

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Cannabis Regulatory Agency

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Industrial Hemp Rules for Marihuana Businesses

5. Rule numbers or rule set range of numbers:

R 420.1001 – 420.1004

6. Estimated time frame:

3 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

To update the rules as required by 2021 PA 56, which amends the Michigan Regulation and Taxation of Marihuana Act; 2021 PA 57, which amends the Medical Marihuana Facilities Licensing Act; 2021 PA 59, which amends the Marihuana Tracking Act; and 2021 PA 62, which amends the Michigan Medical Marihuana Act to change the definitions of both industrial hemp and marihuana and requires the Cannabis Regulatory Agency to promulgate rules under the acts. Also, to update rules as required by Executive Reorganization Order No. 2022-1 to update language that was once the authority of the Michigan Department of Agriculture and Rural Development to the Cannabis Regulatory Agency.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The Executive Director of the Agency is authorized to promulgate these rules.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The Executive Director of the Agency is authorized to promulgate these rules based upon Section 5 of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26425; Section 206 of the Medical Marihuana Facilitates Licensing Act, 2016 PA 281, MCL 333.27206; Sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958; The Marihuana Tracking Act, 2016 PA 282, MCL 333.27901, et al.; and Executive Reorganization Order Nos. 2019-2 and 2022-1, MCL 333.27001 and MCL 333.27002.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes. The rules are required by 2021 PA 56, 2021 PA 57, 2021 PA 59, and 2021 PA 62.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with, duplicate, or exceed any other regulations. There are no existing compliance standards for marihuana other than our rules.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

These rules are being promulgated under Section 44 of the APA because they are required to make obviously needed corrections to make the rule conform to an amended statute.