CANNABIS REGULATORY AGENCY

ADVISORY BULLETIN

March 7, 2022

Requirements and Restrictions for Edible Marijuana Product

Processors who will manufacture marijuana-infused and edible marijuana products should take note of the following rule requirements. This list is not all-inclusive and merely highlights some key areas that should be considered.

Rule 3 in the Marijuana-Infused Products and Edible Marijuana Product Rule Set - R 420.403

A producer of edible marijuana product shall comply with all the following Code of Federal Regulations (CFR) items:

- Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food, 21 CFR part 117. Any potentially hazardous ingredients used to process shelf-stable edible marijuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.

To ensure compliance with the safe preparation standards processors must comply with one or more of the following:

- Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food, 21 CFR part 117.

- The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1 adopted by reference pursuant to R 420.402.

The agency may request in writing documentation to verify certifications and compliance with these rules.

The licensee shall comply with the requirements listed below:

- Maintain and adhere to records of formulation and make them available to the agency upon request. These records at a minimum must include the recipe, any additional processing documentation that demonstrates the product to be shelf stable, and test results for all ingredients used.
- Provide annual employee training for all employees 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.

This advisory bulletin does not constitute legal advice. Licensees should seek legal counsel to ensure their operations comply with all applicable laws and administrative rules.

- Have an employee on site during the production of edible marijuana products who is certified as a Food Protection Manager.

A processor is prohibited from producing an edible marijuana product that requires time or temperature control for safety. The end-product must be a shelf stable edible marijuana product.

Please refer to this bulletin for a list of products that can be produced and a list of products which are prohibited.

R. 420.403(9) A producer of edible marijuana product may not:

- Produce an edible marihuana product in a shape or with a label that would appeal to minors aged 17 years or younger.
- Produce an edible marihuana product that is associated with or has cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
- Package edible marihuana products in a package that can be easily confused with a commercially available food product. The use of the word candy or candies on the packaging or labeling is prohibited.
- Produce edible marihuana products 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 fruit flavored are permissible.

An edible marijuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15.

An edible marijuana product containing more than 1 serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.

A product must have an expiration date, upon which the marijuana product is no longer fit for consumption and after which it must be destroyed. Once a label with an expiration date has been affixed to a marijuana product, a licensee shall not alter that expiration date or affix a new label with a later expiration date.

The processor shall label all products with the following:

- Allergen labeling as specified by federal labeling requirements.
- If any nutritional claim is made, appropriate labeling as specified by federal labeling requirements and these rules.

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A processor shall prepackage and properly label marijuana-infused products before sale or transfer following the labeling requirements in the administrative rules.

Questions can be sent to the Cannabis Regulatory Agency Operations Support Section via email at CRA-Compliance@michigan.gov.

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