

Michigan Office of Administrative Hearings and Rules

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

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

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Marihuana Regulatory Agency

Name of person completing this form:

Jessica Fox

Phone number of person completing this form:

517-284-9294

E-mail of person completing this form:

FOXJ12@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-68 LR

Title of proposed rule set:

Marihuana Licensees

3. Purpose for the proposed rules and background:

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

4. Summary of proposed rules:

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

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

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

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

2/1/2020

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

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

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

https://dtmb.state.mi.us/ARS_Public/Transaction/RFRTransaction?TransactionID=12

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

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

10. Persons submitting comments of support:

Dykema Gossett, PLLC
Michigan Cannabis Industry Association
Kelly Young of My TCBD, Inc.
Benjamin D. Joffe, PLLC

11. Persons submitting comments of opposition:

Michigan Cannabis Manufacturers Association

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

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Dykema Gossett, PLLC		The section header includes “exemption for industrial hemp” but industrial hemp is not addressed in the rule.	The agency agrees that the header is incorrect and “exemption for industrial hemp” should be deleted.	420.109
2	Dykema Gossett, PLLC		The definition of employee does not include professional services and should.	The agency agrees and makes this change for consistency with this change in other sections.	420.101(f)

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3	Michigan Cannabis Industry Association		Plants that count towards the plant count should be flowering marihuana plants as defined by them.	The agency agrees with this comment and definition.	420.102(2)
4	Kelly Young of My TCBD, Inc.		Plants that count towards the plant count should be flowering marihuana plants.	The agency does not agree with this comment and agrees with the comments above.	420.102(2)
5	Michigan Cannabis Manufacturers Association		This standard is too loose and has the great possibility of abuse.	The agency does not agree with this comment and agrees with the comments above.	420.102(2)
6	Michigan Cannabis Manufacturers Association		This standard is too loose and has the great possibility of abuse.	The agency makes this change to be consistent with the changes to 420.102(2).	420.105(1)(a)
7	Michigan Cannabis Industry Association		Proposed definition of flowering marihuana plant.	New definition inserted as the agency agrees with the definition as inserted this phrase into the rules.	420.101(g)
8	Benjamin D. Joffe, PLLC		The definition of applicant does not include anyone under a trust.	The agency agrees and has made this modification.	420.101(c)(i) (I)
9	Benjamin D. Joffe, PLLC		The definition of applicant does not include anyone under a trust.	The agency makes this change to provide clarity to applicants.	420.101(1)(c) (ii)

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10	Benjamin D. Joffe, PLLC		The definition of applicant does not include anyone under a trust.	The agency makes this chain to increase the flexibility of provision of marihuana products in the market.	420.103(1)
11	Benjamin D. Joffe, PLLC		The definition of applicant does not include anyone under a trust.	The agency makes this chain to increase the flexibility of provision of marihuana products in the market.	420.104(1)

13.Date report completed:

3/23/2020