



ADVISORY BULLETIN

May 25, 2022

Supersedes March 7, 2022

Immature Plant Sales Approval Process

The administrative rules for marijuana businesses provide a pathway for cultivators – any type of grower under the Medical Marijuana Facilities Licensing Act or the Michigan Regulation and Taxation of Marijuana Act – to transfer or sell immature plants to marijuana sales locations (provisioning centers, retailers, and microbusinesses).

*Note microbusinesses are limited to selling immature plants obtained from the microbusiness cultivator.

The administrative rules also provide a pathway for marijuana sales locations to sell immature plants to customers.

This bulletin provides information regarding the relevant administrative rules and requirements that licensed cultivators and licensed sales locations need to begin the sale of immature plants.

Administrative Rules: Immature Plants

Rule 3a in the Marijuana Sale or Transfer Rule Set – R 420.503a

(1) A cultivator approved by the agency to sell or transfer immature plant batches to a marijuana sales location is not required to transfer the immature plant batches using a marijuana transporter.

(2) Immature plant batches transferred from a cultivator to a marijuana sales location are not required to undergo the testing required by R 420.304 and R 420.305.

Rule 1 in the Marijuana Sampling and Testing Rule Set – R 420.301 (k) –

“Immature plant” means a nonflowering marijuana plant that is no taller than 8 inches from the growing or cultivating medium and no wider than 8 inches produced from a cutting, clipping, tissue culture, or seedling that is in a growing or cultivating medium or in a growing or cultivating container.

Rule 6 in the Marijuana Operations Rule Set – R 420.206 (2) –

A cultivator who has obtained good agricultural collection processes certification may sell immature plants to a marijuana sales location under the allowances published by the agency.



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Rule 6 in the Marijuana Sale or Transfer Rule Set – R 420.506 (4) –

A marijuana sales location may sell no more than three immature plants to a marijuana customer per transaction.

Requirements for Cultivators

A cultivator must meet/comply with the following requirements to sell immature plants:

- Hold the good agricultural collection practices (GACP-GMP) certification prior to making sales of immature plants.
- For immature plant sales, use the existing “immature plants” category in Metrc with testing status “not required.” These sales are for immature plants **only** and should not be used to transfer or sell seeds.
- Only transfer pre-ordered immature plants (plant packages) to sales locations or transfer an identified number of immature plants in a plant package.
- Once immature plants have been pre-ordered or transferred as an identified number of immature plants in a plant package, include a sell-by date on the package label to ensure plants at sales locations do not advance in their growth beyond the immature growth phase. The sell-by date must be no more than seven days from the date the plant package was created at the cultivator.
- Ensure each transfer of immature plants to a sales location includes written instructions for basic care and environmental considerations for the immature plants (light, water, temperature controls) while they are at the sales location, and the method for destruction if necessary, such as if the plants develop disease, or die.
- Ensure each transfer of immature plants to a sales location includes a written, signed document from the cultivator attesting that only active ingredients approved by the Cannabis Regulatory Agency (CRA) were used in the cultivation of the immature plants. The bulletin that details the CRA’s approved active ingredients for growers can be found [here](#).

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Approval Process for Growers/Cultivators

Once a cultivator has achieved certification for GACP-GMP, they must submit a plan for the sale of immature plants to the CRA at CRA-Compliance@michigan.gov before selling any immature plants to a sales location. The plan must include, at a minimum:

1. The name of the business and the cultivator's license number
2. Proof the cultivator is GACP-GMP certified
3. A copy of the general care instructions the cultivator will provide to sales locations
4. Standard Operating Procedures (SOPs) that includes the following, at a minimum:
 - How the cultivator will ensure plants have been pre-ordered or determine how many plants are needed at the sales location and how plants will be packaged for transfer
 - Plants will need to be packaged in plant packages for each transfer to sales location
 - The number of immature plants in a plant package will be determined by the number of immature plants pre-ordered by the sales location or the predetermined number of immature plants that will be transferred. Immature plant packages can consist of one to 100 plants depending on the individual sales location's pre-order. However, the sales location is only permitted to sell three immature plants to a customer per transaction
 - Plant package labels must include the license number of the cultivator, plant strain name, and sell-by date
 - A detailed description of the method of transportation to sales locations
 - A secure transporter is not necessary for these transfers
 - The wholesale transfer type will be used in the transfer manifest
 - The means by which the cultivator will ensure the plants are not exposed to contaminants or hazards during the transport must be provided

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- The procedure that will be followed during transportation of the immature plants
- **Refund and return policies if sales locations request to return immature plants in their inventory**
 - Provisioning centers are not permitted to return products to growers
 - Only adult-use retailers can return immature plants to growers

The CRA will review the plan and provide approval, request additional information, or request changes to the proposed plan. Once the plan has been approved, the cultivator may begin the sale of immature plants to marijuana sales locations.

Requirements for Sales Locations

Sales locations are permitted to accept transfers of immature plants from cultivators approved by the CRA to sell immature plants to a sales location. Sales locations should adhere to the basic care instructions provided by the cultivators. These may include instructions for adequate lighting, water, and temperature control but should not include advanced care instructions such as application of fertilizers, pesticides, etc.

Sales locations do not need to obtain approval from the CRA to sell immature plants, but they must adhere to the administrative rules and the following requirements:

- Sales locations must have a procedure in place for either:
 - pre-orders of immature plants, or
 - the number of plants they will order for a 7-day period
- Each plant a sales location orders from a cultivator must be accounted for in a pre-ordered sale or in a distinct plant numbered order.
- If a pre-ordered sale occurs but the customer does not attempt to collect the immature plant(s) purchased, the sales location is responsible for initiating the return/refund policy set by the cultivator and destruction of any plants that remain beyond the sell-by date
- If the sales location orders a distinct number of immature plants to be sold at the licensed location, the sales location is responsible for the destruction of any immature

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plants that are not sold after 7 days from the date the plant package was created at the cultivator.

- Sales locations must ensure customers are provided a copy of the information provided by the cultivator that attests that only approved active ingredients for growers were used on the immature plants
- Upon sale of the immature plants to a customer, the plants must be placed in a sealed package/bag to exit the sales location
- Sales locations must notify customers that the plants are not required to be, and have not been, safety compliance tested.

Questions can be sent to the CRA's Operations Support Section via email at CRA-Compliance@michigan.gov.

For more information about the CRA, please visit www.Michigan.gov/CRA.