

December 6, 2018

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## Edible Marijuana Products

The Medical Marijuana Facilities Licensing Act (MMFLA) Administrative Rules were promulgated, in part, to provide access to safe sources of marijuana for medical use and state that “a processor shall not produce an edible marijuana product that requires time or temperature control for safety (TCS)” (Rule 61(8) (R 333.261).

The end-product must be a stable shelf-life edible marijuana product and state either of the following:

- Expiration date – upon which the marijuana product is no longer fit for consumption.
- Use-by date – upon which the marijuana product is no longer optimally fresh.

For purposes of these rules, the term “edible marijuana product” means any marijuana-infused product containing marijuana that is intended for human consumption in a manner other than smoke inhalation.

Here are examples of non-refrigerated products that MAY be produced under the MMFLA:

- Breads, cookies, muffins and cakes
- Cooked fruit pies, including pie crusts made with butter, lard or shortening
- Fruit jams and jellies (as defined in 21 CFR part 150) in glass jars that can be stored at room temperature (except vegetable and other non-fruit-based jams/jellies)
- Confections and sweets (made without alcohol)
- Dry herbs, herb mixtures, dip and soup mixes
- Popcorn, granola, coated/uncoated nuts, dehydrated vegetables and fruits
- Chocolate covered pretzels, marshmallows, graham crackers and cereal bars
- Dried pasta made with or without eggs
- Roasted coffee beans or ground roasted coffee
- Vinegars and flavored vinegars

Foods that require refrigeration for safety to prevent the growth of microorganisms and the production of toxins cannot be produced as edible marijuana products. These products are predisposed to the growth of microorganisms – bacteria, protozoa, and some fungi – and the production of toxins that can cause illness. Toxins are any poison produced by an organism, including the bacterial toxins that are the causative agents of botulism.

Here are examples of products that may **NOT** be produced as an edible marijuana product:

- Hummus
- Garlic in oil mixtures
- Ice and ice products including ice cream
- Pies/cakes that require refrigeration (banana cream, pumpkin, lemon meringue, custard)

*This advisory bulletin does not constitute legal advice and is subject to change. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marijuana Facilities Licensing Act and associated Administrative Rules.*

December 6, 2018

- Cheesecake and cakes with glaze and/or frosting that requires refrigeration
- Vegetable jams/jellies such as hot pepper jelly
- Milk and dairy products like butter, cheese and yogurt
- Canned fruit or vegetable butters like pumpkin and apple butter
- Focaccia style breads with fresh vegetables and/or cheeses
- Meat and meat products like fresh and dried meats (jerky)
- Fish and fish products like smoked fish
- Cut melons
- Caramel apples
- Cut tomatoes and chopped/shredded leafy greens
- Products made from fresh cut tomatoes, cut melons and cut leafy greens
- Products made with cooked vegetable products that are not canned

Some products require additional processing steps to be shelf stable. The department requires proof that products in this category have been processed properly to prevent foodborne illness. To be shelf stable, perishable food must be treated by heat and/or dried to destroy foodborne microorganisms that can cause illness or spoil food.

Here are examples of edible marijuana products that will need additional processing to be shelf stable:

- Salad dressings
- Sauces and condiments, including barbeque sauce, hot sauce, ketchup and mustard
- All beverages, including fruit/vegetable juices, Kombucha tea and apple cider
- Canned pickled products like corn relish, pickles and sauerkraut
- Canned fruits and vegetables like salsa and canned peaches

The items in this bulletin are a representative list and this list is not intended to be exhaustive. The Bureau of Marijuana Regulation may issue future lists or bulletins that supersede this bulletin.

**Questions may be sent to the Bureau of Marijuana Enforcement Section via email at [LARA-BMMR-Enforcement@michigan.gov](mailto:LARA-BMMR-Enforcement@michigan.gov)**

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