

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:

2021-29 LR

Title of proposed rule set:

Marihuana Declaratory Rulings

3. Purpose for the proposed rules and background:

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

4. Summary of proposed rules:

The rules are designed to create consistency in the receipt and processing of declaratory ruling requests made under the acts to the Agency. These requests come in on a routine basis.

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=1287>

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:

MCMA

42 Degrees

11. Persons submitting comments of opposition:

MCMA

MICIA

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

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	MCMA		The following language should be added: Nothing in this rule is intended to limit or restrict the agency’s ability to respond to questions or inquiries from licensees or the general public, but any agency response to such questions or inquiries shall not be binding on the agency.	The agency needed to clarify when a declaratory ruling is required and that it does not apply or hinder the agency’s open line of communication with the industry and the general public or their ability to pose questions to the agency that do not meet the standards for a declaratory ruling.	Added R 420.822(13)
2	42 Degrees		<ul style="list-style-type: none"> ○Define what is a “declaratory ruling.” ○When would this be used instead of requesting a clarification on the interpretation of a rule? 	No definition was added, but it was clarified that it does not prevent the industry from informally seeking clarification on the interpretation of a rule.	Added R 420.822(13)

13.Date report completed:

12/17/2021