

**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:**

2020-123 LR

**Title of proposed rule set:**

Marihuana Sale or Transfer

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

To update the existing rules as required by amendments to the Medical Marihuana Facilities Licensing Act (MMFLA) and Michigan Regulation and Taxation of Marihuana Act (MRTMA).

**4. Summary of proposed rules:**

The rule changes are designed to create greater consistency in the marketing and sale of marihuana products and include provisions required by updates to the MMFLA and MRTMA. The rule changes are also designed to update requirements for trade samples, internal samples, and to participate in approved research and development programs.

**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=1249>

**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:**

MICIA

NORML

42 Degrees

Cardiex

Cannabis Law Section – Special Committee on Rules

Terrapin

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

MCMA

NORML

Shryne

Carbidex

Matthew Abel

Cannabis Law Section – Special Committee on Rules

42 Degrees

Benjamin D. Joffe

Bob Hendricks

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

Agency Report to JCAR-Page 3

	<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	Carbidex		There needs to be clarification of whether or not products must be in consumer packaging when tested.	The agency agrees with this comment.	R 420.501(1)(g)
2	MICIA		Clarify that certain product types do not need additional testing based upon this definition.	The agency agrees with this comment.	R 420.501(1)(g)
3	Benjamin D. Joffe		As written, "material information" is a legal term of art.	The agency agrees with this comment.	R 420.502(2)
4	Carbidex		This needs to be consistent with the rules in the operations section for expired product.	The agency agrees with this comment.	R 420.502(4)
5	Terrapin		A marihuana business shall not sell or a transfer marihuana product after the printed expiration date on the package. An expired marihuana product must be destroyed, either by the retailer or by being returned to the marihuana processor for destruction, consistent with the provisions in R420.502(2)(4).	The agency agrees with this comment.	R 420.502(4)

Agency Report to JCAR-Page 4

6	MICIA		Allow a transfer from a retailer to a processor for destruction.	The agency agrees with this comment.	R 420.502(4)
7	Pleasantrees		Only the package tag should be required on the label. Source tag should not be required.	The agency agrees with this comment.	R 420.504(1)(a)
8	Cannabis Law Section – Special Committee on Rules		There should be clarification of responsibilities between cultivators, producers, and sales locations.	Based upon this comment, the agency added “cultivators” to this rule provision to better clarify responsibilities between businesses.	R 420.504(1)(a)
9	MCMA		Limits are in ounces and pounds, and are customary to the industry and customers.	The agency agrees with this comment. This language is currently in R 420.504(1)(e) but was in R 420.504(1)(f) when the rule set was provided for public comment.	R 420.504(1)(e)
10	Bob Hendricks		The specific information that must be included should be in the rule so that MRA cannot change it and require new packaging.	The agency agrees with this comment.	R 420.504(4)
11	MCMA		The requirements for the pamphlet should be in the rules.	The agency agrees with this comment.	R 420.504(4)
12	42 Degrees		There is a typographical error (a word is misspelled).	The agency agrees with this comment.	R 420.505(1)

Agency Report to JCAR-Page 5

13	Pleasantrees		The limits should be increased.	The agency agrees with this comment.	R 420.509(5)
14	Pleasantrees		The limits should be increased.	The agency agrees with this comment.	R 420.509(6)
15	Pleasantrees		The limits should be increased.	The agency modified the limits in this rule to comport with changes to R 420.509(5) and (6).	R 420.508(8)

**13.Date report completed:**

12/16/2021