

**Michigan Office of Administrative Hearings and Rules**  
 611 West Ottawa Street; 2nd Floor, Ottawa Building  
 Lansing, MI 48933  
 Phone: (517) 335-8658 FAX: (517) 335-9512

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

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at [MOAHR-Rules@michigan.gov](mailto:MOAHR-Rules@michigan.gov).

**1. Agency Information:**

|                                                                       |                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agency name:                                                          | Department of Licensing and Regulatory Affairs                                                                                                                                                                                      |
| Division/Bureau/Office:                                               | Marijuana Regulatory Agency/Legal Section                                                                                                                                                                                           |
| Name, title, phone number, and e-mail of person completing this form: | Kelly Kronner, Analyst,<br>(517) 284-8584,<br><a href="mailto:kronnerk@michigan.gov">kronnerk@michigan.gov</a><br><br>Josh Galicki, Analyst,<br>(515) 284-9542,<br><a href="mailto:galickij@michigan.gov">galickij@michigan.gov</a> |
| Name of Departmental Regulatory Affairs Officer reviewing this form:  | Elizabeth Arasim<br>Department of Licensing<br>and Regulatory Affairs                                                                                                                                                               |

**2. Rule Set Information:**

|                                 |                            |
|---------------------------------|----------------------------|
| MOAHR assigned rule set number: | <b>2018-095 LR</b>         |
| Title of proposed rule set:     | Michigan Medical Marihuana |

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

|                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The proposed rules are required by authority conferred on the Department of Licensing and Regulatory Affairs by section 5 of the Michigan Medical Marihuana Act (MMMA), 2008 IL 1, MCL 333.26425. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**4. Summary of proposed rules:**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>R 333.201 provides the definitions as used in these rules.</p> <p>R 333.103 distinguishes the requirements for new registration applications, qualifying patients, and primary caregivers.</p> <p>R 333.105 establishes the declaration of person responsible form.</p> <p>R 333.109 establishes the requirements for verification of information.</p> <p>R 333.111 provides information pertaining to application fees and patient refunds.</p> <p>R 333.113 clarifies the departments authority to approve or denial an application as well as the patient's ability to reapply.</p> <p>R 333.115 distinguishes the number of qualifying patients each registered primary caregiver can assist as well as deciphering costs/compensation associated with assisting the registered qualifying</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

patients. This rule is being rescinded.

R 333.117 provides the requirements for biennial renewal; expiration of registry identification card; and associated fees.

R 333.119 establishes acceptable changes in status, notifications, and requirements.

R 333.126 provides grounds for withdrawal.

R 333.131 establishes that the department shall appoint a panel to review petitions for additional medical conditions or treatments.

R 333.133 provides grounds for adding qualifying diseases or medical conditions and requirements associated.

**5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).**

Marquette Mining Journal – Published on May 2, 2019

Grand Rapids Free Press – Published on May 2, 2019

The Flint Journal – Published on May 2, 2019

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

May 15, 2019

**7. Time, date, location, and duration of public hearing:**

The hearing began at 2:00 p.m. on May 23, 2019.

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

[https://www.michigan.gov/documents/lara/RIS\\_-\\_Approved\\_by\\_ORR\\_653035\\_7.pdf](https://www.michigan.gov/documents/lara/RIS_-_Approved_by_ORR_653035_7.pdf)

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

Colleen Curtis, State Administrative Manager, Legal Section.

Kelly Kronner, Analyst.

Sydney Eisele, Analyst.

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

**Written Testimony**

Jared Justice - Submitted comments of support however expressed concern that the rescission of R 333.115 changed the number of qualifying patients a registered caregiver is allowed and whether a caregiver is now allowed to have more than 5 patients. Mr. Justice also inquired what constitutes and actual plant toward plant count but did not have any recommended changes to the rules.

**Public Testimony**

Mr. Loveday – Provided testimony in support and expressed concerns that a township will not permit processing however he did not have any suggested changes for the rules.

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

None.

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**12. Identify any changes made to the proposed rules based on comments received during the public comment period:** None of the public/written comments were adopted in the rule set.

|           | <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> |
|-----------|--------------------------------|----------------------------------------|-------------------------|------------------------------------|-------------------------------------------|
| <b>1.</b> | None                           |                                        |                         |                                    |                                           |
| <b>2.</b> |                                |                                        |                         |                                    |                                           |
| <b>3.</b> |                                |                                        |                         |                                    |                                           |
| <b>4.</b> |                                |                                        |                         |                                    |                                           |

**13. Date report completed:**

|                      |
|----------------------|
| <u>June 24, 2019</u> |
|----------------------|

STATE OF MICHIGAN )  
County of Kent  
and County of Ottawa

ss Maun Sutton

Being duly sworn deposes and say he/she is Principal Clerk of



# THE GRAND RAPIDS PRESS

## DAILY EDITION

a newspaper published and circulated in the County of Kent and the County of Ottawa and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) \_\_\_\_\_

\_\_\_\_\_ May 2 A.D. 20 19

Sworn to and subscribed before me this 2<sup>nd</sup> day of May 2019

JANICE M. DEGRAAF  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Kent

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF MARIJUANA REGULATION**

**MICHIGAN MEDICAL MARIJUANA  
2018-095 LR**

**NOTICE OF PUBLIC HEARING  
Thursday, May 23, 2019  
525 West Ottawa Street Lansing, MI  
Williams Building, 1st Floor, Auditorium 2:00 PM**

The Department of Licensing and Regulatory Affairs, Bureau of Marijuana Regulation will hold a public hearing on Thursday, May 23, 2019, at the Williams Building, 525 West Ottawa Street, Lansing, Michigan in the 1st Floor Auditorium at 2:00 P.M. The hearing will be held to receive public comments on the proposed Michigan Medical Marijuana rules.

The Michigan Medical Marijuana Act (MMMA), MCL 333.26421, authorizes the medical use of marijuana for qualifying patients and provides for the issuance of registry identification cards to qualifying patients and their caregivers, if applicable. The administrative rules implement the requirements of the MMMA.

The proposed rules are required by the authority conferred on the Department of Licensing and Regulatory Affairs by section 5 of the Michigan Medical Marijuana Act (MMMA), 2008 I.L. MCL 333.26425. The rules are not required by federal mandate. These rules will take effect immediately upon filing with the Secretary of State.

The rules are published on the Office of Regulatory Reinvention's website at [www.michigan.gov/orr](http://www.michigan.gov/orr) and in the May 15, 2019, issue of the Michigan Register. Public comments on the proposed rules may be presented in person at the public hearing or submitted to the following address until 5:00 P.M. on Thursday May 30, 2019. Copies of the proposed rules may also be obtained by electronic transmission at the following address:

Department of Licensing and Regulatory Affairs  
Legal Section, Bureau of Marijuana Regulation  
P.O. Box 30205  
Lansing, MI 48909  
Phone: 517-284-8584  
Fax: 517-284-8598  
E-mail: LARA-BMR-Legal@michigan.gov

The hearing site is accessible, including handicap parking. People with disabilities requiring additional accommodations in order to participate in the hearing (such as information in alternative formats) should contact Kelly Kronner at 517-284-8584 at least 14 days prior to the hearing date. Individuals attending the meeting are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. Information at this meeting will be presented by speakers and printed handouts.

9137277-01

STATE OF MICHIGAN )  
County of Genesee

ss Maun Sutton

Being duly sworn deposes and say he/she is Principal Clerk of



# THE FLINT JOURNAL

## DAILY EDITION

a newspaper published and circulated in the County of Genesee and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s) \_\_\_\_\_

\_\_\_\_\_ May 2 A.D. 20 19

Sworn to and subscribed before me this 2nd day of May 20 19

Janice M. DeGraaf  
JANICE M. DEGRAAF  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Kent

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF MARIJUANA REGULATION**

**MICHIGAN MEDICAL MARIHUANA  
2018-095 LR**

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9157277-03

# The Mining Journal

Upper Michigan's Largest Daily Newspaper

19 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

## AFFIDAVIT OF PUBLICATION

for the County of **MARQUETTE**

the matter of: Notice of Public Hearing  
Department of Licensing and Regulatory Affairs  
Bureau of Marijuana Regulation  
Michigan Medical Marihuana

size: 2 x 8

State of **MICHIGAN**, County of Marquette ss.

**JAMES A. REEVS**

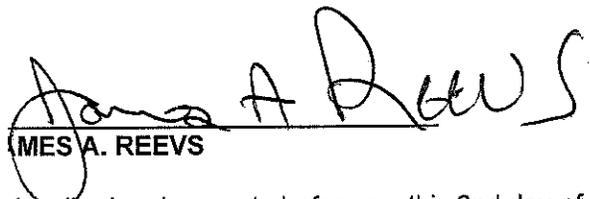
being duly sworn, says that he is

**PUBLISHER**

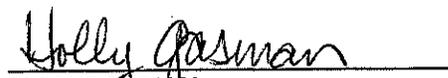
**THE MINING JOURNAL**

newspaper published and circulated in  
said county and otherwise qualified  
according to Supreme Court Rule; that  
inclosed hereto is a printed copy of a  
notice which was published in said  
newspaper on the following date, or  
dates, to-wit

May 2, 2019

  
**JAMES A. REEVS**

Subscribed and sworn to before me this 2nd day of May 2019.

  
**HOLLY GASMAN**  
Notary Public for MARQUETTE County, Michigan  
Residing in the County of Marquette  
My commission expires: May 25, 2025

RECEIVED  
LARA  
MAY 07 2019  
Bureau of Medical Marijuana Legal

### DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF MARIJUANA REGULATION

**MICHIGAN MEDICAL MARIHUANA**  
2018-095 LR

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BUREAU OF MEDICAL MARIHUANA  
REGULATION

May 23, 2019

Prepared by



depos@networkreporting.com  
Phone: 800.632.2720  
Fax: 800.968.8653  
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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF MEDICAL MARIHUANA REGULATION

MEDICAL MARIHUANA REVIEW PANEL

G. Mennen Williams Building, Auditorium  
525 West Ottawa Street  
Lansing, Michigan

Thursday, May 23, 2019, 2:00 p.m.

PRESENT: MS. COLLEEN CURTIS  
MS. KELLY KRONNER  
MS. SYDNEY EISELE

RECORDED BY: Raina Cook, CER 9233  
Certified Electronic Recorder  
Network Reporting Corporation  
Firm Registration Number 8151  
1-800-632-2720

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1                   Lansing, Michigan

2                   Thursday, May 23, 2019 - 2:01 p.m.

3                   MS. CURTIS: Good afternoon. We will bring this  
4 public meeting to order. My name is Colleen Curtis, and I  
5 work for the Marihuana Regulatory Agency. This is Kelly  
6 Kronner, Sydney Eisele, and we will be facilitating this  
7 hearing today on behalf of the agency.

8                   MS. KRONNER: This is a public hearing on the  
9 proposed Administrative Rules entitled Michigan Medical  
10 Marihuana 2018-095 LR. This hearing is being conducted  
11 pursuant to provisions required by the authority conferred  
12 on the Department of Licensing and Regulatory Affairs by  
13 Section 5 of the Michigan Medical Marihuana Act 2008- IL 1,  
14 MCL 333.26425. This hearing is being called to order at  
15 2:02 p.m. on May 23rd, 2019 at the Williams Building, first  
16 floor auditorium in Lansing, Michigan. This hearing was  
17 published in three newspapers of general circulation as well  
18 as the Michigan Register published on May 15, 2019.

19                  MS. EISELE: Please note that we are here today to  
20 receive your comments on the proposed Rules. If you wish to  
21 speak, please fill out a comment card with your name and the  
22 Rule number or citation that you're commenting on. When you  
23 come forward to speak, please state your name and the Rule  
24 number or citation that you're commenting on so that this  
25 information may be transcribed into the hearing report.

1 Particularity will help with the staff review your comments  
2 in the transcript after today.

3 Please try to limit your comments to five minutes.  
4 If you need more time, please consider submitting your  
5 comments to mra-legal@michigan.gov wherein comments may be  
6 submitted until Thursday, May 30th, 2019 at 5:00 p.m.  
7 Please remember that public comment is an opportunity for  
8 members of the public to comment, not to obtain feedback,  
9 engage in dialog or receive answers from the department.  
10 Again, please give the Rule number and state your comments  
11 with particularity. Thank you.

12 MS. KRONNER: And we're going to see if we have  
13 any comment cards.

14 MS. CURTIS: If you wish to speak, please fill out  
15 the comment cards. And you can bring them up, or we can  
16 come get them whenever you're ready.

17 MR. LOVEDAY: I live down south in Ogden Township.  
18 I myself am a patient. I've been growing, processing for  
19 myself the past few years. Anyway, what -- what I can do,  
20 is I can do things on, like, a batch basis. And that allows  
21 me to, when I hurt, I got sit down. When I feel like I can  
22 do something -- which the medicine does help with that -- I  
23 go and I do it, and that's the way I progress throughout the  
24 day with my chronic pain. I have, like, crushed nerves in  
25 my back.

1                   Anyway, I went to my local counsel and wanted to  
2                   become an extractor, and they said, "Mr. Loveday, no, no  
3                   thank you. We're not going to allow that business in our  
4                   area." Now, I have a little bit of an issue with that, and  
5                   that is I live out in the middle of farm country. The  
6                   people who are saying no are the wealthy farmers around the  
7                   area, and that kind of rubs me the wrong way from a business  
8                   perspective, especially on my own land where -- I'm small.  
9                   I only have, like, 25 acres, and most of it's woods. But I  
10                  would like to make a living of some sort on my own land, and  
11                  these gentlemen are restricting it for medical or  
12                  recreational purposes.

13                  I'm now pursuing the hemp route, so then hopefully  
14                  I can do something to bring an income doing exactly the same  
15                  process that I would have done anyway. But this kind of  
16                  rubs me the wrong way that I'm dependent on my local  
17                  counsel -- or local counsel -- local township in this  
18                  instance in order to get a license from the State to go into  
19                  business, especially when the area, I think, I live in is  
20                  one of the target areas for those areas that we want more  
21                  business in in the state. Thank you for your consideration.

22                  MS. KRONNER: Thank you. And, sir, once you're  
23                  done filling out your card, if you could, bring it up.  
24                  Thank you.

25                  If there are no other people who wish to speak at

1           this time, we will stand at ease until 3:00 o'clock. The  
2           meeting will still be open, but we will be off the record  
3           until someone wishes to speak. Please feel free to approach  
4           the podium -- or the microphone if you wish to provide  
5           comments. Thank you.

6                           (Off the record)

7                   MR. JUSTICE: My name is Jared. I just had a  
8           quick question. I just wanted to make sure that I'm  
9           interpreting this correctly, and I'm not missing it  
10          elsewhere. On page 5 of the new Rules, R 333.115, it's  
11          rescinded the number of qualifying patients a caregiver can  
12          hold. Does that mean that there's no longer the limit of --  
13          of five patients, that you can have six, seven, eight?

14                   MS. KRONNER: Unfortunately, we're here on behalf  
15          of the Agency, so we're unable to answer your questions, but  
16          if you email our legal inbox, we can take care of that for  
17          you.

18                   MR. JUSTICE: Okay.

19                   MS. KRONNER: But today we're just here to  
20          represent the Agency, so we can't answer your questions.

21                   MR. JUSTICE: Gotcha. What is the legal email?

22                   MS. KRONNER: That would be mra -- it's on the  
23          legal Notice. It's mra-legal@michigan.gov.

24                   MR. JUSTICE: Okay. Thank you.

25                   (Off the record)

1 MS. KRONNER: If there are no other further  
2 comments, I hereby declare the hearing closed. Any  
3 additional comments regarding the proposed Rules that you  
4 may wish to share must be submitted in writing to  
5 mra-legal@michigan.gov. Written testimony on these Rules  
6 will be received until Thursday, May 30th, 2019 at 5:00 p.m.  
7 The current time is 3:00 o'clock. Thank you for coming.

8 (Hearing concluded at 3:00 p.m.)

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