulations. The rule set is meant to provide clarity in light of Michigan Administrative Code, R 338.81, titled Declaratory Rulings which is in the Office of Policy and Legislative Affairs rules and and Michigan Administrative Code and R 324.81 titled Declaratory Rulings which is in the Michigan Administrative Hearing System – Contested Case and Declaratory Ruling Procedures Rules.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with, duplicate, or exceed any other regulations. The rule set is meant to provide clarity in light of Michigan Administrative Code, R 338.81, titled Declaratory Rulings which is in the Office of Policy and Legislative Affairs rules and and Michigan Administrative Code and R 324.81 titled Declaratory Rulings which is in the Michigan Administrative Hearing System – Contested Case and Declaratory Ruling Procedures Rules.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

This is a Request for Rulemaking for a new rule set not for amending an existing rule set.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No