

Processor Facility Inspection (MMFLA)

Sec./Rule Order

R 9
Facility Plan

- Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.
- (2) The marihuana facility plan must include, but is not limited to, all of the following:
- (a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:
- (i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.
- (ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.
- (b) A diagram of the marihuana facility including, but not limited to, all of the following:
- (i) The proposed facility's size and dimensions.
- (ii) Specifications of the marihuana facility.
- (iii) Physical address.
- (iv) Location of common entryways, doorways, or passageways.
- (v) Means of public entry or exit.
- (vi) Limited-access areas within the marihuana facility.
- (vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.
- (c) A detailed floor plan and layout that includes all of the following:
- (i) Dimensions of the marihuana facility including interior and exterior rooms.
- (ii) Maximum storage capabilities.
- (iii) Number of rooms.
- (iv) Dividing structures.
- (v) Fire walls.
- (vi) Entrances and exits.
- (vii) Locations of hazardous material storage.
- (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
- (d) Means of egress, including, but not limited to, delivery and transfer points.
- (e) Construction details for structures and fire-rated construction for required walls.
- (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
- (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
- (h) Zoning classification and zoning information.
- (i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.
- (j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.
- (k) Any other information required by the department if not inconsistent with the act and these rules.
- (3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.
- (4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.
- (5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.

<p style="text-align: center;">R 17 Inspection Authority</p>	<p>R 333.217 Inspection; investigation.</p> <p>Rule 17. (1) The department shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana facilities, and marihuana facility operations:</p> <p>(a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana facilities and marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the act and these rules.</p> <p>(b) Investigate individuals employed by marihuana facilities.</p> <p>(c) Inspect and examine marihuana facilities and proposed marihuana facilities.</p> <p>(d) Inspect, examine, and audit records of the licensee.</p> <p>(2) The department may at any time, through its investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the proposed marihuana facility or marihuana facility, offices, or other places of business of a licensee, if evidence of compliance or noncompliance is likely to be found in accordance with the act and these rules.</p> <p>(3) The department, through its investigators, agents, auditors, or the state police, may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the act or these rules.</p> <p>(4) The department, through its investigators, agents, auditors, or the state police, may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the department through its investigators, agents, auditors, or the state police may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana facility or marihuana facility.</p> <p>(5) The department through its investigators, agents, auditors, or the state police may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana facility or marihuana facility if that individual violates the act, a final order, or these rules.</p> <p>(6) The department through its investigators, agents, auditors, or the state police may take any reasonable or appropriate action to enforce the act and rules.</p> <p>(7) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the act, and these rules.</p> <p>(8) For purposes of this rule, the term “record” means books, ledgers, documents, writings, photocopies, correspondence, electronic records, videotapes, surveillance footage, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewide monitoring system, or any other document that is used for recording information.</p>
<p style="text-align: center;">§303(f) Records maintained onsite</p>	<p>Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.</p>
<p style="text-align: center;">R 10 Inspections: C of O, BFS Compliance</p>	<p>R 333.210 Prelicensure investigation; proposed marihuana facility inspection.</p> <p>Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.</p> <p>(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.</p> <p>(3) The department shall investigate an applicant in accordance with the act and these rules.</p> <p>(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.</p> <p>(5) An applicant shall submit proof to the department of both of the following:</p> <p>(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.</p> <p>(b) A fire safety inspection as specified in R 333.234.</p>

R 15, § 405
Notification &
Reporting:
Changes in -
ownership, facility
plan, or
Criminal and
regulatory
discipline

R 333.215 Notification and reporting.

Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.

(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.

(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes, include, but are not limited to, the following:

(a) Change in owners, officers, members, or managers.

(b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.

(c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.

(d) The addition or removal of persons named in the application or disclosed.

(e) Change in entity name.

(f) Any attempted transfer, sale, or other conveyance of an interest in a license.

12

(g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.

(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:

(a) Adverse reactions to a marihuana product sold or transferred by any licensee.

(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.

(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.

(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

§ 406ADHERENCE TO:

Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board's approval before a license is transferred, sold, or purchased.

(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).

<p style="text-align: center;">§502 Processor Authorization Information</p>	<p>Sec. 502. (1) A processor license authorizes purchase of marihuana only from a grower and sale of marihuana-infused products or marihuana only to a provisioning center or another processor.</p> <p>(2) Except as otherwise provided in section 505 and this subsection, a processor license authorizes the processor to transfer marihuana only by means of a secure transporter. A processor license authorizes a processor to transfer marihuana without using a secure transporter to a grower or provisioning center if both of the following are met:</p> <p>(a) The grower or provisioning center occupies the same location as the processor and the marihuana is transferred using only private real property without accessing public roadways.</p> <p>(b) The processor enters each transfer into the statewide monitoring system.</p> <p>(3) To be eligible for a processor license, the applicant and each investor in the processor must not have an interest in a secure transporter or safety compliance facility.</p> <p>(4) Until December 31, 2018, for a period of 30 days after the issuance of a processor license and in accord with rules, a processor may transfer any of the following that are lawfully possessed by an individual formerly registered as a primary caregiver who is an active employee of the processor:</p> <p>(a) Marihuana plants.</p> <p>(b) Usable marihuana.</p> <p>(5) A processor shall comply with all of the following:</p> <p>(a) Until December 31, 2021, have, or have as an active employee an individual who has, a minimum of 2 years' experience as a registered primary caregiver.</p> <p>(b) While holding a license as a processor, not be a registered primary caregiver and not employ an individual who is simultaneously a registered primary caregiver.</p> <p>(c) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.</p>
---	---

<p style="text-align: center;">R 16 Diversion, Theft, Loss, or Criminal Activity Contact Info</p>	<p>ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.</p> <p>Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.</p> <p>(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.</p> <p>MSP 517-284-3388, mti@michigan.gov LARA 517-284-8599, lara-medicalmarihuana@michigan.gov</p>
---	--

OPERATIONS

<p style="text-align: center;">R 31 General: Partitioning, Food, alcohol, tobacco, use of marihuana onsite, Restricted access, Visitor log, License posting</p>	<p>Rule 31. (1) A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.</p> <p>(2) A licensee shall comply with all of the following:</p> <p>(a) Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:</p> <p>(i) Sale, consumption, or serving of food except for as provided in R 333.281.</p> <p>(ii) Sale, consumption, or use of alcohol or tobacco products.</p> <p>(iii) Consumption, use, or inhalation of a marihuana product.</p> <p>(b) A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.</p> <p>(c) A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.</p>
---	---

(d) Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.

(e) Licensee records must be maintained and made available to the department upon request.

(f) The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.

(g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.

(3) A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules.

R 333.232 Operation at same location.

Rule 32. (1) A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.

(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:

(a) The department has authorized the proposed operation at the same location.

(b) The operation at the same location is not in violation of any local ordinances or regulations.

16

(c) The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.

(d) The licensee of each marihuana facility operating at the same location under this rule shall do all the following:

(i) Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.

(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.

(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.

(iv) Post the state operating license on the wall in its distinct area and as provided in these rules.

(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.

(vi) Comply with the provisions in the act and these rules.

(3) Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.

**R 32
Same Location
Operations**

<p>207, 501(8c) 3rd Party P.O.S. and Tracking</p>	<p>Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee's license type:</p> <ul style="list-style-type: none"> (a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers. (b) Tracking lot and batch information throughout the entire chain of custody. (c) Tracking all products, conversions, and derivatives throughout the entire chain of custody. (d) Tracking marihuana plant, batch, and product destruction. (e) Tracking transportation of product. (f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall: <ul style="list-style-type: none"> (i) Sold product. (ii) Product inventory that is finished and available for sale. (iii) Product that is in the process of transfer. (iv) Product being processed into another form. (v) Postharvest raw product, such as product that is in the drying, trimming, or curing process. (g) Reporting and tracking loss, theft, or diversion of product containing marihuana. (h) Reporting and tracking all inventory discrepancies. (i) Reporting and tracking adverse patient responses or dose-related efficacy issues. (j) Reporting and tracking all sales and refunds. (k) Electronically receiving and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act. (l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample. (m) Identifying test results that may have been altered. (n) Providing the licensee with access to information in the tracking system that is necessary to verify that the licensee is carrying out the marihuana transactions authorized under the licensee's license in accordance with this act. (o) Providing information to cross-check that product sales are made to a registered qualifying patient or a registered primary caregiver on behalf of a registered qualifying patient and that the product received the required testing. (p) Providing the department and state agencies with access to information in the database that they are authorized to access. (q) Providing law enforcement agencies with access to only the information in the database that is necessary to verify that an individual possesses a valid and current registry identification card. (r) Providing licensees with access only to the information in the system that they are required to receive before a sale, transfer, transport, or other activity authorized under a license issued under this act. (s) Securing the confidentiality of information in the database by preventing access by a person who is not authorized to access the statewide monitoring system or is not authorized to access the particular information. (t) Providing analytics to the department regarding key performance indicators such as the following: <ul style="list-style-type: none"> (i) Total daily sales. (ii) Total marihuana plants in production. (iii) Total marihuana plants destroyed. (iv) Total inventory adjustments. <p>Sec. 501(8c) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.</p>
<p>R 34 Building & Fire Safety</p>	<p>Handled by BFS</p>

R 35
Security &
Surveillance:
Alarm,
Escort required,
Door locks,
Video w/ printer,
30 day storage,
Failure notification

R 333.235 Security measures; required plan; video surveillance system. Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.

(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.

(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.

(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.

(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

(6) A licensee shall ensure the video surveillance system does all the following:

(a) Records, at a minimum, the following areas:

(i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.

(ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.

(iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.

(iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.

(v) Point of sale areas where marihuana products are sold and displayed for sale.

(b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

21

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

(8) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

(9) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

(10) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.

(11) Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.

(12) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

(13) A licensee shall maintain a log of the recordings, which includes all of the following:

(a) The identities of the employee or employees responsible for monitoring the video surveillance system.

(b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.

(c) The identity of the employee who destroyed any recording.

<p style="text-align: center;">R 37 Waste Management</p>	<p>R 333.237 Marihuana product destruction and waste management.</p> <p>Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the 22 marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:</p> <p>(a) Paper waste. (b) Plastic waste. (c) Cardboard waste. (d) Food waste. (e) Grease or other compostable oil waste. (f) Fermented organic matter or other compost activators. (g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable. (h) Soil.</p> <p>(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.</p> <p>(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.</p> <p>(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.</p> <p>(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:</p> <p>(a) A manned and permitted solid waste landfill. (b) A manned compostable materials operation or facility. (c) An in-vessel digester. (d) An incineration method approved by state and local laws and regulations.</p> <p>(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.</p> <p>(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The department may publish guidance on marihuana product waste management.</p> <p>(8) For the purposes of this rule, "unrecognizable" means marihuana product rendered indistinguishable from any other plant material.</p>
<p style="text-align: center;">R 38 Storage</p>	<p>R 333.238 Storage of marihuana product.</p> <p>Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.</p> <p>(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.</p> <p>(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.</p> <p>(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.</p> <p>(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.</p> <p>(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.</p> <p>(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.</p> <p>(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.</p>

<p style="text-align: center;">R 36 Prohibitions</p>	<p>R 333.236 Prohibitions. Rule 36. (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules. (2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules. (3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.</p>
TESTING	
<p style="text-align: center;">R 45 & R 46 Processor Testing Requirements</p>	<p>R 333.245 Plant batches; testing procedures. Rule 45. (8) After a processor receives or purchases a package in the statewide monitoring system, and the processor proceeds to process the marihuana product in accordance with the scope of a processor license, the act, and these rules, the processor shall give the marihuana product a new package tag anytime the marihuana product changes form or is incorporated into something else. (9) After a package is created by a processor of the marihuana product in its final state, the processor shall have the sample tested pursuant to R 333.247 and R 333.248. The processor shall not transfer or sell a final package until after test results indicate a passed test. R 333.246 Retesting Rule 46. (3) A marihuana product is prohibited from being retested in all the following circumstances: (a) The marihuana product is in a final package. (b) A final test for chemical residue failed pursuant to these rules. If the amount of chemical residue or chemical residue active ingredient found is not permissible by the department, the marihuana product is ineligible for retesting and the product must be destroyed. (c) A final failed test for microbials on marihuana-infused product is ineligible for retesting and the product must be destroyed.</p>
MARIHUANA INFUSED AND EDIBLE MARIHUANA PRODUCTS	
<p style="text-align: center;">R 61 Edibles Labels and Storage</p>	<p>R 333.261 Requirements and restrictions on marihuana-infused products; edible marihuana product. Rule 61. (1) A processor shall prepackage and properly label marihuana-infused products before sale or transfer. (2) Marihuana-infused products processed under these rules must be homogenous. The allowable variation for weight and delta-9 tetrahydrocannabinol (THC) potency between the actual results and the intended serving is to be + or – 15%. The department shall publish guidelines for a processor to follow to verify the marihuana-infused product is homogeneous. (3) A processor of marihuana-infused products shall list and record the THC level of marihuana-infused products, as provided in R 333.262, in the statewide monitoring system and indicate the THC level on the label along with the tag identification as required under these rules. Items that are part of a product recall issued in the statewide monitoring system, or by the department, or other state agency, if applicable, must be immediately pulled from production by the processor of the marihuana-infused products and not sold or transferred. (4) Marihuana-infused products must be stored and secured as prescribed under these rules. (5) At a minimum, a processor shall label any marihuana-infused product it produces or packages with all of the following: (a) The name and address of the marihuana facility that processes or packages the marihuana-infused product. (b) The name of the marihuana-infused product. (c) The ingredients of the marihuana-infused product, in descending order of predominance by weight. (d) The net weight or net volume of the product. (e) For an edible marihuana product, the processor shall comply with subdivisions (a) to (d) of this subrule and all of the following: (i) Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343. (ii) If any nutritional claim is made, appropriate labeling as specified by Code of Federal Regulations, Food Labeling, Title 21, Part 101, 21 CFR part 101 (2017). (iii) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a marihuana facility."</p>

- (6) A processor of edible marihuana product shall comply with all the following to ensure safe preparation:
- (a) 21 CFR part 110. Any potentially hazardous ingredients used to process shelf-stable edible marihuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
 - (b) Provide employee training on safe food handling and demonstrate an employee's completion of this training by providing proof of food handler certification that includes documentation of employee food handler training, including, but not limited to, allergens and proper sanitation and safe food handling techniques. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover the following subjects:
 - (i) Causes of foodborne illness, highly susceptible populations, and worker illness.
 - (ii) Personal hygiene and food handling practices.
 - (iii) Approved sources of food.
 - (iv) Potentially hazardous foods and food temperatures.
 - (v) Sanitization and chemical use.
 - (vi) Emergency procedures, including, but not limited to, fire, flood, and sewer backup.
 - (c) A licensee, to ensure compliance with the safe preparation standards under this subrule, shall comply with 1 or more of the following:
 - (i) The FDA food safety modernization act, 21 USC chapter 27.
 - (ii) Safe Quality Food (SQF), 7.2 edition adopted by reference pursuant to R 333.203.
 - (iii) The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1 adopted by reference pursuant to R 333.203.
 - (d) The department may request in writing documentation to verify certifications and compliance with these rules.
- (7) A processor of edible marihuana product shall comply with all the following:
- (a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
 - (b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be in the distinct shape of a human, animal, or fruit or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Edible marihuana products that are geometric shapes and simply fruit flavored are permissible.
 - (c) An edible marihuana product must be in resealable, opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15.
- (8) A processor shall not produce an edible marihuana product that requires time or temperature control for safety. The department may publish validation guidelines for shelflife edible marihuana product. The department may request to review the validation study for a shelf-life edible marihuana product. The end product must be a stable shelf-life edible marihuana product and state the following information:
- (a) Expiration or use-by date. A product expiration date, upon which the marihuana product is no longer fit for consumption, or a use-by date, upon which the marihuana product is no longer optimally fresh. Once a label with an expiration or use-by date has been affixed to a marihuana product, a licensee shall not alter that expiration or use-by date or affix a new label with a later expiration or use-by date.
- (9) As used in this rule, the term "edible marihuana product" means any marihuana infused product containing marihuana that is intended for human consumption in a manner other than smoke inhalation.
- (10) This rule does not affect the application of any applicable local, state, or federal laws or regulations.

R 62
Max THC

R 333.262 Maximum THC levels for marihuana-infused products.
Rule 62. Marihuana-infused products processed, sold, or transferred through provisioning centers must not exceed the maximum THC levels as established by the department. For the purposes of maximum THC levels for marihuana-infused products, the department shall publish a list of maximum THC concentration and serving size limits.

SALE OR TRANSFER

**R 71
Labeling**

R 333.271 Tracking identification; labeling requirements; general.
Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules. (2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.

**R 72
Plant Tracking
R 73
Product Tracking**

R 333.272 Marihuana plant; tracking requirements.
Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
(b) Name of the strain.
(c) Date of harvest, if applicable.
(d) Seed strain, if applicable.
(e) Universal symbol, if applicable.

R 333.273 Marihuana product sale or transfer; labeling and packaging requirements.
Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.
(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and cannabidiol (CBD).
(h) Activation time expressed in words or through a pictogram.
(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the department's website.
(k) A warning that states all the following:
(i) "For use by registered qualifying patients only. Keep out of reach of children."
(ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
(iii) "National Poison Control Center 1-800-222-1222."
(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).

<p style="text-align: center;">R 76 Marketing & Advertising</p>	<p>R 333.276 Marketing and advertising restrictions. Rule 76. (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising. (2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided. (3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k). (4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers. (5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.</p>
--	--

EMPLOYEES

<p style="text-align: center;">R 81, § 405 Employees General: Criminal Hx, Employee reporting, Training, Restriction on food consumption</p>	<p>R 333.281 Employees; requirements. Rule 81. (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police. (2) A licensee shall comply with all of the following: (a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department. (b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days. (c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system. (d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials. (e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings. (f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department. (g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department. (h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.</p>
---	---

(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide 34 monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule "employee" includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405

Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.