TECHNICAL BULLETIN

April 8th, 2020
Supersedes December 12th, 2019

Remediation of Marijuana from Medical to Adult-Use (Updated: April 8, 2020)

In accordance with Rule 46 (R 333.246) of the Administrative Rules promulgated under the Medical Marihuana Facilities Licensing Act (MMFLA), and Rule 44(4) of the Emergency Rules promulgated under the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The department may publish a remediation protocol including, but not limited to, the sale or transfer of marihuana product after a failed safety test as provided in these rules. A failed test sample must pass two separate retests, consecutively, to be eligible to proceed for sale or transfer. If both retests pass, the batch is out of quarantine and eligible for sale or transfer.

Effective April 8, 2020, the MRA will not permit caregiver-produced or derived product to enter the adult-use market. Any equivalent license transfer request submitted to the MRA that includes caregiver-produced or derived products will be denied.

A failed marijuana product is **prohibited** from being retested in all the following circumstances:

- The marijuana product is in a final package.
- A final test for chemical residue failed pursuant to the Administrative Rules. If the amount of chemical residue or chemical residue active ingredient found is not permissible by the department, the marijuana product is ineligible for retesting and the product **must** be destroyed.
- A final failed test for microbials on marijuana-infused product is ineligible for retesting and the product **must** be destroyed.

The department is publishing the following remediation protocol in accordance with Administrative Rule 46(4) (R 333.246) and Adult-Use Emergency Rule 44(4) for use where retesting is permitted by the rules.

Remediation Protocol

Usable Marijuana – flower, shake/trim from harvest

- If marijuana flower submitted for testing by a medical use license was compliantly tested and resulted in a failure for total yeast and mold (>10,000

CFU/g) up to 50% of the package is eligible for transfer for remediation into the adult use market if all the following are met:

- The transfer requires written approval from the MRA.
- The transfer requires equivalent license transfer from the medical grower to the adult-use grower or from the medical processor to the adult-use processor.
- **The transfer package must originate from a licensed medical grower.**

- Once the product has been transferred to the adult-use license, it may be either retested for total yeast and mold or remediated then retested for total yeast and mold. If the product does not pass two consecutive tests under the adult-use testing standards, *the product shall be destroyed*.

In order to request agency approval to remediate marijuana flower, the licensee must submit a written request to MRA-Compliance@michigan.gov. The subject line should state "request for Med to AU remediation approval." The form to request approval can be found here. The email body must contain a note indicating the request to transfer the product from a medical to adult-use license.

The licensee is not authorized to remediate any product requiring departmental approval until written approval from the department is received.

This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Department of Licensing and Regulatory Affairs' Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marihuana Facilities Licensing Act, the Michigan Regulation and Taxation of Marihuana Act and associated Administrative Rules.

A complete copy of the Administrative Rules can be found here.

More information on the MRA can be found at the agency website: www.michigan.gov/MRA.