

**Michigan Office of Administrative Hearings and Rules**

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

**1. Agency Information**

**Agency name:**

Licensing and Regulatory Affairs

**Division/Bureau/Office:**

Marijuana Regulatory Agency

**Name of person completing this form:**

JESSICA FOX

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

517-284-9294

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

FOXJ12@michigan.gov

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

Elizabeth Arasim

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2020-119 LR

**Title of proposed rule set:**

Marihuana Infused Products and Edible Marihuana PProducts

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

To update the existing rules and codify the standards for product viability and expiration.

**4. Summary of proposed rules:**

The rule changes are designed to create greater consistency with updated standards in the production, handling, and labeling of marihuana product and to create continued cohesion between these practices in both medical and adult-use marihuana businesses.

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

The Flint Journal – September 7, 2021

The Grand Rapids Press – September 7, 2021

The Mining Journal – September 7, 2021

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

9/1/2021

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

9/27/2021 09:30 AM at Williams Building, 1st Floor Auditorium , 525 West Ottawa Street, Lansing, Michigan

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

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1245>

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

Andrew Brisbo – Executive Director

Jessica S. Fox – Departmental Analyst, Scientific & Legal Section

Kelly Kronner – Departmental Analyst, PR Section

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

NORML

Shryne

Cannabis Law Section – Special Committee on Rules

MICIA

Carbidex

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

Gage Cannabis

Dickinson Wright

Carbidex

The Spott

Terrapin

Shryne

42 Degrees

MICIA

MCMA

Benjamin Joffe

Cresco Labs

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

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	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for change</b>	<b>Rule number &amp; citation changed</b>
1	NORML		This is reasonable and may assist with recalls, etc.	The agency had proposed to remove this rule provision. Based upon this comment, modification was made, and the definition retained.	R 420.401(1)(m)
2	Shryne		R 420.403(7)(a) should read as follows: The name of the marihuana-infused product that includes a product modifier such as "marijuana product", "THC product", or "cannabis product" using the same or larger font.	The agency agrees with this comment.	R 420.403(7)(a)
3	MICIA		Component ingredient should be changed to "excipient."	The agency agrees with this comment.	R 420.403(7)(b)
4	Benjamin Joffe		Component ingredient definition needs clarification.	The agency agrees with this comment.	R 420.403(7)(b)
5	Gage Cannabis		In charge should be removed as it could lead to the determination that "in charge" equals a managerial employee.	The agency agrees with this comment.	R 420.403(8)(d)

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6	Dickinson Wright		In charge should be removed as it could lead to the determination that “in charge” equals a managerial employee.	The agency agrees with this comment.	R 420.403(8) (d)
7	Benjamin Joffe		The rule lead in should be rearranged to state that “a producer of edible marijuana products may not...”.	The agency agrees with this comment.	R 420.403(9)
8	Benjamin Joffe		The commentor proposed that the lead in for R 420.403(9) be changed to say that “a producer of edible marijuana products may not..”	Based upon the comment, the lead in to R 420.403(9) was modified and R 420.403(9)(f) was removed as a subsection because it is not a prohibition and change to its own rule provision R 420.403(10).	R 420.403 (10)
9	Carbidex		The language is too broad to say that an edible cannot be easily confused with a commercially available food product.	The agency agrees with this comment.	R 420.403(9) (c)
10	Carbidex		The language is too broad to say that an edible cannot be easily confused with a commercially available food product.	The agency agrees with this comment.	R 420.403(9) (e)

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11	MICIA		This paragraph should say “edible” marijuana product everywhere.	The agency agrees with this comment.	R 420.403 (10)(a)
12	Carbidex		This definition needs clarified, as written it could include products that were possibly not intended to be included.	The agency agrees with this comment.	R 420.403 (11)
13	The Spott		This definition should be moved to the definition section.	The agency agrees with this comment.	R 420.403 (11)
14	42 Degrees		The definition of final form needs to be clarified with what final packaging is.	Comment was received on R 420.301(1)(g). Also, this definition needed formal correction to match the definition as it was written in other rule sets.	R 420.401(1) (e)

**13.Date report completed:**  
12/15/2021