

**LARA Annual Regulatory Plan  
2023-2024**

Pursuant to PA 306 of 1969

**July 1, 2023**

Prepared by:

**Office of Policy and Legislative Affairs  
Michigan Department of Licensing  
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**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Executive Summary**

The Department of Licensing and Regulatory Affairs (LARA) is responsible for 177 rule sets. The 11 bureaus, commissions, and agencies in LARA will evaluate 74 rule sets for possible revision during the reporting period of July 1, 2023 to June 30, 2024.

During the last reporting period of July 1, 2022 to June 30, 2023, LARA completed the rule promulgation process for 42 rule sets.

A detailed Executive Summary for each LARA bureau, commission, and agency follows.

**Bureau of Community and Health Systems (BCHS)**

Number of rule sets the bureau is responsible for	16
Number of rule sets to be processed from 7.1.23 - 6.30.24	11
Number of rule sets promulgated from 7.1.22 - 6.30.23	6

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Community and Health Systems	Qualified Interpreter -General Rules [MOAHR # not assigned]	R 393.5001 – R 393.5095
Community and Health Systems	Licensing of Facilities (Psychiatric Hospital/Unit [MOAHR # not assigned]	R 330.1201 – R 330.1299
Community and Health Systems	Children’s and Adult Foster Care Camps [MOAHR # not assigned]	R 400.11101– R 400.11413
Community and Health Systems	Licensing Rules for Substance Use Disorders Service Program [2021-90 LR]	R 325.1301 – R 325.1399
Community and Health Systems	Adult Foster Care Family Homes [MOAHR # not assigned]	R 400.1401 – R 400.1442
Community and Health Systems	Adult Foster Care Congregate Facilities (21 or more) [MOAHR # not assigned]	R 400.2401 – R 400.2475
Community and Health Systems	Adult Foster Care Large Group Homes (13-20) [MOAHR # not assigned]	R 400.15101 – R 400.15411
Community and Health Systems	Adult Foster Care Small Group Homes (12 or less) [MOAHR # not assigned]	R 400.14101 – R 400.14601
Community and Health Systems	Certification of Specialized Programs [MOAHR # not assigned]	R 330.1801 – R 330.1809

Community and Health Systems	Fire Safety Rules for Adult Foster Care Family and Small Group Homes (6 or less) [MOAHR # not assigned]	R 400.2201 – R 400.2376
Community and Health Systems	New Single Proposed Rule Set for Licensing of Adult Foster Care Facilities [MOAHR # not assigned]	Rule numbers to be requested

**Bureau of Construction Codes (BCC)**

Number of rule sets the bureau is responsible for	27
Number of rule sets to be processed from 7.1.23 - 6.30.24	12
Number of rule sets promulgated from 7.1.22 - 6.30.23	7

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Construction Codes	Construction Code - Part 4. Building Code [2022-57 LR]	R 408.30401 - R 408.30499a
Construction Codes	Construction Code - Part 5. Residential Code [2022-16 LR]	R 408.30500 - R 408.30547g
Construction Codes	Construction Code - Part 7. Plumbing Code [2022-56 LR]	R 408.30701 - R 408.30796
Construction Codes	Construction Code - Part 8. Electrical Code [2022-59 LR]	R 408.30801 - R 408.30880
Construction Codes	Construction Code - Part 9a. Mechanical Code [2022-55 LR]	R 408.30901 - R 408.30998
Construction Codes	Construction Code - Part 10. Michigan Uniform Energy Code [2021-48 LR]	R 408.31001 - R 408.31086
Construction Codes	Construction Code - Part 10a. Michigan Energy Code [2021-49 LR]	R 408.31087 - R 408.31099
Construction Codes	Carnival and Amusement Safety [2021-99 LR]	R 408.801 - R 408.898
Construction Codes	Elevator [MOAHR # not assigned]	R 408.7001 - R 408.8695
Construction Codes	Michigan Rehabilitation Code for Existing Buildings [2022-58 LR]	R 408.30551 - R 408.30577
Construction Codes	Skilled Trades Regulation Rules [MOAHR # not assigned]	R 339.5101 - R 339.5412

Construction Codes	Subdivision of Lands [2020-12 LR]	R 560.101 - R 560.135
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**Bureau of Fire Services (BFS)**

Number of rule sets the bureau is responsible for	18
Number of rule sets to be processed from 7.1.23 - 6.30.24	3
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Fire Service	Fire Inspector Certification [2022-53 LR]	R 29.501 - R 29.508
Fire Services	Fireworks Safety General Rules [MOAHR # not assigned]	R 29.2901 R 29.2929
Fire Services	Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]	R 29.7001 - 29.7127

**Bureau of Professional Licensing (BPL)**

Number of rule sets the bureau is responsible for	49
Number of rule sets to be processed from 7.1.23 - 6.30.24	32
Number of rule sets promulgated from 7.1.22 - 6.30.23	23

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Professional Licensing	Accountancy – General Rules [2023-9 LR]	R. 338.5101 - 338.5503
Professional Licensing	Acupuncture [2023-33 LR]	R 338.13001 – 338.13045
Professional Licensing	Architects [MOAHR # not assigned]	R 339.15101 – 339.15507
Professional Licensing	Audiology [MOAHR # not assigned]	R 338.1 – 338.12
Professional Licensing	Barbers [2022-29 LR]	R 339.6001 – 339.6051
Professional Licensing	Chiropractic [MOAHR # not assigned]	R 338.12001 – 338.12054
Professional Licensing	Cosmetology	R 338.2101 – 338.2195

	[2022-19 LR]	
Professional Licensing	Dentistry [2021-40 LR]	R 338.11101 – 338.11821
Professional Licensing	Dentistry [MOAHR # not assigned]	R 338.11101 – 338.11821
Professional Licensing	Genetic Counseling [2023-29 LR]	R 338.2451 – 338.2481
Professional Licensing	Board of Midwifery [2023-31-LR]	R 338.17101 – 338.17141
Professional Licensing	Marriage and Family Therapy [2022-37 LR]	R 338.7201 – 338.7219
Professional Licensing	Medicine [2023-30 LR]	R 338.2401 – 338.2443
Professional Licensing	Nursing [2022-36 LR]	R 338.10101-338.10705
Professional Licensing	Nursing Home Administrators [2022-67 LR]	R 339.14001 – 339-14035
Professional Licensing	Optometry [2022 – 49 LR]	R 338.301 – 338.333
Professional Licensing	Osteopathic Medicine and Surgery [MOAHR # not assigned]	R 338.111 – 338.143
Professional Licensing	Pharmacy – Central Fill Pharmacies [2021-93 LR]	R 338.3051 – 3387.3056
Professional Licensing	Pharmacy – Continuing Education [2021-51 LR]	R 338.3501 – 338.3523
Professional Licensing	Pharmacy – Controlled Substances [2022-6 LR]	R 338.3101 – 338.3199q
Professional Licensing	Pharmacy – General Rules [2022-8 LR]	R 338.471 – 338.590
Professional Licensing	Pharmacy – General Rules [MOAHR # not assigned]	R 338.471 – 338.590
Professional Licensing	Pharmacy Program Utilization of Unused Prescription Drugs [2022-62 LR]	R 338.3601 – 338.3643
Professional Licensing	Pharmacy Technicians [2022-2 LR]	R 338.3651 – 338.3665
Professional Licensing	Physical Therapy [MOAHR # not assigned]	R 338.7101 – 338.7163
Professional Licensing	Professional Engineers [MOAHR # not assigned]	R 339.16001 – 339.16044
Professional Licensing	Professional Surveyors [MOAHR # not assigned]	R 339.17101 – 339.17509
Professional Licensing	Psychology	R 338.2501 – 338.2585

	[MOAHR # not assigned]	
Professional Licensing	Public Health Code – General Rules [MOAHR # not assigned]	R 338.7001 – 338.7005
Professional Licensing	Real Estate Appraisers [2023-32 LR]	R 339.23101 – 339.23405
Professional Licensing	Speech Language Pathology [2021-73 LR]	R 338.601 – 338.649

**Cannabis Regulatory Agency (CRA)**

Number of rule sets the bureau is responsible for	2
Number of rule sets to be processed from 7.1.23 - 6.30.24	1
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

Bureau	Rule Set Title	Rule Citation or Range
Cannabis Regulatory Agency	Marihuana Rules	R 420.1 – R 420.1004

**Child Care Licensing Bureau (CCLB)**

Number of rule sets the bureau is responsible for	2
Number of rule sets to be processed from 7.1.23 - 6.30.24	2
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

Bureau	Rule Set Title	Rule Citation or Range
Child Care Licensing	Licensing Rules for Child Care Centers	R 400.8101 – R 400.8840
Child Care Licensing	Licensing Rules for Family and Group Child Care Homes	R 400.1901 – R 400.1963

**Corporations, Securities, and Commercial Licensing (CSCL)**

Number of rule sets the bureau is responsible for	6
Number of rule sets to be processed from 7.1.23 - 6.30.24	3
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Corporations, Securities, and Commercial Licensing	Mortuary Science [2023-17 LR]	R 339.18901 – R 339.18947
Corporations, Securities, and Commercial Licensing	Limousine, Taxicab, and Transportation Companies [MOAHR # not assigned]	New rule set – MOAHR will assign new rule numbers
Corporations, Securities, and Commercial Licensing	Prepaid Funeral and Cemetery Sales Rules [MOAHR # not assigned]	R 339.11 – R 339.47

**Michigan Liquor Control Commission (MLCC)**

Number of rule sets the bureau is responsible for	16
Number of rule sets to be processed from 7.1.23 - 6.30.24	5
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Michigan Liquor Control Commission	Licensing Qualifications [2021-47 LR]	R 436.1129, R 436.1135, R 436.1141, and R 436.1142
Michigan Liquor Control Commission	Advertising [MOAHR # not assigned]	R 436.1329
Michigan Liquor Control Commission	On-Premises Licenses [MOAHR # not assigned]	R 436.1403 and R 436.1438
Michigan Liquor Control Commission	Off-Premises Licenses [MOAHR # not assigned]	R 436.1503
Michigan Liquor Control Commission	Beer [MOAHR # not assigned]	R 436.1633 and R 436.1635

**Michigan Office of Administrative Hearings and Rules (MOAHR)**

Number of rule sets the bureau is responsible for	7
Number of rule sets to be processed from 7.1.23 - 6.30.24	1
Number of rule sets promulgated from 7.1.22 - 6.30.23	0

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Michigan Office of Administrative Hearings and Rules	Administrative Hearing Rules [2021-84-LR]	R 792.10101 – R 792.10134  R 792.10203 – R 792.10299  R 792.10402 – R 792.10448  R 792.11201 – R 792.11209; R 792.11903

**Michigan Public Service Commission (MPSC)**

Number of rule sets the bureau is responsible for	27
Number of rule sets to be processed from 7.1.23 – 6.30.24	3
Number of rule sets promulgated from 7.1.22 – 6.30.23	5

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Michigan Public Service Commission	Electrical Supply and Communication Lines and Associated Equipment [MOAHR # not assigned]	R 460.811 - R 460.815
Michigan Public Service Commission	Responsibilities of Providers of Basic local Exchange Service that Cease to Provide the Service [MOAHR # not assigned]	R 484.1001 - R 484.1009
Michigan Public Service Commission	Michigan Gas Safety Standards [MOAHR # not assigned]	R 460.20101 - R 460.20606

**Michigan Unarmed Combat Commission (MUCC)**

Number of rule sets the bureau is responsible for	1
Number of rule sets to be processed from 7.1.23 - 6.30.24	1
Number of rule sets promulgated from 7.1.22 - 6.30.23	1

**LARA Rule Sets to Be Processed Between July 1, 2023 and June 30, 2024**

<b>Bureau</b>	<b>Rule Set Title</b>	<b>Rule Citation or Range</b>
Unarmed Combat Commission	Unarmed Combat [MOAHR # not assigned]	R 339.101 – R 339.403

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Bureau of Community and Health Systems (BCHS)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Licensing Rules for Substance Use Disorders Services Program [2021-90 LR]:** The administrative rules were revised in 2018. Additional requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process.

**Qualified Interpreter -General Rules [MOAHR # not assigned]:** Current administrative rules have not been revised since 2014. The rules will be revised to comport with today's professional standards, department practice, and content as established by MCL 393.508a related to procedures for application, testing, revocation, suspension, or limitation of certification, continuing education, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice.

**Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]:** Current administrative rules have not been revised since 1990. They need to be revised to comply with current statutory requirements and best practices.

**Children's and Adult Foster Care Camps [MOAHR # not assigned]:** Current administrative rules have not been revised since 2009. An ad hoc committee will review and recommend changes to modernize the language, rescind rules where appropriate, and update to comport with current industry practice standards as well as department practices.

**Adult Foster Care Family Homes [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**Adult Foster Care Congregate Facilities (21 or more) [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**Adult Foster Care Small Group Homes (12 or less) [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**Adult Foster Care Large Group Homes (13-20) [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**Certification of Specialized Programs [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**Fire Safety Rules for Adult Foster Care Family and Small Group Homes (6 or less) [MOAHR # not assigned]:** These rules will be rescinded in whole and replaced by a proposed single rule set for adult foster care facilities.

**New Single Proposed Rule Set for Licensing of Adult Foster Care Facilities [MOAHR # not assigned]:** This proposed rule set will replace the current adult foster care licensing rule sets that will be rescinded (listed above). Most of the rule sets listed above have undergone periodic review and revision. However, they have not undergone a comprehensive review and revision to comport with today's practice standards and to reflect the current organization of licensing functions. The Adult Foster Care Advisory Committee will review and make recommendations that the new rule set will be consistent across all types (unless differences are necessary), be uniform insofar as reasonable, be free of unnecessary state and regulatory language and eliminate unnecessary and obsolete rules.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Bureau of Community and Health Systems (BCHS) will recommend rescinding individual rules within the above referenced rule sets but cannot identify these rules until the rule sets are reviewed as a package. All rule sets are important to the licensing function of the bureau.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

BCHS has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Qualified Interpreters - General Rules are most problematic and will be revised to comport with today's professional standards.

- A. Describe whether there is a continued need for the rules.

Yes, there is continued need for the Qualified Interpreters - General Rules set as

statutory requirements for licensing are still in effect.

B. Provide a summary of any complaints or comments received from the public concerning the rules.

Comments received include that the rules are confusing and that requirements should be updated, such as the renewal and Video Remote Interpreters (VRI) specifications.

C. Describe the complexity of complying with the rules.

The complexity of complying with the above rule sets is somewhat complex based on the multifaceted nature of the program.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets are not in conflict with or duplicate federal or local government rules or regulations.

E. 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 regulatory activity covered by the rules.

The rules were last revised in 2014. Video remote Interpreting has increased since the pandemic and needs to be updated and addressed in the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Licensing%20and%20Regulatory%20Affairs&Bureau=Bureau%20of%20Community%20and%20Health%20Systems>

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training, Registration and Permit Program [2021-81 LR]:** The rules were filed with the Office of Great Seal on March 23, 2023 and took immediate effect.

**Homes for the Aged [2022-21 LR]:** The rules were filed with the Office of Great Seal on March 21, 2023 and took immediate effect.

**Adult Foster Care Family Homes [2022-45 LR]:** The rules were filed with the Office of the Great Seal on June 8, 2023 and took immediate effect.

**Adult Foster Care Congregate Facilities (21 or more) [2022-46 LR]:** The rules were filed with the Office of the Great Seal on June 8, 2023 and took immediate effect.

**Adult Foster Care Small Group Homes (12 or less) [2022-47 LR]:** The rules were filed with the Office of the Great Seal on June 9, 2023 and took immediate effect.

**Adult Foster Care Large Group Homes (13-20) [2022-48 LR]:** The rules were filed with the Office of the Great Seal on June 9, 2023 and took immediate effect.

**Outstanding:**

**Licensing Rules for Substance Use Disorders Services Program [2021-90 LR]:** May 4, 2023, proposed rules filed with JCAR.

**Qualified Interpreter - General Rules [MOAHR # not assigned]:** Current administrative rules have not been revised since 2014. The rules will be revised to comport with today's professional standards, department practice, and content as established by MCL 393.508a related to procedures for application, testing, revocation, suspension, or limitation of certification, continuing education, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice.

**Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]:** Current administrative rules have not been revised since 1990. They need to be revised to comply with current statutory requirements and best practices.

**Children's and Adult Foster Care Camps [MOAHR # not assigned]:** Current administrative rules have not been revised since 2009. An ad hoc committee will review and recommend changes to modernize the language, rescind rules where appropriate, and update to comport with current industry practice standards as well as department practices.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Bureau of Construction Codes (BCC)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Construction Code - Part 4. Building Code [2022-57 LR]:** The rules governing the construction, reconstruction, and alteration of existing buildings within the state are being updated by adopting the 2021 edition of the International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan.

**Construction Code - Part 5. Residential Code [2022-16 LR]:** The rules currently adopted by reference Chapters 1 and 2 of the International Residential Code. The bureau is revising the rules in Part 5. Residential Code to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act (1972 PA 230) and the Skilled Trades Regulation Act (2016 PA 407).

**Construction Code - Part 7. Plumbing Code [2022-56 LR]:** The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the 2021 edition of the International Plumbing Code with amendments, deletions, and additions deemed necessary for use in Michigan.

**Construction Code - Part 8. Electrical Code [2022-59 LR]:** The rules establish standards for the safe installation of electrical wiring and equipment to provide for the safety of the public and electricians. These rules will be updated by adopting the 2023 edition of the International Electrical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

**Construction Code - Part 9a. Mechanical Code [2022-55 LR]:** The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the 2021 edition of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

**Construction Code - Part 10. Michigan Uniform Energy Code [2021-48 LR]:** These rules will adopt the 2021 edition of the International Energy Conservation Code with amendments, deletions, and additions deemed necessary for use in Michigan.

**Construction Code - Part 10a. Michigan Energy Code [2021-49 LR]:** These rules will adopt the 2021 edition of the International Energy Conservation Code with amendments, deletions, and additions deemed necessary for use in Michigan. The commercial energy code rules will be reviewed to ensure consumers benefit from the most current technology related to energy conservation.

**Carnival and Amusement Safety [2021-99 LR]:** The rules which were established to provide for the inspection, licensing, and regulation of carnival and amusement rides; and to provide for the safety of the public using carnival and amusement rides will be updated with amendments, deletions, and additions deemed necessary for use in Michigan.

**Elevators [MOAHR # not assigned]:** The rules which establish administrative and operational procedures for implementation of the Elevator Safety Act of 1967 are being updated by adopting certain national standards.

**Michigan Rehabilitation Code for Existing Buildings [2022-58 LR]:** The proposed rules will adopt the 2021 edition of the International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. This will provide the latest standards to protect the health, safety, and welfare of the people by regulating the construction, reconstruction, and alteration of existing buildings within the state. Adoption of these standards may provide cost savings for building owners as a result of the use of the latest materials and technology.

**Skilled Trades Regulation [MOAHR # not assigned]:** This authority will complete the replacement of the previous rules promulgation authority under the five repealed Acts: Building Officials, Plan Reviewers, and Inspectors; Electrical Administrative Board Rules; Board of Mechanical Rules - License Examination Procedures; State Plumbing Board Licenses; and Michigan Boiler Rules.

**Subdivisions of Land [2020-12 LR]:** This rule set removes sections of the rule set that overreach the authority of the state, clarifying the approval path for a specific platting situation, and updating language and procedure to accept new technologies.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Not applicable.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No. The bureau has exercised its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

**Construction Code - Part 5. Residential Code [2022-16 LR]:** Representatives from the

industry submitted over 50 proposals to remove electrical requirements from the Michigan Residential Rules. Instead, the proposals were to implement electrical requirements in the Michigan Electrical Rules only.

**A. Describe whether there is a continued need for the rules.**

There is a continued need for the rules except for the electrical requirements that duplicate similar electrical rules and regulations contained within the Michigan Electrical Code.

**B. Provide a summary of any complaints or comments received from the public concerning the rules.**

Electrical professionals have expressed their concerns over having redundant electrical code requirements. Electrical professionals are trained in the requirements of the National Electrical Code, adopted as the Michigan Electrical Code, and not in the Michigan Residential Code. Therefore, electrical professionals are recommending electrical code requirements be applied only to the Michigan Electrical Code and rescinded from the Michigan Residential Code.

**C. Describe the complexity of complying with the rules.**

Complying with the rules involves a determination by inspectors as to which electrical requirements apply and which violations to cite.

**D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

The rule sets regulated by the bureau are not in conflict or duplicative of any federal or local government rules or regulations. All rules that are duplicated are normally rescinded from the rule set.

**E. 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 regulatory activity covered by the rules.**

**Construction Code - Part 4. Building [2022-57 LR]:** The rules are currently being evaluated. The department is adopting the 2021 code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 5. Residential Code [2022-16 LR]:** The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 7. Plumbing Code [2022-56 LR]:** The rules were last evaluated in 2021 and submitted to the Office of the Great Seal. The department is adopting the 2021 code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 8. Electrical Code [2022-59 LR]:** The rules are currently being evaluated. The department is adopting the 2023 code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 9a. Mechanical Code [2022-55 LR]:** The rules are currently being reviewed. The department is adopting the 2021 code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 10. Michigan Uniform Energy Code Rules [2021-48 LR]:** The rules were last evaluated in 2018. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Construction Code - Part 10a. Michigan Energy Code [2021-49 LR]:** The rules were last evaluated in 2018. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Carnival and Amusement Safety [2021-99 LR]:** The rules were last evaluated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Michigan Rehabilitation Code for Existing Buildings [2022-58 LR]:** The rules are currently being reviewed. The department is adopting the 2021 code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Subdivisions of Lands [2020-12 LR]:** The rules are currently being evaluated. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Rules not opened yet:**

**Elevators [MOAHR # not assigned]:** The rules were last evaluated in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

**Skilled Trades Regulation [MOAHR # not assigned]:** The rules were last evaluated in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[https://www.michigan.gov/lara/0,4601,7-154-89334\\_10575\\_17550\\_17583\\_85703---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_10575_17550_17583_85703---,00.html)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Board of Mechanical Rules - License Examination Procedures [2019-126 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**Electrical Administrative Board Rules [2019-110 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**Elevators [2019-138 LR]:** The rules were filed with the Office of the Great Seal on March 29, 2023 and took effect on June 27, 2023.

**Michigan Boiler Rules [2019-115 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**Skilled Trades Regulation Rules [2019-101 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**State Plumbing Board Licenses [2019-106 LR]:** The rules were filed with the Office of the Great Seal on April 26, 2023 and took effect on May 3, 2023.

**Outstanding:**

**Construction Code - Part 4. Building [2022-57 LR]**

**Construction Code - Part 5. Residential Code [2022-16 LR]**

**Construction Code - Part 7. Plumbing Code [2022-56 LR]**

**Construction Code - Part 8. Electrical Code [2022-59 LR]**

**Construction Code - Part 9a. Mechanical Code [2022-55 LR]**

**Construction Code - Part 10. Michigan Uniform Energy Code Rules [2021-48 LR]**

**Construction Code - Part 10a. Michigan Energy Code [2021-49 LR]**

**Carnival and Amusement Safety [2021-99 LR]**

**Michigan Rehabilitation Code for Existing Buildings [2022-58 LR]**

**Subdivisions of Lands [2020-12 LR]**

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Bureau of Fire Services (BFS)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Fire Inspector Certification - [2022-53 LR]:** The rules describe the methods by which fire inspectors are certified or revoked, including the appeals process; when delegation of authority occurs; the maintenance of certification via continued education; and the process by which continued education programs are approved. This rule set is antiquated and needs to be updated to remove items that are no longer supported and to better clarify other items.

**Fireworks Safety General Rules [MOAHR # not assigned]:** The Fireworks Safety Act (2011 PA 256) was amended by 2018 PA 634, which took effect on December 28, 2018. Because the current rule set does not reflect the requirements in the current statute, as amended, the Fireworks Safety General Rules are being revised to implement the provisions added by 2018 PA 634.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** The rules regulate the storage and handling of hydrogen. The rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** The rules regulate the storage and handling of hydrogen. The rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

**Fire Inspector Certification - [2022-53 LR]:** This rule set is antiquated and needs to be updated and to remove items that are no longer supported.

**Fireworks Safety General Rules [MOAHR # not assigned]:** The current rule set does not reflect some of the requirements in the current statute, as amended.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** This rule set regulates the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

**A. Describe whether there is a continued need for the rules.**

The Bureau of Fire Services has determined that there is a need for these rules to protect public health, safety, and welfare.

**B. Provide a summary of any complaints or comments received from the public concerning the rules.**

**Fireworks Safety General Rules [MOAHR # not assigned]:** The fireworks industry wants more restrictions on display fireworks.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** There has been a request to update a specific portion of the rules pertaining to testing.

**C. Describe the complexity of complying with the rules.**

**Fire Inspector Certification [2022-53 LR]:** Several changes have occurred in testing and the certification process.

**Fireworks Safety General Rules [MOAHR # not assigned]:** The current rule set does not align with some of the requirements in the amended law.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** The current rules do not adopt by reference a recognized national standard.

**D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

There is no conflict or duplication of similar rules or regulations.

- E. 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 regulatory activity covered by the rules.

**Fire Inspector Certification [2022-53 LR]:** Last evaluation: 2009. Considerable changes have occurred in the testing and certification process as well as the continuing education and program approval processes.

**Fireworks Safety General Rules [MOAHR # not assigned]:** Rule updates began in 2019 and a request for rulemaking was submitted and subsequently withdrawn. The current rule set does not align with some of the requirements in the amended law. A revised request for rulemaking will be resubmitted this year. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** The rules were updated in 2008 and references 1999 codes contained within pamphlets available at the time. The National Fire Protection Association (NFPA) has developed and issued a new, comprehensive standard accounting for updates to technology and understanding of the industry. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

Bureau of Fire Services main website can be found at this link: [www.michigan.gov/bfs](http://www.michigan.gov/bfs)  
A link to the Administrative Rulemaking System for Bureau of Fire Services can be found at this link: <https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Outstanding:**

**Fireworks Safety General Rules [MOAHR # not assigned]:**

The bureau anticipates a request for rulemaking will be submitted by October 2023.

**Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]:** The bureau anticipates a request for rulemaking will be submitted by October 2023.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Bureau of Professional Licensing (BPL) – Public Health Code Professions**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Acupuncture - General Rules [2023-33 LR]:** The rules will be reviewed to supply clarity on definitions, approved continuing education, and standards of competence in acupuncture. All rules will be reviewed, updated, and revised as needed.

**Audiology - General Rules [2023-37 LR]:** The rules will be reviewed to supply clarity on definitions, training, telehealth, licensure, limited licenses, clinical experience, examination, accreditation standards, relicensure, renewal, and continuing education for audiologists. All rules will be reviewed, updated, and revised as needed.

**Chiropractic - General Rules [2023-35 LR]:** The rules will be reviewed to supply clarity on definitions, education, licensure, and continuing education for chiropractors. All rules will be reviewed, updated, and revised as needed.

**Dentistry - General Rules [2021-40 LR]:** The proposed rules will update the licensing, delegation, education, anesthesia, continuing education, and specialties provisions of the rules, add telehealth requirements, endorsement for Canadian licensed dentists, and modify any other provisions necessary for consistency with the Public Health Code (1978 PA 368).

**Genetic Counseling - General Rules [2023-29 LR]:** The rules will be reviewed to supply clarity on definitions, telehealth, training, licensure, relicensure, renewal, continuing education, and certification for genetic counselors. All rules will be reviewed, updated, and revised as needed.

**Licensed Midwifery - General Rules [2023-31 LR]:** The rules will modify the drug formulary in the rules that lists the drugs that midwives may use in their scope of practice.

**Marriage and Family Therapy - General Rules [2022-37 LR]:** The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

**Medicine - General Rules [2023-30 LR]:** The rules will be reviewed to supply clarity on definitions, telehealth, prescribing of drugs, training, accreditation standards, licensure, educational limited licenses, examination, clinical academic limited licenses, relicensure, renewal, and continuing education for medical doctors. All rules will be reviewed, updated, and revised as needed.

**Nursing - General Rules [2022-36 LR]:** The rules will be reviewed to supply clarity on educational programs. All rules will be reviewed, updated, and revised as needed.

**Nursing Home Administrators - General Rules [2022-67 LR]:** The proposed rules will provide clarity pertaining to education, training, testing requirements, licensing, continuing education requirements and approved providers, and telehealth services. All rules will be reviewed, updated, and revised as needed.

**Osteopathic Medicine and Surgery - General Rules [2023-36 LR]:** The rules will be reviewed to supply clarity on definitions, telehealth, prescribing of drugs, training, accreditation standards, licensure, educational limited licenses, examination, relicensure, renewal, and continuing education for osteopathic medical doctors. All rules will be reviewed, updated, and revised as needed.

**Pharmacy - Continuing Education [2021-51 LR]:** The proposed rules will clarify the continuing education requirements, including the requirement for 1 hour of continuing education in pharmacy ethics and jurisprudence.

**Pharmacy - Controlled Substances [2022-6 LR]:** The proposed rules will update the requirements for controlled substance prescriptions, address transferring prescriptions between pharmacies, modify the schedules of controlled substances, clarify the requirements related to investigations of suspected theft or significant loss of a controlled substance, and update provisions pursuant to changes in the Public Health Code.

**Pharmacy - General Rules [2022-8 LR]:** Implement section 17744f of the Public Health Code, MCL 333.17744f, regarding dispensing emergency supplies of insulin, pursuant to 2021 PA 36, modify the internship requirements, update the compounding accreditation and inspection provisions, update rules affected by changes to the Code, federal regulations, or other pharmacy rules, review the professional and technical equipment and supply requirements, review the need for the Multistate Pharmacy Jurisprudence Examination and telehealth provisions.

**Pharmacy Program Utilization of Unused Prescription Drugs [2022-62 LR]:** The proposed rules establish, implement, and administer a statewide unused prescription drug repository and distribution program consistent with the public health and safety, where unused or donated prescription drugs, other than controlled substances, may be transferred from an eligible facility or manufacturer to a pharmacy or a charitable clinic that elects to participate in the program. The proposed rules will be updated.

**Pharmacy Technicians [2022-2 LR]:** The rules will address the shortage of pharmacy technicians, add a minimum examination passing score on employee based examinations; clarify the licensure requirements; clarify the requirements for a

temporary license; review the date of program accreditation; add a process for rescinding approval of an examination or program; clarify the requirements for relicensure; clarify the continuing education requirements; and clarify and broaden the activities and functions that may be delegated to a pharmacy technician.

**Speech-Language Pathology - General Rules [2021-73 LR]:** A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

**Dentistry - General Rules [MOAHR # not assigned]:** The proposed rules will clarify “course or program in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel”; clarify that only a dentist can diagnose; require a clinical academic limited licensee to meet a portion of the continuing education hours required for a full license holder; require a licensee with more than 1 specialty to have an additional 20 continuing education hours for each additional specialty; and address any other modifications necessary pursuant to legislation.

**Pharmacy - General Rules [MOAHR # not assigned]:** The rules will implement regulations as required by legislation.

**Physical Therapy - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity on definitions, telehealth, prescriptions, human trafficking training, program accreditation, examinations, licensure, endorsement, relicensure, requirements for graduates of non-accredited institutions, delegation, and professional development requirements. All rules will be reviewed, updated, and revised as needed.

**Psychology - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity on definitions, human trafficking training, educational standards, licensure, examinations, continuing education, and telehealth. All rules will be reviewed, updated, and revised as needed.

**Public Health Code - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity concerning the minimum English language standard and license and registration renewal dates. All rules will be reviewed, updated, and revised as needed.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

There were no rules that were obsolete or superseded that could be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

**Board of Pharmacy:** The Board of Pharmacy has seven different rule sets and is the board with the bureau's most extensive set of regulations. This is due in part to the nature of the profession. State of Michigan requirements are found in both Arts. 7 and 15 of the Public Health Code (1978 PA 368). Additionally, two different federal agencies, the Food and Drug Administration and the Drug Enforcement Administration, also regulate pharmacy practices. Technology relating to pharmacy practice is constantly being upgraded. Further, the regulation of the practice of pharmacy is related to the opioid epidemic, and regulation and best practices are constantly changing. It is difficult for the rules to keep up with these changes.

- A. Describe whether there is a continued need for the rules.

Administrative rules are required if the profession is required to be licensed or registered by the Public Health Code (1978 PA 368) as amended. The administrative rules ensure a board's ability to require the appropriate education and training to competently practice in the state and to effectively discipline licensees who violate the Public Health Code (1978 PA 368).

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

There have not been any complaints received from the public concerning these rules.

- C. Describe the complexity of complying with the rules.

BPL has not identified any rules to which compliance is considered particularly difficult.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets regulated by BPL are not in conflict or duplicative of federal or local government rules or regulations. Any rule that is duplicative of recent statutory changes will be rescinded.

- E. 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 regulatory activity covered by the rules.

**Acupuncture - General Rules: [2023-33 LR]:** The rules were last amended on November 21, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Audiology - General Rules: [2023-37 LR]:** The rules were last amended on March 28, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Chiropractic - General Rules: [2023-35 LR]:** The rules were last amended on March 28, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Dentistry - General Rules [2021-40 LR]:** The rules were last amended on April 26, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Genetic Counseling - General Rules: [2023-29 LR]:** The rules were last amended on March 22, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Licensed Midwifery - General Rules: [2023-31 LR]:** The rules were last amended on March 20, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Marriage and Family Therapy - General Rules [2022-37 LR]:** The rules were last amended on December 16, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Medicine - General Rules: [2023-30 LR]:** The rules were last amended on March 22, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Nursing - General Rules [2022-36 LR]:** The rules were last amended on May 24, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Nursing Home Administrators - General Rules [2022-67 LR]:** The rules were last amended on April 15, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Osteopathic Medicine and Surgery - General Rules [2023-36 LR]:** The rules were last amended on March 21, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Pharmacy - Continuing Education [2021-51 LR]:** The rules were last amended on December 22, 2020. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Pharmacy - Controlled Substances [2022-6 LR]:** The rules were last amended on January 6, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Pharmacy - General Rules [MOAHR # Not Assigned]:** The rules were last amended on February 22, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Pharmacy Technicians [2022-2 LR]:** The rules were last amended on October 19, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Program Utilization of Unused Prescription Drugs [2022-62 LR]:** The rules were last amended in 2014. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Physical Therapy - General Rules [MOAHR # not assigned]:** The rules were last amended on May 1, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Psychology - General Rules [MOAHR # not assigned]:** The rules were last amended on March 23, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Public Health Code - General Rules [MOAHR # not assigned]:** The rules were last amended on March 23, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate the amendment of the rules.

**Speech-Language Pathology - General Rules [2021-73 LR]:** The rules were last amended on April 15, 2021. There have been no technological factors or

economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

BPL recognizes the Michigan Office of Administrative Hearings and Rules' website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "Licensing and Regulatory Affairs" and "Professional Licensing" <https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>.

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Acupuncture - General Rules [2021-38 LR]:** The rule set was filed with the Office of the Great Seal on November 21, 2022.

**Athletic Training - General Rules [2021-78 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Audiology - General Rules [2022-32 LR]:** This rule set was filed with the Office of the Great Seal on March 29, 2023.

**Chiropractic - General Rules [2022-30 LR]:** This rule set was filed with the Office of the Great Seal on March 29, 2023.

**Counseling - General Rules [2021-58 LR]:** This rule set was filed with the Office of the Great Seal on April 26, 2023.

**Genetic Counseling - General Rules [2021-43 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Licensed Midwifery - General Rules [2020-129 LR]:** This rule set was filed with the Office of the Great Seal on March 21, 2023.

**Massage Therapy - General Rules [2021-71 LR]:** This rule set was filed with the Office of the Great Seal on November 21, 2022.

**Medicine - General Rules [2021-44 LR]:** This rule set was filed with the Office of the Great Seal on March 22, 2023.

**Occupational Therapists - General Rules [2021-85 LR]:** This rule set was filed with the

Office of the Great Seal on April 26, 2023.

**Optometry - General Rules [2022-49 LR]:** This rule set was filed with the Office of the Great Seal on May 19, 2023.

**Osteopathic Medicine and Surgery - General Rules [2021-54 LR]:** This rule set was filed with the Office of the Great Seal on March 22, 2023.

**Pharmacy - Central Fill Pharmacies [2021-93 LR]:** This rule set was filed with the Office of the Great Seal on May 19, 2023.

**Physical Therapy - General Rules [2022-15 LR]:** This rule set was filed with the Office of the Great Seal on May 1, 2023.

**Podiatric Medicine and Surgery - General Rules [2021-95 LR]:** This rule set was filed with the Office of the Great Seal on March 22, 2023.

**Psychology - General Rules (2022-14 LR):** This rule set was filed with the Office of the Great Seal on June 8, 2023.

**Public Health Code - General Rules [2022-17 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Respiratory Care - General Rules [2021-96 LR]:** This rule set was filed with the Office of the Great Seal on March 22, 2023.

**Sanitarians Registration - General Rules [2022-22 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Task Force on Physician's Assistants - General Rules [2022-4 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Veterinary Medicine - General Rules [2021-57 LR]:** This rule set was filed with the Office of the Great Seal on March 22, 2023.

**Outstanding:**

**Dentistry - General Rules [2021-40 LR]:** The rules were submitted to JCAR on March 30, 2023, and withdrawn with permission to make some corrections. Then, the revised JCAR package was submitted to JCAR on June 2, 2023. This rule set is at JCAR awaiting the expiration of the 15 joint session day review period. Estimated expiration date is August 23, 2023.

**Marriage and Family Therapy - General Rules [2022-37 LR]:** MOAHR approved the RFR.

**Nursing - General Rules [2022-36 LR]:** MOAHR approved the draft rules on May 10, 2023; however, they are being held to see the outcome of SB 279.

**Nursing Home Administrators - General Rules [2022-67 LR]:** The rules are still in the drafting stage.

**Pharmacy - Continuing Education [2021-51 LR]:** This rule set is at JCAR awaiting the expiration of the 15 joint session day review period. Estimated expiration date is Jun 14, 2023.

**Pharmacy - Controlled Substances [2022-6 LR]:** The rules are still in the drafting stage.

**Pharmacy - General Rules [2022-8 LR]:** A public hearing for this set was held on June 2, 2023.

**Pharmacy Program Utilization of Unused Prescription Drugs [2022-62 LR]:** A public hearing for this rule set is scheduled for July 13, 2023.

**Pharmacy Technicians [2022-2 LR]:** The JCAR package for this rule set was submitted to JCAR on May 25, 2023. This rule set is at JCAR awaiting the expiration of the 15 joint session day review period. Estimated expiration date is July 21, 2023.

**Speech-Language Pathology - General Rules [MOAHR #2021-73 LR]:** The rules are being held pending the outcome of HB 4101.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Bureau of Professional Licensing (BPL) – Occupational Code Professions**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Accountancy - General Rules [2023-9 LR]:** The rules will be reviewed to supply clarity on definitions, standards, document retention, examination, education, experience, privileges, permits, continuing education, renewal, relicensure, conduct, independence, competence, fees, commissions, and peer review for certified professional accountants. All rules will be reviewed, updated, and revised as needed.

**Barber Examiners - General Rules [2022-29 LR]:** The rules will be amended to identify the licensure examination adopted by the board in 2021. The rules will also be reviewed considering the recent statutory provision pertaining to barber apprenticeships. All rules will be reviewed, updated, and revised as needed.

**Cosmetology - General Rules [2022-19 LR]:** The rules will be amended to ensure that sanitation standards are clear and up to date. Amendments will also be made to clarify licensure, apprenticeship, cosmetology schools, and cosmetology establishments requirements. All rules will be reviewed, updated, and revised as needed.

**Architects - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity on definitions, education, experience, examination, relicensure, standards of conduct, the seal, license renewal, and continuing education requirements for architects. All rules will be reviewed, updated, and revised as needed.

**Professional Engineers - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity on definitions, education, experience, licensure, relicensure, examination, standards of conduct, the seal, license renewal, and continuing education requirements for professional engineers. All rules will be reviewed, updated, and revised as needed.

**Professional Surveyors - General Rules [MOAHR # not assigned]:** The rules will be reviewed to supply clarity on definitions, education, experience, examination, licensure, relicensure, standards of conduct, the seal, license renewal, and continuing education requirements for professional surveyors. All rules will be reviewed, updated, and revised as needed.

**Real Estate Appraisers - General Rules [2023 - 32 LR]:** Rule 339.23207 will be reviewed to determine if a market analysis by a real estate licensee that is submitted for the experience requirement meets USPAP standards 1 and 2.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

There were no rules that were obsolete or superseded that could be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

BPL has not identified any rules that are problematic to the industry or need to be revised to determine a more business-friendly approach.

- A. Describe whether there is a continued need for the rules.

The Occupational Code-related rules of BPL are required by statute. Therefore, there is a continued need for the rules.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

**Cosmetology - General Rules [2022-19 LR]:** A public hearing for this rule set was held on May 2, 2023. The suggested changes clarify the scope of practice for estheticians. Services that have been developed in recent years utilized blades, lasers and other techniques that do not comply with the scope or practice as written in statute. The estheticians wish to continue to offer these services but without an update to the statutory language, the techniques and instruments used are not permitted and are outside the scope of practice as currently defined.

- C. Describe the complexity of complying with the rules.

BPL has not identified any rules to which compliance is considered particularly difficult.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

**Accountancy - General Rules [2023-9 LR]:** The rules were last amended on November 21, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Architects - General Rules: [MOAHR # not assigned]:** The rules were last amended on May 1, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Barber Examiners - General Rules [2022-29 LR]:** The rules were last amended on November 4, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Cosmetology - General Rules [2022-19 LR]:** The rules were last amended on November 4, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Professional Engineers - General Rules [MOAHR # not assigned]:** The rules were last amended on May 2, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Professional Surveyors - General Rules [MOAHR # not assigned]:** The rules were last amended on May 2, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

**Real Estate Appraisers - General Rules [2023-32 LR]:** The rules were last amended on April 27, 2023. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

BPL recognizes the Michigan Office of Administrative Hearings and Rules' website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "Licensing and Regulatory Affairs" and "Professional Licensing" <https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>.

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Accountancy - General Rules [2021-46 LR]:** This rule set was filed with the Office of the Great Seal on November 21, 2022.

**Architects - General Rules [2022-25 LR]:** This rule set was filed with the Office of the Great Seal on May 1, 2023.

**Landscape Architects - General Rules [2022-23 LR]:** This rule set was filed with the Office of the Great Seal on March 23, 2023.

**Professional Engineers - General Rules [2022-26 LR]:** This rule set was filed with the Office of the Great Seal on May 2, 2023.

**Professional Surveyors - General Rules [2022-27 LR]:** This rule set was filed with the Office of the Great Seal on May 2, 2023.

**Real Estate Appraisers - General Rules [2021-52 LR]:** This rule set was filed with the Office of the Great Seal on April 27, 2023.

**Outstanding:**

**Barber Examiners - General Rules [2022-29 LR]:** The JCAR package for this rule set was submitted to JCAR on June 7, 2023, and is awaiting the expiration of the 15 joint session day review period. Estimated expiration date is August 24, 2023.

**Cosmetology - General Rules [2022-19 LR]:** A public hearing for this set was held on May 2, 2023.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Cannabis Regulatory Agency (CRA)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Marihuana Rules [2023-25 LR]:** Eleven former rule sets were combined into the Marihuana Rules rule set in February 2023. The rules need to be updated to revise definitions; to ensure applicant and licensee requirements, and the CRA’s authority to enforce those requirements, are clearly established in rule; to update requirements for marihuana business operations; and to clarify and strengthen sampling and testing requirements.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

No rules are superseded. The rules listed under Question 1 are amendments to existing rules. The rule set is not a candidate for rescission.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Rules are needed to establish clarity and consistency regarding marijuana, industrial hemp, cannabidiol (CBD) and other cannabinoid isomers in the industry. The CRA began the process of promulgating rules based upon 2020 PA 31, 2020 PA 32, 2020 PA 207, and 2020 PA 208 but withdrew the request for rulemaking after the public hearing. These rules will be included in promulgating the Marihuana Rules [2023-25 LR]

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The CRA has identified rules that were originally promulgated in the early days of the industry with the goal of protecting of the public. Over time, it has become clear that the specific concerns those rules were meant to address did not materialize and the burden caused by the rules is unnecessary. The agency will propose deleting those rules in the ongoing rulemaking process.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the licensing and regulation of marijuana facilities and establishments. Statutory requirements for licensing and for rule promulgation are still in effect.

- B.** Provide a summary of any complaints or comments received from the public concerning the rules.

Producers complained that the definition of 'production batch' prohibits the creation of commonly produced edible products. The CRA worked with the industry to create a solution under which the products could be produced.

- C.** Describe the complexity of complying with the rules.

The complexity of complying with the rules sets is average as the regulated industry is familiar and generally compliant with the rule requirements. It has been the intent of the CRA to simplify the complexity of complying with the rules by more closely aligning the requirements for adult-use marijuana licensees and medical marijuana licensees.

- D.** Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Marijuana remains federally illegal and so there are no federal rules or regulations that allow for commercial growing, processing, selling, testing, or transporting of marijuana. As a result, the rule sets do not conflict with or duplicate federal rules or regulations. The rules do not conflict with local government rules or regulations as MCL 333.27956 prohibits municipalities from adopting ordinances that conflict with rules promulgated under the Michigan Regulation and Taxation of Marijuana Act (Initiated Law 1 of 2018).

- E.** 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 regulatory activity covered by the rules.

The most recent substantive changes to the rules were effective March 7, 2022. Since then, retail prices of marijuana have continued to decline, though prices stabilized and slightly increased in the first quarter of 2023. Additionally, improvements to the statewide monitoring system should improve the ability to track marijuana products and comply with tracking requirements.

- 5.** Please provide the URL link the department or bureau is currently using to display their administrative rules.

<http://www.michigan.gov/cra/laws-rules-other>

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Outstanding:** The 2023 ARP identified eight rule sets to be processed. Those rule sets, along with three others, were combined into the Marihuana Rules in February 2023. A Request for Rulemaking for the Marihuana Rules was approved on May 1, 2023.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Child Care Licensing Bureau (CCLB)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Licensing Rules for Child Care Centers [MOAHR # not assigned]:** The administrative rules were last revised in 2022. Per requirements of MCL 722.112(2) of the Child Care Organizations Act (1973 PA 116), the rules are subject to a major review by an ad hoc committee not less than once every five years. An ad hoc committee will review and recommend changes to rescind rules where appropriate and necessary, update rules to support current industry needs, promote high standards and monitoring, and ensure the rules are enforceable and relevant. Additionally, new rule sets and/or new sections in the current rule set are under consideration for centers.

**Licensing Rules for Family and Group Child Care Homes [MOAHR # not assigned]:** The administrative rules were last revised in 2019. Per requirements of MCL 722.112(2) of the Child Care Organizations Act (1973 PA 116), the rules are subject to a major review by an ad hoc committee not less than once every five years. An ad hoc committee will review and recommend changes to rescind rules where appropriate and necessary, update rules to support current industry needs, promote high standards and monitoring, and ensure the rules are enforceable and relevant.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The bureau will recommend rescinding individual rules within the two rule sets referenced above; however, cannot identify these rules until the rule sets are reviewed. All of the bureau's rule sets are important to the licensing function of the bureau.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

To the bureau's knowledge, the bureau has not failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The bureau has identified the following rules from the Licensing Rules for Child Care

Centers and Licensing Rules for Family and Group Child Care Homes that incurred the most violations:

Licensing Rules for Child Care Centers:

- R 400.8125(1)
- R 400.8140(1)
- R 400.8140(2)(a)
- R 400.8140(2)(d)
- R 400.8155(1)(b)
- R 400.8158(2)(a)
- R 400.8158(2)(b)
- R 400.8158(4)
- R 400.8182(3)(a)

Licensing Rules for Family and Group Child Care Homes:

- R 400.1911(1)
- R 400.1910(1)
- R 400.1907(3)
- R 400.1906(1)(b)
- R 400.1905(3)(c)
- R 400.1908(1)
- R 400.1903(1)(e)
- R 400.1904a(2)(a)
- R 400.1904a(2)(b)
- R 400.1905(3)(a)
- R 400.1905(3)(b)

**A.** Describe whether there is a continued need for the rules.

The Child Care Organizations Act (1973 PA 116) requires a rule set for licensed child care centers, licensed child care family homes, and licensed child care group homes.

**B.** Provide a summary of any complaints or comments received from the public concerning the rules.

The public is concerned with the complexity of the rule sets, the difficulty in understanding the rules, limitations on hiring employees, and the cost to comply with the rules.

**C.** Describe the complexity of complying with the rules.

The administrative rule sets are complicated due to federal and state

requirements. This creates difficulty for some licensees and applicants to comply with some of the licensing requirements, such as recruiting and retaining qualified staff for required positions, necessary to be licensed.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

To the bureau's knowledge, the current rule sets for child care centers and child care family and group homes do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

The Licensing Rules for Child Care Centers were last revised in February 2022.

The Licensing Rules for Family and Group Child Care Homes were last revised in December 2019.

Ad hoc committees will review these rule sets and recommend changes to rescind rules where appropriate and necessary, update rules to support current industry needs, promote high standards and monitoring, and ensure the rules are enforceable and relevant.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

**Licensing Rules for Child Care Centers:** [R 400.8101 to 400.8840 \(michigan.gov\)](#)

**Licensing Rules for Family and Group Child Care Homes:** [BCAL PUB 724 \(1 16\).indd \(michigan.gov\)](#)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

The bureau did not have any items identified for action in the 2023 ARP.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Corporations, Securities, and Commercial Licensing Bureau (CSCL)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:**

CSCL is currently drafting a new rule set that will administer portions of the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). The new rules will add detail necessary for CSCL to implement and assist registrants in complying with the insurance and zero-tolerance policy requirements in the Act while also establishing auditing and complaint procedures. Furthermore, the rule set will require registrants to update their contact information and name should it change. CSCL continues to review the Act and how other states and jurisdictions regulate transportation companies to develop rules that better protect the health, safety, and welfare of consumers and facilitate registrants' knowledge of and compliance with the requirements of the Act.

**Mortuary Science [2023-17 LR]:** The proposed rule set will add standards for administering the new continuing education program as well as adding a rule to prohibit the use of arrangement centers; establish funeral establishment standards of practice; update license requirements, particularly as they relate to resident trainees; and remove irrelevant or outdated language. These proposed revisions reflect needed health, safety, and welfare reforms consistent with 2020 PA 265 and 2020 PA 138, which amended Art. 18 of the Occupational Code (1980 PA 299), effective March 24, 2021, and October 6, 2020, respectively. CSCL is finalizing a draft of this proposed rule set in consultation with the Board of Examiners in Mortuary Science to be filed with MOAHR, along with a Regulatory Impact Statement.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** CSCL determined that certain rules rescinded during the last revision of the Prepaid Funeral and Cemetery Sales rules resulted in the removal of rules necessary to protect consumers who have purchased prepaid contracts. Rescinded rule (R 339.32) required Prepaid Funeral and Cemetery Sales Act (1986 PA 255) registrants to submit an annual report of prepaid contract sales for the previous year to CSCL on a date certain every year. However, Sec. 8 of the Act, MCL 328.218, requires only that an annual report be submitted to CSCL upon the renewal of a registration every three years "on a form prescribed by" CSCL. It is necessary to review this information more often than every three years to ensure that customers' money is not being misappropriated and is timely deposited with an authorized escrow agent. In practice, the form prescribed by CSCL requires this report to be submitted to CSCL on a date certain every year, but CSCL would like to have a rule that affirms this practice and eliminates any perceived conflict between the form's language and the statutory language. Rescinded rule (R 339.22) required

registrants to maintain numbered, preprinted contracts in sequential order. Since the elimination of rule (R 339.22), several registrants' books and records fell into disarray, which makes CSCL audits more time-consuming and makes it more difficult for CSCL to allocate already limited resources to audit the books and records of funeral establishments, cemeteries, and crematories under the Prepaid Act. It also makes the cost of the audits, which may be borne by the registrant under the Act, up to \$1,000.00, higher. Restoration of rule (R 339.22) would require registrants to organize and maintain prepaid contracts in sequential order. This allows CSCL's auditors to efficiently and accurately audit a registrant's prepaid contract books and records while preventing future violations of the Act. Furthermore, CSCL plans to add mandatory prepaid contract language to rule (R 339.23) requiring that payments associated with an executed prepaid contract be payable to the name of the authorized escrow agent rather than to the registrant. This would prevent registrants from commingling money belonging to a contract buyer with a registrant's general business account.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

**Mortuary Science [2023-17 LR]:** R 339.18927, R 339.18930, and R 339.18933 would be rescinded under a draft proposed rule set. R 339.18937 would be rescinded, consistent with 2020 PA 138.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No, the Bureau has not failed to promulgate any statutorily required rules. CSCL determined that no rules are necessary to implement the Michigan Professional Employer Organization Regulatory Act (2020 PA 370), consistent with Sec. 25 of that Act, MCL 338.3745. The following statutes administered by CSCL without associated rule sets do not require the promulgation of rules: Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345), Professional Investigator Licensure Act (1965 PA 285), Private Security Business and Security Alarm Act (1968 PA 330), and the Vehicle Protection Product Act (2005 PA 263).

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

**Mortuary Science [2023-17 LR]:** Rules (R 339.18921) and (R 339.18922) would be revised in a proposed rule set to reflect national and industry-wide standards of practice for mortuary science. Rule (R 339.18937) would be rescinded to eliminate the absolute prohibition against a designated manager managing more than one

funeral establishment, consistent with 2020 PA 138.

**A. Describe whether there is a continued need for the rules.**

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** CSCL determined there is a need for rules to clarify the zero-tolerance and insurance requirements under the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345) and to protect the health, safety, and welfare of drivers and passengers who engage with companies that transport eight or fewer passengers for a fee while also promoting registrants' understanding of and compliance with the Act.

**Mortuary Science [2023-17 LR]:** There is a continued need for the rules to protect the health, safety, and welfare of the public, often in particularly vulnerable and time-sensitive circumstances, who purchase preneed or at-need funeral and cemetery goods and services from mortuary science practitioners regulated under the Occupational Code (1980 PA 299). The rules also protect the health and safety of the employees and guests of these establishments.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** There is a continued need for the rules to protect the welfare of persons having purchased or who benefit from prepaid contracts sold by registrants who may misappropriate or be tempted to misappropriate funds belonging to prepaid contract buyers under the Prepaid Funeral and Cemetery Sales Act (1986 PA 255). These registrants are also providers of the services and merchandise and are typically either funeral establishments separately licensed under the Occupational Code (1980 PA 299) or cemeteries separately registered under the Cemetery Regulation Act (1968 PA 251).

**B. Provide a summary of any complaints or comments received from the public concerning the rules.**

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** Currently, there is no rule set under the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). Thus, CSCL received no public complaints or comments.

**Mortuary Science [2023-17 LR]:** CSCL is actively revising rules in consultation with the Board of Examiners in Mortuary Science to be filed with MOAHR. MOAHR approved the Request for Rulemaking (RFR) for this rule set on March 9, 2023. CSCL received no public complaints or comments.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** Discussion regarding proposed rule revisions continues internally within CSCL, and draft

rules have not yet been submitted to relevant consumer and industry groups. CSCL received no public complaints or comments regarding this rule set.

C. Describe the complexity of complying with the rules.

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** The rules CSCL is considering would make it easier for registrants to determine how to comply with the Limousine, Taxicab, and Transportation Network Company Act's zero-tolerance policy and insurance requirements.

**Mortuary Science [2023-17 LR]:** Compliance with the education, training, and standard of practice requirements within the rules can be complex. Licensed individuals must adhere to best practices developed by the mortuary science industry alongside public health and safety requirements and many other federal, state, and local laws separately administered by a variety of governmental agencies affecting the care, custody, and transportation of dead human bodies. The rules CSCL is drafting would help it more effectively assist licensed individuals in navigating these complexities and ensuring the health, safety, and welfare of the employees of a funeral establishment and the public.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** Compliance with the Prepaid Funeral and Cemetery Sales Act (1986 PA 255) is complex due to the need to protect consumers that purchase prepaid contracts while also balancing the interests of the sellers and providers of prepaid funeral and cemetery services and merchandise to efficiently operate their businesses, particularly where profit margins have decreased due to customers increasingly choosing direct cremation over more costly burials, viewings, and elaborate funeral services.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** The rules would not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

**Mortuary Science [2023-17 LR]:** The current rules and proposed amendments do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** The current rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. 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 regulatory activity covered by the rules.

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** A potential rule set was last evaluated in February 2020. Limousine carriers, taxicab carriers, and transportation network companies have seen a reduction in demand for their services due to COVID-19. With the advent of vaccination drives, the increased need for transportation to testing sites and to seek medical treatment, the lifting of COVID-19 restrictions, and proposed changes to the Insurance Code of 1956 (1956 PA 218), it warrants taking a fresh look at this rule set.

**Mortuary Science [2023-17 LR]:** CSCL began drafting a rule set in consultation with the Michigan Board of Examiners in Mortuary Science in November 2018. However, following the passage of 2020 PA 138 and 2020 PA 265, additional revisions became necessary. In addition, over the last several years, CSCL has increased inspections, audits, and enforcement of Art. 18 of the Occupational Code (1980 PA 299) and the Mortuary Science rules due to several notable complaints involving egregious violations of health and safety requirements and the misappropriation of prepaid contract funds.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** The Prepaid Funeral and Cemetery Sales rules were last evaluated in April of 2021. COVID-19 has had an economic and occupational health impact on the deathcare industry. While designated as essential businesses and experiencing an influx of requests for their services during the pandemic, funeral homes, crematories, and cemeteries had to adjust their business practices to protect their employees and their customers alike from exposure to COVID-19. Before the COVID-19 pandemic, cremations were already on the rise while burials, visitations, and elaborate funeral services declined, making it difficult for smaller cemeteries to sustain their businesses due to a lack of or appreciably less prepaid contract sales.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://www.michigan.gov/lara/bureau-list/cscl/licensing/prof> (links embedded in each licensed professional's page)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

None.

**Outstanding:**

**Mortuary Science [2023-17 LR]:** MOAHR approved the RFR for this rule set on March 9, 2023. CSCL is drafting proposed rules in consultation with the Board of Examiners in Mortuary Science.

**Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]:** CSCL anticipates filing an RFR between July 1, 2023, and June 30, 2024.

**Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]:** CSCL anticipates filing an RFR between July 1, 2023, and June 30, 2024.

**Department of Licensing and Regulatory Affairs  
Annual Regulatory Plan 2023-2024**

**Michigan Liquor Control Commission (MLCC)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Licensing Qualifications Rules [2021-47 LR]:** Current administrative rule (R 436.1141) needs to be rescinded as the quota requirements are superseded by statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58) to include specially designated distributor (SDD) quota requirements in MCL 436.1533. Additionally, the references to administrative rules (R 436.1141 in R 436.1142) should be changed to reference MCL 436.1533(4) in the Michigan Liquor Control Code of 1998 (1998 PA 58). Furthermore, since the latest updates of administrative rules (R 436.1129 and R 436.1135) in 2005, various statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58) supersede the approved type businesses and motor vehicle fuel pumps prohibitions contained in these administrative rules. In addition to these revisions, the prohibition of the issuance of an SDD license within 2,640 feet of an existing SDD should be reestablished. This can be accomplished with the amendments to the existing administrative rule (R 436.1135).

**On-Premises Licenses Rules - Hours and Days of Operation [MOAHR # not assigned]:** Current administrative rule (R 436.1403) needs to be updated based upon statutory changes to MCL 436.2111 and MCL 436.2113 in the Michigan Liquor Control Code of 1998 (1998 PA 58) regarding hours of sale and Sunday sales permits.

**Off-Premises Licenses Rules - Hours and Days of Operation [MOAHR # not assigned]:** Current administrative rule (R 436.1503) needs to be updated based upon certain statutory changes to MCL 436.2111 and MCL 436.2113 in the Michigan Liquor Control Code of 1998 (1998 PA 58) regarding Sunday sales permits.

**Beer Rules - Sale or Delivery Restrictions [MOAHR # not assigned]:** Current administrative rule (R 436.1635) needs to be corrected to clearly indicate that deliveries are not allowed on Sunday, as opposed to the current language that has been interpreted as not allowing Sunday deliveries, but references Saturday deliveries as written.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

**Advertising Rules - Displays [MOAHR # not assigned]:** Current administrative rule (R 436.1329) should be rescinded due to the enactment of statutory changes to the Michigan Liquor Control Code of 1998 (1998 PA 58) in 2017 and 2020 that includes

temporary bin display requirements in MCL 436.1610b that supersedes the administrative rule and renders it obsolete. This administrative rule is no longer necessary and is a strong candidate for rescission.

**On-Premises Licenses - Sale of Unlimited Quantity [MOAHR # not assigned]:** Current administrative rule (R 436.1438) should be rescinded due to the enactment of statutory changes in 2020 to the Michigan Liquor Control Code of 1998 (1998 PA 58) to include restrictions on the sale of an unlimited quantity of alcoholic liquor for one price and the sale of three or more drinks for one price in MCL 436.2014 that supersedes the administrative rule and renders it obsolete. In one instance, statute conflicts with the administrative rule. This administrative rule is no longer necessary and is a strong candidate for rescission.

**Beer Rules - Damage Refunds [MOAHR # not assigned]:** Current administrative rule (R 436.1633) should be rescinded due to the enactment of statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58) in 2018 and 2020 to include the reasons for refund or replacement of beer in MCL 436.1609c that supersedes the administrative rule and renders it obsolete. This administrative rule is no longer necessary and is a strong candidate for rescission.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Michigan Liquor Control Commission has not failed to promulgate any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The alcoholic beverage industry interests are not only divided into a three-tier system (manufacturers, wholesalers, and retailers) but interests are also divided into applicants for alcoholic beverage licenses and those who hold alcoholic beverage licenses. Therefore, what may be problematic to an applicant may be advantageous to a current license holder. Likewise, what may be sought after by the retail licensed tier may be objectionable to the manufacturer or wholesaler licensed tier. Consequently, it is complicated to identify what is problematic to the industry.

- A. Describe whether there is a continued need for the rules.

The General Rules, Licensing Qualification Rules, Advertising Rules, Hearings and Appeals Practice Rules, Church or School Hearings, Declaratory Rulings, and Financial Responsibility Rules overall apply to persons licensed in all tiers of the alcoholic beverage industry (manufacturers, wholesalers, and retailers). The

remaining administrative rule sets apply to specific subsets of licensees as follows: Special License Rules (pertain to non-profit organizations for lawful fundraising events); Special Permit Rules (pertain to hospitals, charitable institutions, and military establishments located in the state for the purchase of spirits for their own use); On-Premises Rules (pertain to licensees that sell alcoholic liquor for on premises consumption such as restaurants, bars, nightclubs, etc.); Off-Premises Rules (pertain to licensees that sell alcoholic liquor for consumption off the premises such as grocery stores, drug stores, convenience food stores, etc.); Beer Rules (pertain to outstate sellers, wholesalers and brewers); Wine Rules (pertain to manufacturers, wholesalers, and outstate sellers); Spirit Rules (pertain to authorized distribution agents, sellers of alcohol, industrial manufacturers, and limited alcohol buyers); and Vendor Representative and Salesperson Rules (pertain to persons employed by manufacturers, outstate sellers, and wholesalers to assist in the sale, delivery, and promotion of alcoholic beverages). These administrative rule sets are important to the mission and function of the agency.

**B.** Provide a summary of any complaints or comments received from the public concerning the rules.

There have been no complaints or comments from the public regarding the rules.

**C.** Describe the complexity of complying with the rules.

Complying with the above-referenced administrative rule sets is somewhat complex based upon the multifaceted nature of the industry. The Michigan Liquor Control Commission has provided resources and guidance on its web site to assist applicant and licensees in complying with the rules and regulations.

**D.** Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Beer, Wine, and Spirits rule sets incorporate federal statutes relative to obtaining basic permits and/or labeling requirements as a condition for obtaining manufacturing licenses and label approval for alcoholic liquor products sold in Michigan.

**E.** 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 regulatory activity covered by the rules.

R 436.1045 of the General Rules was rescinded effective July 11, 2022.  
R 436.1319 of the Advertising Rules was rescinded effective March 1, 2021.

R 436.1133 of the Licensing Qualifications Rules was rescinded effective April 17, 2018.

R 436.1117 of the Licensing Qualifications Rules was rescinded effective May 12, 2017.

The General Rules were updated in 2016; the Beer Rules were updated in 2017; and the Wine Rules were updated in 2017.

The last major revisions of the remaining administrative rule sets were completed in 2000 and 2004.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Liquor Control Commission has two primary links to the existing administrative rules. The first link is on the main page of the MLCC website and is titled [Code and Rule Book](#).

The second link is titled [Administrative Rules \(MOAHR Website\)](#) in the Commission Documents Library under Commission Codes and Rules. This link takes you to the MOAHR page search for the Michigan Administrative Code.

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Michigan Liquor Control Commission General Rules [MOAHR # not assigned]:** Public Act 136 of 2022 amended the Michigan Liquor Control Code of 1998 (1998 PA 58) to add a new section to the code, MCL 436.1552. Subsection (7) of the new statute provided that the administrative rule on dispensing equipment, furniture, or equipment (R 436.1045) be rescinded effective July 11, 2022. The Michigan Liquor Control Commission submitted a letter to the Michigan Office of Administrative Hearings and Rules on July 12, 2022 requesting that the General Rules be revised to rescind administrative rule (R 436.1045) effective immediately.

**Outstanding:**

**Licensing Qualifications Rules [2021-47 LR]:** Current administrative rule (R 436.1141) needs to be rescinded as the quota requirements are superseded by statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58) to include specially designated distributor (SDD) quota requirements in MCL 436.1533. Additionally, the references to current administrative rules (R 436.1141 in R 436.1142) should be

changed to reference MCL 436.1533(4) in the Michigan Liquor Control Code of 1998 (1998 PA 58). Furthermore, since the latest updates of administrative rules (R 436.1129 and R 436.1135) in 2005, various statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58) supersede the approved type businesses and motor vehicle fuel pumps prohibitions contained in these rules. In addition to these revisions, the prohibition of the issuance of an SDD license within 2,640 feet of an existing SDD should be reestablished. This can be accomplished with the amendments to existing rule (R 436.1135). There have been ongoing discussions with stakeholders regarding whether the prohibition of the issuance of an SDD within 2,640 feet of an existing SDD should be reestablished.

**On-Premises License Rules - Hours and Days of Operation [MOAHR # not assigned]:**

Current administrative rule (R 436.1403) needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58).

**Off-Premises License Rules - Hours and Days of Operation [MOAHR # not assigned]:**

Current administrative rule (R 436.1503) needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58).

**Beer Rules - Sale or Delivery Restrictions [MOAHR # not assigned]:** Current administrative rule (R 436.1635) needs to be corrected to clearly indicate that deliveries are not allowed on Sunday, as opposed to the current language that has been interpreted as not allowing Sunday deliveries, but actually references Saturday deliveries as written.

**Spirits Rules - Industrial Manufacturer [MOAHR # not assigned]:** Current administrative rule (R 436.1811) needs to be updated as the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) no longer issues basic permits under the Federal Alcohol Administration Act for a manufacturer that secures alcohol and alcoholic liquor for non-beverage purposes and bonds are no longer required in the Michigan Liquor Control Code of 1998 (1998 PA 58) for any manufacturer license.

**Department of Licensing and Regulatory Affairs  
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**Michigan Office of Administrative Hearings and Rules (MOAHR)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Administrative Hearing Rules [MOAHR # 2021-84 LR]:** The general purpose of the rule set is to govern the practice and procedures for all administrative hearings conducted by MOAHR, allowing for different procedures in specific types of hearings. The purpose of the proposed changes is to refine certain rules to clarify current practices, reflect statutory changes and department reorganizations, eliminate duplicative or unnecessary rules, and promote greater efficiency and fairness.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R 792.10414 is being rescinded during the rules process.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

MOAHR has not failed to promulgate or utilize any statutorily required rules.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MOAHR rules are procedural rather than substantive, and MOAHR is not aware that any of the rules are problematic to any industries.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the rules to address the practice and procedure for the different case types handled by MOAHR.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

MOAHR is not aware of any complaints from the public concerning the rules, although some comments have been received that have prompted a review of certain rules to promote greater efficiency.

C. Describe the complexity of complying with the rules.

Because the Administrative Hearing Rules provide procedural safeguards for the parties to administrative hearings before MOAHR, and because the parties who practice before the agency regularly are generally familiar with the applicable rules, the complexity of complying with the rules is minimal.

D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Administrative Hearing Rules did not conflict with applicable federal requirements when they were adopted, and proposed rule revisions will ensure continued compliance with any applicable federal procedural requirements. Rules adopted by local units of government would not apply to MOAHR administrative proceedings.

E. 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 regulatory activity covered by the rules.

This rules set was last reviewed in 2022. The administrative hearings process (the regulatory activity covered by this rules set) has improved from a technological standpoint with electronic filing and remote video and telephone hearing capabilities but otherwise remains unchanged. The process has also changed due to the transfer of certain aspects of the process from MOAHR to other agencies by executive reorganization order(s).

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[ARS Public - MI Admin Code for Licensing and Regulatory Affairs - Michigan Office Of Administrative Hearings and Rules \(state.mi.us\)](https://www.state.mi.us/ars-public)

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

All proposed revisions to the Administrative Hearing Rules identified in the 2023 ARP remain outstanding, as indicated above.

**Department of Licensing and Regulatory Affairs  
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**Michigan Public Service Commission (MPSC)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Electrical Supply and Communication Lines and Associated Equipment [MOAHR # not assigned]:** The rules will be amended to adopt by reference the most current standards of the National Electrical Safety Code, being the 2023 edition.

**Responsibilities of Providers of Basic local Exchange Service that Cease to Provide the Service [2023-28-LR]:** Pursuant to MCL 484.2202, the current rules sunset on March 21, 2024, and the Commission is authorized to repromulgate the rule set. With this rulemaking, the Commission seeks to repromulgate the rule set with some minor changes and to add rules that address the information providers of basic local exchange service are required to provide to the Commission under MCL 484.2313 when seeking to discontinue service.

**Michigan Gas Safety Standards [2023-19-LR].** The rules are being amended to adopt by reference the most current standards.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Commission is not aware of any rules that are obsolete or superseded, or that are candidates for rescission at this time.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

**Alternative Gas Suppliers** (Authority: MCL 460.9(8)). The Commission may adopt rules regarding the regulation of alternative gas suppliers and natural gas utilities with regard to customer choice issues, including the unauthorized switching of customers, billing for unauthorized services, and the licensing of alternative gas suppliers. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

**Siting Transmission Lines** (Authority: MCL 460.574). The Commission may adopt rules regarding the siting of major transmission lines. The Commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

**Wastewater** (Authority: MCL 460.6(2)). The Commission may regulate the rates, fares, fees, and charges of private, investor-owned wastewater utilities. The Commission has not yet been approached by a wastewater project to be regulated under this statutory provision.

**Clean, Renewable, and Efficient Energy Rules** (Authority: MCL 460.1191(2)). Implementation of 2008 PA 295 was carried out through the temporary order provided for under MCL 460.1191(1). The Commission does not contemplate any rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Commission is currently unaware of any rules that are particularly problematic to industry. All rules are promulgated after extensive stakeholder involvement. The electric and gas safety and technical standards require regular updates to keep up with mandated federal standards and changes in communications and technology; and certain telecommunications rules require regular re-promulgation because they will otherwise sunset.

- A. Describe whether there is a continued need for the rules.

Not applicable – please see answer to No. 4.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

Not applicable – please see answer to No. 4.

- C. Describe the complexity of complying with the rules.

Not applicable – please see answer to No. 4.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable – please see answer to No. 4.

- E. 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 regulatory activity covered by the rules.

Not applicable – please see answer to No. 4.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://www.michigan.gov/mpsc/regulatory/administrative-rules-laws>

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Electric Interconnection and Net Metering Standards [2020-95 LR]:** This rule set was filed with the Office of the Great Seal on April 25, 2023 and took immediate effect.

**Interconnection and Distributed Generation Standards [2020-96 LR]:** This rule set was filed with the Office of the Great Seal on April 25, 2023 and took immediate effect.

**Service Quality and Reliability Standards for Electric Distribution Systems [2021-76 LR]:** This rule set was filed with the Office of the Great Seal on April 10, 2023 and took immediate effect.

**Technical Standards for Electric Service [2021-77 LR]:** This rule set was filed with the Office of the Great Seal on April 10, 2023 and took immediate effect.

**Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR]:** This rule set was filed with the Office of the Great Seal on April 10, 2023 and took immediate effect.

**Outstanding:**

None.

**Department of Licensing and Regulatory Affairs  
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**Michigan Unarmed Combat Commission (MUCC)**

1. Rule(s) to be **processed** between July 1, 2023 and June 30, 2024.

**Unarmed Combat [MOAHR # not assigned]:** The MUCC has begun working with Corporations, Securities, and Commercial Licensing bureau (CSCL) to draft a new rule set for unarmed combat. These rules aim to implement certification and training requirements for event officials, explore the addition of an apprenticeship program, and explore revisions that could improve the health and safety requirements at unarmed combat events. A Request for Rulemaking (RFR) for this rule set has not been submitted to MOAHR.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2023 and June 30, 2024. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The MUCC has not identified rules that are obsolete or superseded and can be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No; the MUCC has not failed to promulgate any statutorily required rules. However, the MUCC aims to more fully develop R 339.269 related to drug and alcohol testing, as required by Sec. 47(2) of the Michigan Unarmed Combat Regulatory Act (2004 PA 403), MCL 338.2647(2), in the future. More specifically, the statute requires the promulgation of rules that provide for “specific summary suspension procedures for contestants who fail to submit to” a test or who test positive for certain drugs, alcohol, or other prohibited substances. The MUCC may also promulgate rules prohibiting or defining specific types of prohibited drugs or substances beyond those included in Sec. 48(5)(a) of the Act, MCL 338.3648(5)(a), and R 339.101(d).

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MUCC is working with CSCL to draft a new rule set for unarmed combat. In the process of doing so, the current rules will be reviewed if they pose problems to the industry.

- A. Describe whether there is a continued need for the rules.

There is a continued need for the Unarmed Combat rules to protect the health, safety, and welfare of unarmed combat contestants and event participants. The latest revision of this rule set that took effect on March 21, 2023 and was needed to add specific rules of engagement for emerging unarmed combat sports and to increase the competitiveness and integrity of all unarmed combat sporting events held in Michigan.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

**Unarmed Combat [MOAHR # not assigned]:** The MUCC and CSCL are drafting an RFR to be submitted to MOAHR with revisions to the current rules being drafted after MOAHR approves the RFR. Public comments have not yet been received.

- C. Describe the complexity of complying with the rules.

Complying with the Unarmed Combat rules is complex because of the need for promoters and their hired event officials to ensure the health, safety, and welfare of contestants while balancing the interest of promoters in increasing the amount and expanding the types of unarmed combat events in Michigan.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Unarmed Combat rule set does not conflict with similar rules or regulations adopted by federal or local units of government. But it derives much of its content from the Association of Boxing Commissions and Combative Sports' unified rules and the national consortium of unarmed combat regulators, consistent with requirements of Sec. 22(2) of the Michigan Unarmed Combat Regulatory Act (2004 PA 403), MCL 338.3622(2). In addition, as to professional boxing, the rules are consistent with the federal Muhammad Ali Boxing Reform Act (15 USC §6301 et seq.), which was enacted in 2000. That Act brought about positive nationwide reforms to the boxing industry to reign in the financial exploitation of boxers and to better ensure their safety. It was a result of this law that the Association of Boxing Commissions and Combative Sports was compelled to develop unified rules for jurisdictions to adopt and customize.

- E. 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 regulatory activity covered by the rules.

The MUCC worked on the Unarmed Combat rule set in conjunction with CSCL

over the course of many months beginning in late 2020. The rules were last reviewed in their entirety in March 2021 around the time Michigan reached a critical COVID-19 vaccination milestone leading to the easing of pandemic health and safety requirements and guidelines applicable to contact sports. In doing so, the rules were evaluated by carefully weighing economic conditions and regulatory shortfalls. The last revision of this rule set, which took effect on March 21, 2023 sought to elevate the integrity and competitiveness of all unarmed combat sports and added rules of engagement that will allow the nationally emerging unarmed combat sports of muay thai and kickboxing to safely be promoted in Michigan for the first time.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://www.michigan.gov/lara/bureau-list/ucc>

6. Please provide a list of the items identified for action in the 2023 ARP that have been completed and those that remain outstanding.

**Completed:**

**Unarmed Combat [2020-131 LR]:** The rule set was filed with the Office of the Great Seal on March 21, 2023 and took immediate effect.