Edible Marijuana Products

Medical Marihuana Facilities Licensing Act (MMFLA), the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and the corresponding Administrative Rules:

Administrative Rules promulgated under the MMFLA:

- (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 shelf life 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.

Emergency Rules promulgated under the MRTMA:

- (8) A marihuana processor shall not produce an edible marihuana product that requires time or temperature control for safety. The agency may publish validation guidelines for shelf life edible marihuana product. The agency 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: (Rule 45(a)(b)
  (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.
  (b) Any other information requested by the agency that is not inconsistent with the act and these rules.

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.

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 all applicable laws and rules.
For purposes of these rules, the term “edible marihuana 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)
- 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

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• 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 Marijuana Regulatory Agency may issue future lists or bulletins that supersede this bulletin.

Questions may be sent to the Marijuana Regulatory Agency Enforcement Division via email at MRA-Compliance@michigan.gov

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