Marijuana Regulatory Agency (MRA)
Inspection Guides

Updated 10/11/2019
<table>
<thead>
<tr>
<th>Pre-Licensure Adult Use (ALL)</th>
<th>Post-Licensure Adult Use (ALL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Licensure, Adult Use, Grower</td>
<td>Post-Licensure, Adult Use, Grower</td>
</tr>
<tr>
<td>Pre-Licensure, Adult Use, Processor</td>
<td>Post-Licensure, Adult Use, Processor</td>
</tr>
<tr>
<td>Pre-Licensure, Adult Use, Retailer</td>
<td>Post-Licensure, Adult Use, Retailer</td>
</tr>
<tr>
<td>Pre-Licensure, Adult Use, Secure Transporter</td>
<td>Post-Licensure, Adult Use, Secure Transporter</td>
</tr>
<tr>
<td>Pre-Licensure, Adult Use, Safety Compliance Facility</td>
<td>Post-Licensure, Adult Use, Safety Compliance Facilities</td>
</tr>
<tr>
<td>Pre-Licensure, Adult Use, Microbusiness</td>
<td>Post-Licensure, Adult Use, Microbusiness</td>
</tr>
<tr>
<td>Pre-Licensure, Special License, Event Organizer</td>
<td>Post-Licensure, Adult Use, Organizer</td>
</tr>
<tr>
<td>Pre-Licensure, Special License, Temporary Event</td>
<td>Post-Licensure, Adult Use, Temporary Event</td>
</tr>
<tr>
<td>Pre-Licensure, Special License, Designated Consumption Establishment</td>
<td>Post-Licensure, Adult Use, Designated Consumption</td>
</tr>
</tbody>
</table>

Grower Facility Inspection (MMFLA)
- Operations
- Testing
- Sale or Transfer
- Employees

Provisioning Center Facility Inspection (MMFLA)
- Operations
- Testing
- Marihuana Infused and Edible Marihuana Products
- Sale or Transfer
- Employees

Processor Facility Inspection (MMFLA)
- Operations
- Testing
- Marihuana Infused and Edible Marihuana Products
- Sale or Transfer
- Employees

Secure Transporter Facility Inspection (MMFLA)
- Operations
- Sale or Transfer
- Employees

Safety Compliance Facility Inspection (MMFLA)
- Operations
- Testing
- Sale or Transfer
- Employees
### Rule 16 Adverse Conditions

**Rule 16. Notification and reporting.**

(4) An applicant or licensee shall notify the agency within 1 business day of becoming aware of or within 1 business day of when the applicant or licensee should have been aware of all of the following:

- (a) Adverse reactions to a marihuana product sold or transferred by any licensee.
- (b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state, federal, or foreign jurisdiction.
- (c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, federal, or foreign jurisdiction, including any pending action.

(5) The applicant or licensee shall notify the agency within 10 days of the initiation or conclusion of any new judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, that involves the applicant or the licensee.

### Rule 17 Diversion, Theft, Loss, or Criminal Activity

**Rule 17. Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.**

(1) Applicants and licensees shall notify the agency and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana establishment.

### Rule 18 & R 30, Records;

**Rule 18. Inspection; investigation.**

(5) The agency may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the agency may impound, seize, assume physical control of, or summarize and remove records from a proposed marihuana establishment or marihuana establishment as authorized under the act and these rules.

**Rule 30. State licenses; licensees; operations; general.**

(2) A licensee shall comply with all of the following:

- (e) Licensee records must be maintained and made available to the agency upon request.

### Rule 33 Safe Handling

**Rule 33. Marihuana establishments; general requirements.**

(6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.
Rule 37. Marihuana product destruction and waste management.
(1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding or another method as determined by the agency which incorporates the marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:
   (a) Paper waste.
   (b) Plastic waste.
   (c) Cardboard waste.
   (d) Food waste.
   (e) Grease or other compostable oil waste.
   (f) Fermented organic matter or other compost activators.
   (g) Soil.
   (h) Other wastes approved by the agency that will render the marihuana product waste unusable and unrecognizable.
(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.
(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the agency orders destroyed.
(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.
(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:
   (a) A manned and permitted solid waste landfill.
   (b) A manned compostable materials operation or establishment.
   (c) An in-vessel digester.
   (d) An incineration method approved by state and local laws and regulations.
(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.
(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The agency may publish guidance on marihuana product waste management.
(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.
(9) A licensed marihuana microbusiness or marihuana retailer who participates in a temporary marihuana event shall destroy and dispose of any marihuana product that is considered waste resulting from the licensee’s activities during the event according to the applicable provisions in this rule.
(10) Except for the marihuana product waste specified in subrule 9 of this rule, a marihuana event organizer who holds a temporary marihuana event is responsible for destroying and disposing of any marihuana product waste that results from the event. All marihuana waste must be rendered unusable and unrecognizable and disposed of in accordance with this rule and in compliance with all applicable state and local laws and regulations.
(11) A licensed designated consumption establishment shall destroy and dispose of any marihuana product left at the establishment that is considered waste in accordance with this rule and in compliance with all applicable state and local laws and regulations. The designated consumption establishment shall maintain a log of any marihuana product that is considered waste, which shall include a description of the waste and the amount and the manner in which it was disposed. The designated consumption establishment licensee shall make the log available to the agency upon request.
Rule 42. Sampling.
(2) A marihuana safety compliance facility shall collect samples of a marihuana product from another marihuana establishment according to the following requirements:
   (e) If a testing sample is collected from a marihuana establishment for testing in the statewide monitoring system, that marihuana establishment shall quarantine the marihuana product that is undergoing the testing from any other marihuana product at the marihuana establishment. The marihuana establishment shall indicate the sample being tested in the statewide monitoring system. The quarantined marihuana product must not be transferred or sold until testing results pass as provided under these rules.

Rule 47. Tracking identification; labeling requirements; general.
(1) All marihuana products sold or transferred between marihuana establishments must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the agency, the act, and these rules.

Rule 52. Marketing and advertising restrictions.
(1) A marihuana establishment shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.
(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.
(3) A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be under 21 years of age. Any marihuana product advertised or marketed under this rule shall include the warnings listed in Rule 49(1)(k).
(4) A marihuana product must be marketed or advertised as “marihuana” for use only by individuals 21 years of age or older.
(5) A marihuana product must not be marketed or advertised to individuals under 21 years of age. Sponsorships targeted to members under 21 years of age are prohibited.

Rule 4. Third-party inventory control and tracking system.
(1) Except as otherwise provided in subrule (2), a licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under these rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s state license type:
(2) If a licensee accesses or enters information directly into the statewide monitoring system, the licensee is not required to adopt and use a third-party inventory control and tracking system.
Rule 11. Marihuana establishment plan.
(1) An applicant shall submit a marihuana establishment plan for the proposed marihuana establishment as required in Rule 8 and upon request by the agency. Upon the request of the agency, an applicant or licensee may be required to submit a revised marihuana establishment plan.

(2) The marihuana establishment plan must include, but is not limited to, all of the following:
   (b) A diagram of the marihuana establishment including, but not limited to, all of the following:
      (i) The proposed marihuana establishment’s size and dimensions.
      (ii) Specifications of the marihuana establishment.
      (iii) Physical address.
      (iv) Location of common entryways, doorways, or passageways.
      (v) Means of public entry or exit.
      (vi) Limited access areas and restricted access areas within the marihuana establishment.
      (vii) An indication of the distinct areas or structures for separate marihuana establishments at the same location as provided in Rule 31.

   (c) A detailed floor plan and layout that includes all of the following:
      (i) Dimensions of the marihuana establishment including interior and exterior rooms.
      (ii) Maximum storage capabilities.
      (iii) Number of rooms.
      (iv) Dividing structures.
      (v) Fire walls.
      (vi) Entrances and exits.
      (vii) Locations of hazardous material storage.
      (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.

   (j) A proposed security plan that demonstrates the proposed marihuana establishment meets the security requirements specified in Rule 35.

(3) Any changes or modifications to the marihuana establishment plan under this rule must be reported to the agency and may require preapproval by the agency.

Rule 12. Prelicensure investigation; proposed marihuana establishment inspection.
(1) An applicant for a state license shall submit to a prelicensure physical inspection of a proposed marihuana establishment, as determined by the agency.

Rule 18. Inspection; investigation.
(1) The agency shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana establishments, and marihuana establishment operations:
   (a) Oversee and conduct inspections of proposed marihuana establishments and marihuana establishments to ensure compliance with the act and these rules.
   (b) Inspect and examine marihuana establishments and proposed marihuana establishments.
   (c) Inspect, examine, and audit records of the licensee.

Rule 12. C of O
(5) An applicant shall submit proof to the agency of both of the following:
   (a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules. If this certificate is not available, the agency may accept alternative documentation from the building authority.
### Rule 13, Proof of Financial Responsibility

**Rule 13. Proof of financial responsibility; insurance.**

(1) Before a state license is issued or renewed, the licensee or renewal applicant shall file a proof of financial responsibility for liability for bodily injury on the form prescribed in Rule 8 of these rules, for an amount not less than $100,000.00. If the proof required in this subrule is a bond, the bond must be in a format acceptable to the agency.

### Rule 14, Refused Inspection or Did Not Pass

**Rule 14. Denial of state license; additional reasons.**

(2) In addition to the reasons for denial in the act, a state license may be denied by the agency for any of the following reasons:

- (k) The agency is unable to access the proposed marihuana establishment for prelicensure agency inspection or the applicant denied the agency access to the proposed marihuana establishment.
- (l) The applicant failed to receive a passing prelicensure inspection within 60 days of a complete application being submitted to the agency.

### Rule 16, Establishment changes

**Rule 16. Notification and reporting.**

(1) Applicants and licensees have a continuing duty to provide the agency with up-to-date contact information and shall notify the agency in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the agency.

(2) Applicants and licensees shall report to the agency any changes to the marihuana establishment operations that are required in Rule 30 through Rule 40 and as required in these rules, as applicable.

(3) Applicants and licensees shall report to the agency any proposed material changes to the marihuana establishment before making a material change that may require prior authorization by the agency. Material changes include, but are not limited to, the following:

- (a) Change in owners, officers, members, or managers.
- (b) Change of location. Upon notification of a change in location, the agency may determine that a new state license and new inspection are required for the change of location pursuant to Rule 22.
- (c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 6 of the act, MCL 333.27956, committed by the licensee, but only if the violation relates to activities licensed under the act and these rules, or the MMFLA and its associated rules, or both.
- (d) The addition or removal of a person named in the application or disclosed.
- (e) Change in entity name.
- (f) Any attempted transfer, sale, or other conveyance of an interest in a state license.
- (g) Any change or modification to the marihuana establishment before or after licensure that was not preinspected, inspected, or part of the marihuana establishment plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processes at a marihuana establishment, increase or decrease in the size or capacity of the marihuana establishment, alterations of ingress or egress, and changes that impact security, fire and building safety.
**Rule 30 Partitioning**

A licensee shall comply with all of the following:

(a) Except as provided in Rule 31 and Rule 32, marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling. Marihuana establishments shall not allow onsite or as part of the marihuana establishment any of the following:

(i) Sale, consumption, or serving of food or alcohol except for as provided in Rule 56 unless the establishment has the appropriate authorizations from other federal, state, or local agencies as applicable.

(ii) Consumption, use, or inhalation of a marihuana product unless the licensee has been granted a designated consumption establishment or temporary marihuana event license under Rule 59 and Rule 62.

**Rule 30 Limited access areas**

A marihuana establishment shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state license.

A marihuana establishment shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.

Access to the marihuana establishment’s restricted and limited access areas is restricted to the licensee; employees of the licensee, escorted visitors, and the agency. A marihuana retailer or a marihuana microbusiness may grant access as provided in Rule 33(5) to customers to a dedicated point of sale area.

**Rule 30, Fixed Location**

The marihuana establishment must be at a fixed location. Mobile marihuana establishments and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.

**Rule 30, License display**

A state license issued under the act must be framed under a transparent material and prominently displayed in the marihuana establishment.

**Rule 31, Same Location**

To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:

(d) The licensee of each marihuana establishment operating at the same location under this rule shall do all the following:

(i) Apply for and be granted separate state licenses and pay the required fees for each state license.

(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state license.

(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations.

(iv) Post the state license on the wall in its distinct area and as provided in these rules.

(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.

(vi) Comply with the provisions in the act and these rules.
| Rule 32, Licenses & Posting | Rule 32. Equivalent licenses; operation at same location.  
(2) To operate equivalent licenses at the same location, all of the following requirements must be met:  
(d) The person operating the equivalent licenses at the same location under this rule shall do all the following:  
   (i) Apply for and be granted a separate state license and a state operating license and pay the required fees for each license.  
   (ii) Post each state license and state operating license on the wall in its distinct area and as provided in these rules.  
   (iii) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards, if applicable.  
   (iv) Comply with the provisions in the act and these rules.  
(3) A licensee with common ownership of a marihuana retailer and a provisioning center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from retail marihuana products.  
(4) A licensee with common ownership of a marihuana retailer and a provisioning center and operating the equivalent licenses at the same location shall not bundle a product subject to the excise tax in section 13 of the act, MCL 333.27963, in a single transaction with a product or service that is not subject to the tax imposed by that section. |
| --- | --- |
| Rule 35.1, Security Plan | Rule 35. Security measures; required plan; video surveillance system.  
(1) An applicant for a state license to operate a proposed marihuana establishment shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule. |
| Rule 35, Escorting | Rule 35. Security measures; required plan; video surveillance system.  
(2) A licensee shall ensure that any person at the marihuana establishment, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited access areas and restricted access areas at the marihuana establishment. |
| Rule 35, Locking | Rule 35. Security measures; required plan; video surveillance system.  
(3) A licensee shall securely lock the marihuana establishment, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code, R 408.30401 to R 408.30499. |
| Rule 35, Alarm and Surveillance | Rule 35. Security measures; required plan; video surveillance system.  
(4) A licensee shall maintain an alarm system at the marihuana establishment. Upon request, a licensee shall make available to the agency all information related to the alarm system, monitoring, and alarm activity.  
(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos. |
Rule 35. Security measures; required plan; video surveillance system.
(6) A licensee shall ensure the video surveillance system does all the following:
(a) Records, at a minimum, the following areas:
(i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for 
transportation, prepared, or moved within the marihuana establishment.
(ii) Limited access areas and security rooms. Transfers between rooms must be recorded.
(iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access 
points to the secured surveillance recording area.
(iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points.
The areas of entrance and exit between marihuana establishments at the same location if applicable, including any 
transfers between marihuana establishments.
(v) Point of sale areas where marihuana products are sold and displayed for sale.
(vi) Anywhere marihuana or marihuana products are destroyed.
(b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p 
resolution.
(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera 
must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points 
of entry and exit on the marihuana establishment and allows for the clear and certain identification of any person, 
including facial features, and activities, including sales or transfers, in all areas required to be recorded under 
these rules.
(8) A licensee shall have sufficient lighting to meet the video surveillance system requirements of this rule.
(9) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly 
and accurately display the time and date.

Rule 35. Security measures; required plan; video surveillance system.
(10) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a 
manner to protect the recording from tampering or theft.
(11) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation 
or inspection by the agency in which case the licensee shall retain the recordings until the time as the agency 
notifies the licensee that the recordings may be destroyed.
(12) Surveillance recordings of the licensee are subject to inspection by the agency and must be kept in a manner 
that allows the agency to view and obtain copies of the recordings at the marihuana establishment immediately up 
on request. The licensee shall also send or otherwise provide copies of the recordings to the agency upon 
request within the time specified by the agency.
(13) A licensee shall maintain a video surveillance system equipped with a failure notification system that provide 
notification to the licensee of any interruption or failure of the video surveillance system or video 
surveillance system storage device.
(14) A licensee shall maintain a log of the recordings, which includes all of the following:
(a) The identities of the employee or employees responsible for monitoring the video surveillance system.
(b) The identity of the employee who removed the recording from the video surveillance system storage device 
and the time and date removed.
(c) The identity of the employee who destroyed any recording.

Rule 36. Prohibitions.
(1) Except for licensed designated consumption establishments or temporary marihuana events, marihuana 
products not identified and recorded in the statewide monitoring system pursuant to these rules must not be at a 
marihuana establishment. A licensee shall not transfer or sell a marihuana product that is not identified in the 
statewide monitoring system pursuant to these rules.
(2) Except for a licensed designated consumption establishment or temporary marihuana event, any marihuana pr 
duct without a batch number or identification tag or label pursuant to these rules must not be at a marihuana esta 
ablishment. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring syste 
m any marihuana product as provided in these rules.
(3) A licensee shall not allow a physician to conduct a medical examination or issue a medical certification 
document at a marihuana establishment for the purpose of obtaining a registry identification card.
(4) A violation of these rules may result in sanctions or fines, or both, in accordance with the act and these rules.
Rule 38. Storage of marihuana product.
   (1) All inventories of marihuana products must be stored at a marihuana establishment in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under these rules.
   (2) All containers used to store marihuana products for transfer or sale between marihuana establishments must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act and these rules.
   (3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
   (4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
   (5) All marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
   (6) A marihuana retailer shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
   (7) A marihuana safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
   (8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

Rule 49. Marihuana product sale or transfer; labeling and packaging requirements.
   (1) Before a marihuana product is sold or transferred to or by a marihuana retailer, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
      (a) The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
      (b) The name of the licensee and the state license number including business or trade name of licensee that packaged the product, if different from the marihuana processor of the marihuana product.
      (c) The unique identification number for the package or the harvest, if applicable.
      (d) Date of harvest, if applicable.
      (e) Name of strain, if applicable.
      (f) Net weight in United States customary and metric units.
      (g) Concentration of THC and CBD.
      (h) Activation time expressed in words or through a pictogram.
      (i) Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
      (j) The universal symbol for marihuana product published on the agency’s website.
      (k) A warning that states all the following:
         (i) "For use by individuals 21 years of age or older only. Keep out of reach of children."
         (ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
         (iii) "National Poison Control Center 1-800-222-1222."
   (2) An edible marihuana product sold by a marihuana retailer shall comply with Rule 45(7).
Rule 56. Employees; requirements.

(1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the agency.

(2) A licensee shall comply with all of the following:

(c) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is convicted for an offense involving distribution of a controlled substance to a minor, the licensee shall report it immediately to the agency. The agency shall maintain a list of excluded employees.

(d) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

(e) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana establishment and the statewide monitoring system.

(i) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the agency in accordance with subdivision (c) of this subrule.

(f) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials. If applicable, the employee training manual shall include a responsible operations plan as specified in subdivision of this subrule.

(g) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the establishment, the illegal sale or distribution of marihuana or marihuana products within the establishment, and any other potential criminal activity on the premises, as applicable.

(h) Establish point of sale or transfer procedures for employees at marihuana retailers performing any transfers or sales to individuals 21 years of age or older. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

(j) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 33.

(5) Consumption of food by employees or visitors is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana establishment has designated an area for the consumption of food that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.
**Rule 24, Grower License**

Rule 24. Marihuana grower license.

1. A marihuana grower license authorizes the marihuana grower to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:
   - (a) Class A – 100 marihuana plants.
   - (b) Class B – 500 marihuana plants.
   - (c) Class C – 2,000 marihuana plants.

6. A marihuana grower must enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.

**Rule 41, Plant Batches and Tagging**

Rule 41. Batch; sampling procedures.

1. A marihuana grower shall uniquely identify each immature plant batch in the statewide monitoring system. Each immature plant batch must not consist of more than 100 immature plants.

2. A marihuana grower shall tag each plant that is greater than 8 inches in height from the growing or cultivating medium or more than 8 inches in width with an individual plant tag and record the identification information in the statewide monitoring system.

3. A marihuana grower shall delineate or separate the plants as the plants go through different growth stages and ensure that the plant tag is always identified with the plant throughout the growth span so that all plants can be easily identified and inspected pursuant to these rules. A marihuana grower shall ensure that identification information is recorded in the statewide monitoring system in accordance with these rules.

4. After a tagged plant is harvested, it is part of a harvest batch so that a sample of the harvest batch can be tested by a marihuana safety compliance facility. A marihuana grower shall quarantine a harvest batch from other plants or batches that has test results pending. A harvest batch must be easily distinguishable from other harvest batches until the batch is broken down into packages.

7. After test results show a passed test and the harvest batch is packaged, the marihuana grower shall destroy the individual plant tags. Each package must have a package tag attached. A marihuana grower shall ensure this information is placed in the statewide monitoring system in accordance with these rules.

8. A marihuana grower shall not transfer or sell any marihuana product that has not been packaged with a package tag attached and recorded in the statewide monitoring system in accordance with these rules.

**Rule 41, Product Testing**

Rule 41. Batch; sampling procedures.

5. Before the marihuana product can leave the marihuana grower establishment, except as provided in subrule (6) of this rule, a sample of the harvest batch must be tested by a licensed marihuana safety compliance facility as provided in Rule 42 and Rule 43. All test results must indicate passed in the statewide monitoring system before the marihuana can be packaged. A marihuana product from harvest batches must not be transferred or sold until tested, packaged, and tagged as required under subrule (4) of this rule. A marihuana product from a harvest batch that fails safety testing may only be sold or transferred under the remediation protocol as provided in Rule 44. A marihuana product that fails testing and is remediated may only be sold or transferred once approved by the agency.

6. A marihuana grower establishment may transfer or sell marihuana to a marihuana processor without first being tested by a marihuana safety compliance facility in order to produce live resin. The maximum harvest batch size for the production of live resin must be 60 pounds. After the marihuana processor has produced live resin, the marihuana processor shall have the sample tested pursuant to Rule 42 and Rule 43.

**Rule 48, Plant Tracking**

Rule 48. Marihuana plant; tracking requirements.

Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:

(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.

(b) Name of the strain.

(c) Date of harvest, if applicable.

(d) Seed strain, if applicable.

(e) Universal symbol, if applicable.

**Rule 49, Package Labeling**

Rule 49. Marihuana product sale or transfer; labeling and packaging requirements.

1. Before a marihuana product is sold or transferred to or by a marihuana retailer, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:

(a) The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.

(b) The name of the licensee and the state license number including business or trade name of licensee that packaged the product, if different from the marihuana processor of the marihuana product.
**Rule 49, Package Labeling continued**

(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and CBD.
(h) Activation time expressed in words or through a pictogram.
(i) Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the agency’s website.
(k) A warning that states all the following:
   (i) "For use by individuals 21 years of age or older only. Keep out of reach of children."
   (ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
   (iii) "National Poison Control Center 1-800-222-1222."

---

**Rule 53, Trade Samples**

(1) The following licensees may provide trade samples:
   (a) A marihuana grower may provide samples of marihuana or marihuana products to a marihuana processor or a marihuana retailer.
   (b) A marihuana processor may provide a sample of marihuana or marihuana products to a marihuana processor or marihuana retailer.
(2) The transfer of trade samples does not require the use of a marihuana secure transporter provided the amount of trade samples does not exceed either:
   (a) 15 ounces of marihuana.
   (b) 60 grams of marihuana concentrate.
(3) Except for a licensed designated consumption establishment, the samples may not be consumed or used on the premises of a licensed marihuana establishment.
(4) Trade samples may not be sold to another licensee or consumer.
(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.
(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.
(7) A licensee is limited to providing the following aggregate amounts of trade samples to another licensee in a 30-day period:
   (a) 2.5 ounces or less of marihuana.
   (b) 15 grams of marihuana concentrate.
(8) Any sample given to a licensee shall have a label containing the following in a legible font:
   (a) A statement that reads: “TRADE SAMPLE NOT FOR RESALE” in bold, capital letters attached to the trade sample.
   (b) All other information required in Rule 45.
(9) A licensee having received a trade sample may distribute the trade sample to its employees to determine whether to purchase the marihuana product.

---

**Rule 54, Internal Product Testing Samples**

(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.
(5) A marihuana grower is limited to providing a total of 2.5 ounces or less of internal product testing samples to their employees in a 30-day period.

---

**Rule 55, R & D**

(2) A marihuana grower may designate up to 50 marihuana plants for research and development. Any marihuana plants designated for research and development shall count towards the authorized total amount of marihuana plants for a marihuana grower establishment and must be tracked in the statewide monitoring system.

---

**Pre-Licensure, Adult Use, Processor**

**Rule 25, Processor License**

(1) A marihuana processor license authorizes purchase of marihuana only from a marihuana grower or a marihuana processor and sale of marihuana-infused products or marihuana only to a marihuana retailer or another marihuana processor.
(4) A marihuana processor must enter all transaction, current inventory, and other information into the statewide monitoring system as required in these rules.
Rule 41. Package Tagging

(9) After a marihuana processor receives or purchases a package in the statewide monitoring system, and the marihuana processor proceeds to process the marihuana product in accordance with the scope of a marihuana processor license, the act, and these rules, the marihuana processor shall give the marihuana product a new package tag anytime the marihuana product changes form or is incorporated into something else.

(10) After a package is created by a marihuana processor of the marihuana product in its final state, the marihuana processor shall have the sample tested pursuant to Rule 42 and Rule 43. The marihuana processor shall not transfer or sell a final package to a marihuana retailer until after test results indicate a passed test.

Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

(1) A marihuana processor shall package and properly label marihuana-infused products before sale or transfer.

(3) A marihuana processor of marihuana-infused products shall list and record the THC concentration and CBD concentration of marihuana-infused products, as provided in Rules 43 and 46, in the statewide monitoring system and indicate the THC concentration and CBD concentration on the label along with the tag identification as required under these rules. Items that are part of a product recall issued in the statewide monitoring system, or by the agency, or other state agency, if applicable, must be immediately pulled from production by the marihuana processor of the marihuana-infused products and not sold or transferred.

(5) At a minimum, a marihuana processor shall label any marihuana-infused product it produces or packages with all of the following:

(a) The name and address of the marihuana establishment that processes or packages the marihuana-infused product.

(b) The name of the marihuana-infused product.

(c) The ingredients of the marihuana-infused product, in descending order of predominance by weight.

(d) The net weight or net volume of the product.

(e) For an edible marihuana product, the marihuana processor shall comply with subdivisions (a) to (d) of this subrule and all of the following:

(i) Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343.

(ii) If any nutritional claim is made, appropriate labeling as specified by Code of Federal Regulations, Food Labeling, 21 CFR part 101.

(iii) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a marihuana establishment."

(6) A marihuana processor of edible marihuana product shall comply with all the following to ensure safe preparation:

(a) 21 CFR part 110. Any potentially hazardous ingredients used to process shelf-stable edible marihuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.

(b) 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 sanitization and safe food handling techniques. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover the following subjects:

(i) Causes of foodborne illness, highly susceptible populations, and worker illness.

(ii) Personal hygiene and food handling practices.

(iii) Approved sources of food.

(iv) Potentially hazardous foods and food temperatures.

(v) Sanitization and chemical use.

(vi) Emergency procedures, including, but not limited to, fire, flood, and sewer backup.

(c) A licensee, to ensure compliance with the safe preparation standards under this subrule, shall comply with 1 or more of the following:

(i) The FDA food safety modernization act, 21 USC 2201 to 2252.

(ii) Safe Quality Food (SQF), 7.2 edition adopted by reference pursuant to Rule 3.


(d) The agency may request in writing documentation to verify certifications and compliance with these rules.
Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

(7) A marihuana processor of edible marihuana product shall comply with all the following:

(a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

(b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be 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 simply fruit flavored are permissible.

(c) An edible marihuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15. An edible marihuana product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.

Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

(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:

(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.

Rule 46. Maximum THC concentration for marihuana-infused products.

Marihuana-infused products processed, sold, or transferred through marihuana retailers must not exceed the maximum THC concentration as established by the agency. For the purposes of maximum THC concentration for marihuana-infused products, the agency shall publish a list of maximum THC concentration and serving size limits.

Rule 53. Trade samples.

(1) The following licensees may provide trade samples:

(a) A marihuana grower may provide samples of marihuana or marihuana products to a marihuana processor or a marihuana retailer.

(b) A marihuana processor may provide a sample of marihuana or marihuana products to a marihuana processor or marihuana retailer.

(2) The transfer of trade samples does not require the use of a marihuana secure transporter provided the amount of trade samples does not exceed either:

(a) 15 ounces of marihuana.

(b) 60 grams of marihuana concentrate.

(3) Except for a licensed designated consumption establishment, the samples may not be consumed or used on the premises of a licensed marihuana establishment.

(4) Trade samples may not be sold to another licensee or consumer.

(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.

(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.

(7) A licensee is limited to providing the following aggregate amounts of trade samples to another licensee in a 30-day period:

(a) 2.5 ounces or less of marihuana.

(b) 15 grams of marihuana concentrate.

(8) Any sample given to a licensee shall have a label containing the following in a legible font:

(a) A statement that reads: “TRADE SAMPLE NOT FOR RESALE” in bold, capital letters attached to the trade sample.

(b) All other information required in Rule 45.

(9) A licensee having received a trade sample may distribute the trade sample to its employees to determine whether to purchase the marihuana product.
| Rule 54, Internal Product Testing samples | Rule 54. Internal product testing samples.  
(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.  
(6) A marihuana processor is limited to providing a total of 5 grams of marihuana concentrate of internal product testing samples to their employees in a 30-day period. |
| Rule 55, R & D | Rule 55. Research and development.  
(3) A marihuana processor may designate up to 5 grams of marihuana concentrate for research and development in a 30-day period. Any marihuana concentrates designated for research and development must be tracked in the statewide monitoring system. |

## Pre-Licensure, Adult Use, Retailer

| Rule 26, Retailer License | Rule 26. Marihuana retailer license.  
(1) A marihuana retailer license authorizes the purchase or transfer of marihuana only from a marihuana grower or marihuana processor and sale or transfer to only an individual 21 years of age or older. Except as otherwise provided in Rule 42, Rule 53, this rule, and the act, all transfers of marihuana to a marihuana retailer from a separate marihuana establishment must be by means of a marihuana secure transporter. A transfer of marihuana to a marihuana retailer from a marihuana establishment that occupies the same location as the marihuana retailer does not require a marihuana secure transporter if the marihuana is transferred to the marihuana retailer using only private real property without accessing public roadways.  
(3) A marihuana retailer shall comply with all of the following:  
(a) Sell or transfer marihuana to an individual 21 years of age or older only after it has been tested and bears the label required for retail sale.  
(b) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.  
(c) Before selling or transferring marihuana to an individual 21 years of age or older, verify the individual appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in these rules. |

| Rule 32, Bundled Sales | Rule 32. Equivalent licenses; operation at same location.  
(4) A licensee with common ownership of a marihuana retailer and a provisioning center and operating the equivalent licenses at the same location shall not bundle a product subject to the excise tax in section 13 of the act, MCL 333.27963, in a single transaction with a product or service that is not subject to the tax imposed by that section. |
### Rule 41. Batch; sampling procedures.

(11) After a marihuana retailer receives or purchases a marihuana product in the statewide monitoring system, a licensee may sell or transfer marihuana product only to an individual 21 years of age or older under both of the following conditions:

(a) The marihuana product has received passing test results in the statewide monitoring system. If the information cannot be confirmed, the marihuana product must be tested by a marihuana safety compliance facility and receive passing test results before sale or transfer.

(b) The marihuana product bears the label required for retail sale under these rules.

### Rule 50. Sale or transfer; marihuana retailer.

(1) A marihuana retailer may sell or transfer a marihuana product to an individual 21 years of age or older if all of the following are met:

(a) The licensee confirms that the customer presented his or her valid driver license or government-issued identification card that bears a photographic image and he or she is 21 years of age or older.

(b) The licensee determines, if completed, any transfer or sale will not exceed the purchasing limit prescribed in Rule 51.

(c) Any marihuana product that is sold or transferred under this rule has been tested and is labelled and packaged for sale or transfer in accordance with Rule 49.

(2) A marihuana retailer shall enter all transactions, current inventory, and other information required by these rules in the statewide monitoring system in compliance with the act and these rules. The marihuana retailer shall maintain appropriate records of all sales or transfers under the act and these rules and make them available to the agency upon request.

(3) A marihuana retailer is not required to retain information from customers other than the following:

(a) Payment method.

(b) Amount of payment.

(c) Time of sale.

(d) Product quantity.

(e) Other product descriptors.

### Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

(7) A marihuana processor of edible marihuana product shall comply with all the following:

(a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.

(b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be 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 simply fruit flavored are permissible.

(c) An edible marihuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15. An edible marihuana product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.

### Rule 53. Trade samples.

(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.

(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.

### Rule 54. Internal product testing samples.

(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.
Rule 57. Marihuana retailer delivery employees; delivery for individuals 21 years of age or older; limited circumstances.

(1) A marihuana retailer may employ an individual to engage in the delivery of a marihuana product for sale or transfer to an individual 21 years of age or older.

(2) A marihuana retailer that employs an individual under subrule (1) of this rule shall establish procedures as specified in this rule to allow an employee of the marihuana retailer to deliver a marihuana product to an individual 21 years of age or older at the residential address or at the address of a designated consumption establishment provided at the time the order was placed. All of the following procedures apply to the delivery procedures established by a marihuana retailer:

(a) For the purposes of this rule only, a marihuana retailer may accept an online order request of a marihuana product and payment for the order that will be delivered to the residential address or the address of a designated consumption establishment provided by an individual 21 years of age or older as provided in this rule.

(b) The marihuana retailer creates a delivery procedure that is subject to inspection and examination including, but not limited to, record keeping and tracking requirements. The agency may publish guidelines on the recommended procedure.

(c) The delivery employee meets the requirements in Rule 56 and is an employee of the marihuana retailer.

(d) The agency has authorized the marihuana retailer licensee’s proposed delivery procedure.

(e) Any other delivery procedures required in this rule.

(3) A marihuana retailer that has received authorization under subrule (2) of this rule shall comply with all of the following:

(a) The marihuana retailer shall verify that the sale or transfer to the individual 21 years of age or older is in accordance with Rule 50 and this rule. The delivery employee may take cash payment upon delivery and shall deliver the marihuana product only to the physical residential address or to the address of a designated consumption establishment provided by the individual at the time the order was placed.

(b) The amount of marihuana product that may be delivered is limited to the single transaction purchase limits as provided in Rule 51.

(c) The marihuana retailer shall record all transactions in the statewide monitoring system as required in these rules.

(d) An employee of the marihuana retailer shall make deliveries only to an individual 21 years of age or older. A delivery employee shall verify that the person taking delivery is 21 years of age or older and the individual who placed the order.

(e) The authorization granted to a marihuana retailer pursuant to subrule (2) of this rule may be denied, suspended, or withdrawn by the agency. The marihuana retailer may be subject to other sanctions and fines as provided in the act and these rules.

(4) A marihuana retailer shall maintain records of all of the following that must be made available to the agency upon request:

(a) Confirmation that the customer presented his or her valid driver license or government-issued identification bearing a photographic image of the customer to verify he or she is 21 years of age or older at the time of delivery.

(b) Validation that the address for delivery of a marihuana product is the residential address or at the address of a designated consumption establishment provided by the customer at the time the order for the marihuana product was placed.

(c) Documentation that the customer has consented to the delivery of marihuana product.

(d) Maintenance of the following records for any motor vehicle used for delivery and the making of the records available to the agency upon request:

(i) Vehicle make.

(ii) Vehicle model.

(iii) Vehicle color.

(iv) Vehicle identification number.

(v) License plate number.

(vi) Vehicle registration.

(5) A delivery employee shall carry a copy of all of the following information and shall make these records available to the agency upon request:

(a) The employee identification number required under Rule 56.

(b) The marihuana retailer licensee license number.

(c) The address of the marihuana retailer licensee.

(d) Contact information of the marihuana retailer licensee.

(e) A copy of the marihuana retailer delivery log as required in subrule (10) of this rule.

(6) A delivery employee shall have access to a secure form of communication with the marihuana retailer licensee, such as a cellular telephone, at all times in the vehicle or on his or her person.

(7) To ensure the integrity of the marihuana retailer operation, a delivery employee shall comply with all the following:
(a) During delivery, the delivery employee shall maintain a physical or electronic copy of the delivery request and shall make the delivery request available to the agency upon request.

(b) A delivery employee shall not leave a marihuana product in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system.

(c) A delivery employee’s vehicle shall contain a global positioning system (GPS) device for identifying the geographic location of the delivery vehicle. The device must be either permanently or temporarily affixed to the delivery vehicle while the delivery vehicle is in operation, and the device must remain active and in the possession of the delivery employee at all times during delivery. At all times, the marihuana retailer must be able to identify the geographic location of all delivery vehicles and delivery employees who are making deliveries for the marihuana retailer and shall provide that information to the agency upon request.

(d) While making deliveries, a delivery employee shall travel only from the marihuana retailer’s licensed marihuana establishment to the delivery addresses and back to the marihuana retailer. A delivery employee shall make no more than 10 deliveries per trip before returning to the marihuana retailer. In making deliveries, a marihuana retailer shall not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time pursuant to section 11 of the act, MCL 333.27961. A delivery employee shall not deviate from the delivery limit or delivery path described in this subrule except in an emergency that is reported to the marihuana retailer and documented in the residential delivery log. A delivery employee may refuel the vehicle during a stop that is reported and documented in the delivery log.

(e) While making deliveries, a delivery employee shall not carry marihuana product valued in excess of the amount of the customer’s delivery of the marihuana product at any time. A marihuana retailer shall have a procedure subject to agency’s approval that establishes the amount of money a delivery employee is allowed to have on his or her person at any 1 time during the delivery process. All transactions must be completed in 1 business day and any money collected during the delivery process must be returned to the marihuana retailer.

(f) A delivery employee of a marihuana retailer shall not be employed as a home or delivery employee for multiple marihuana retailers, provisioning centers, or marihuana microbusinesses.

(8) A marihuana retailer shall ensure that deliveries are completed in a timely and efficient manner as provided on the delivery request and log. All deliveries must occur within the business hours of the marihuana retailer. During a delivery, a delivery employee shall not store a marihuana product in a vehicle used for deliveries other than in a secured compartment. Marihuana product for delivery must be packaged separately per delivery order and not comingled during the delivery and stored within a secured compartment that is clearly marked, latched or locked in a manner to keep all contents secured within.

(9) The process of delivery begins when the delivery employee leaves the marihuana retailer’s marihuana establishment with the marihuana product for delivery. The process of delivery ends when the delivery employee returns to the marihuana retailer’s licensed marihuana establishment after delivering the marihuana product to the customer.

(10) A marihuana retailer shall maintain a record of each delivery of a marihuana product in a delivery log, which may be a hard copy or electronic format, and make the delivery log available to the agency upon request. For each delivery, the delivery log must record all of the following:

   (a) The date and time that the delivery began and ended.

   (b) The name of the delivery employee.

   (c) The amount of marihuana product allowed to be possessed for delivery.

   (d) The lot number of the marihuana product and the name of the strain of that marihuana product.

   (e) The signature of the customer who accepted delivery.

   (f) The deviations made under subrule 7(d).

(11) A marihuana retailer shall notify the agency, state police, or local law enforcement of any theft, loss of marihuana product, or criminal activity as provided in Rule 16. A marihuana retailer shall report to the agency and law enforcement, if applicable, any other event occurring during delivery that violates the delivery procedure as provided in this rule, including diversion of marihuana product.

(12) This rule does not affect the application of any applicable local, state, or federal laws or regulations.
Rule 33. Marihuana establishments; general requirements.
(5) A marihuana retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product as provided in the act and these rules. The marihuana retailer shall keep marihuana products behind a counter or other barrier to ensure that a customer does not have direct access to the marihuana products.

Rule 38. Storage of marihuana product.
(6) A marihuana retailer shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.

### Pre-Licensure, Adult Use, Secure Transporter

**Rule 13, Registrations and Insurances**

Rule 13. Proof of financial responsibility; insurance.
(3) In addition to the requirement in subrule 1 of this rule, a marihuana secure transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marihuana product as required by the act and these rules.

**Rule 28, Secure Transporter License**

Rule 28. Marihuana secure transporter license.
(1) A marihuana secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana establishments for a fee upon request of a person with legal custody of that marihuana or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver. If a marihuana secure transporter has its primary place of business in a municipality that has not adopted an ordinance under section 6 of the act, MCL 333.27956, prohibiting marihuana establishments, the marihuana secure transporter may travel through any municipality.

(3) A marihuana secure transporter shall comply with all of the following:
(a) Each driver transporting marihuana must have a chauffeur’s license issued by this state.
(b) Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.
(c) A route plan and manifest must be entered into the statewide monitoring system, and a copy must be carried in the transporting vehicle and presented to a law enforcement officer upon request.
(d) The marihuana must be transported in 1 or more sealed containers and not be accessible while in transit.
(e) A secure transporting vehicle must not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

**Rule 33, Business Location**

Rule 33. Marihuana establishments; general requirements.
(4) A marihuana secure transporter shall have a primary place of business as its marihuana establishment that is operating in a municipality that has not adopted an ordinance prohibiting marihuana establishments from operating within its boundaries under section 6 of the act, MCL 333.27956, and these rules and its marihuana establishment must comply with the requirements prescribed by the act, these rules, and any municipal ordinances that meet the requirements of section 6 of the act, MCL 333.27956. A marihuana secure transporter shall hold a separate state license for every marihuana secure transporter location. A marihuana secure transporter may travel through any municipality to transport a marihuana product. A marihuana secure transporter shall comply with all of the following:
(a) The marihuana secure transporter may take physical custody of the marihuana or money, but legal custody belongs to the transferor or transferee.
(b) A marihuana secure transporter shall not sell or purchase marihuana products.
(c) A marihuana secure transporter shall transport any marihuana product in a locked, secured, and sealed container that is not accessible while in transit. The container must be secured by a locked closed lid or door. A marihuana secure transporter of marihuana product from separate marihuana establishments shall not comingle the marihuana product. All marihuana products must be labeled in accordance with these rules and kept in separate compartments or containers within the main locked, secured, and sealed container. If the marihuana secure transporter transports money associated with the purchase or sale of marihuana product between establishments, the marihuana secure transporter shall lock the money in a sealed container kept separate from the marihuana product and only accessible to the licensee and its employees.
(d) A marihuana secure transporter shall log and track all handling of money associated with the purchase or sale of marihuana between marihuana establishments. These records must be maintained and made available to the agency upon request.
(e) A marihuana secure transporter shall have a route plan and manifest available for inspection by the agency to determine compliance with the act and these rules. A copy of the route plan and manifest must be carried with the marihuana secure transporter during transport between marihuana establishments. A marihuana secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana product pursuant to these rules. A marihuana secure transporter shall carry a copy of a route plan and manifest in the transporting vehicle and shall present them to a law enforcement officer upon request.
**Rule 42, Sampling.**
(2) A marihuana safety compliance facility shall collect samples of a marihuana product from another marihuana establishment according to the following requirements:
(d) The marihuana safety compliance facility shall enter in the statewide monitoring system the marihuana product sample that was collected from a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness, including the date and time the marihuana product is collected, transferred, tested, and recorded within 3 business days of completion of testing.

**Rule 29, SCF License**
(3) A marihuana safety compliance facility license shall comply with all of the following:
(d) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
(e) Have a secured laboratory space that cannot be accessed by the general public.
MRTMA SAFETY COMPLIANCE FACILITY PRELICENSURE INSPECTION CHECKLIST

Personnel:

SCFs provide complex laboratory services which require personnel to possess the qualifications necessary to ensure their professional competence. Corporate organization, as part of this section, ensures duties carried out by personnel are clearly defined and changes of personnel in key positions do not affect continuity of operations/certification. This section provides guidance for the baseline requirements for SCF personnel.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Evidence of Compliance</th>
<th>Satisfactory Yes or No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the laboratory employ a Laboratory Manager with sufficient education and experience in order to obtain and maintain certification? *position description must satisfy Emergency Rule 29(3)(f)</td>
<td>Retain and employ at least 1 laboratory manager with a relevant advanced degree in a medical or laboratory science. A laboratory manager shall be responsible for the following duties including, but not limited to: (i) Ensure tests are conducted in accordance with ISO 17025. (ii) Ensure test results are accurate and valid. (iii) Oversee day-to-day operations. (iv) Validate reporting requirements in the statewide monitoring system. (v) Verify conformity with ISO 17025. (vi) Any other duties required and published by the agency.</td>
<td>Yes or No</td>
<td></td>
</tr>
</tbody>
</table>

Standard Operating Procedure:

SOPs provide guidance and tools for companies and organizations who want to ensure that their products and services consistently meet customer’s requirements, and that quality is consistently improved. (ISO 9000 Quality Management).

Has a written Standard Operating Procedure (SOP) Manual been established? Emergency Rule 43(1)(b)

SOPs are uniformly written procedures with detailed instructions to perform routine operations, processes, and practices followed within an organization. SOPs help define the group’s (e.g. unit, division, department, institution, etc.) standard practices and daily processes conducted to assure execution of tasks (pre-analytic, analytic, and post-analytic) in accordance with institutional and state guidance.

- Potency Analysis: R43 (3)(a)
- Foreign matter inspection: R43 (3)(b)
- Chemical Residue: R43 (3)(d)
- Microbial Screening: R43 (3)(c)
- Metals: R43 (3)(e)
- Residual solvents: R43 (3)(f)
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the SOP Manual include criteria for sample retention to assure stability for 30 days for all products? Emergency Rule 43(7)</td>
<td>All samples remaining after testing must be securely stored by the SCF for 30 days.</td>
</tr>
</tbody>
</table>
| Does the SOP Manual include criteria for sample disposal? Emergency Rule 43(7) in accordance with Rule 37. | Marijuana and marijuana product waste must be made unusable and unrecognizable prior to leaving the licensed premises. The laboratory must grind and incorporate the marijuana waste with non-consumable, solid wastes such that the resulting mixture is at least 50% non-marijuana waste. Compounds that can be used for the waste mixture:  
- Paper waste  
- Plastic waste  
- Cardboard waste  
- Food waste  
- Grease or other compostable oil waste  
- Other wastes, approved by the Agency  
- Soil |
| Does the SOP Manual include criteria, for the validation of new or revised methods, where applicable, prior to testing samples? Emergency Rule 43(1)(b)(2) | All new and revised analytical methods must be validated, and SOP criteria must, at minimum, include the following parameters: accuracy, precision, analytical sensitivity, analytical specificity (interferences), limit of detection (LOD), limit of quantification (LOQ), and verification of the reportable range. |
| Does the SOP Manual include criteria establishing a documented system for reviewing the results of testing calibrators, controls, standards, and test results; as well as reviewing for clerical errors, analytical errors, and any unusual analytical results? Emergency Rule 43(1)(b)(c) | The documented system/procedure for review of routine/daily testing should include; but is not limited to, review of:  
- Calibrators  
- Controls  
- Standards  
- Test results (ensure that test results are reported in the proper units for the proper samples, and all of the aforementioned checks and balances were, in fact, reviewed). |
| MRTMA SAFETY COMPLIANCE FACILITY PRELICENSURE  
INSPECTION CHECKLIST |
|-----------------------|
| • Administrative errors (errors in data entry, results, client information, etc.)  
• Analytical errors (calculations, dilution factors, etc.)  
• Any unusual analytical results (peak shaving, calibration point removal, etc.)  
This review must be documented to reflect that each analytical result reported has been evaluated for the aforementioned examples, to ensure the accuracy of the final report. This process should include at least two levels of review. |
| Does the SOP Manual include policies and procedures to follow when samples are requested for referral for testing by another certified laboratory?  
**Emergency Rule 43(1)(b)** |
| A laboratory must have policies and procedures in place that follow METRC requirements for transfer of samples. These policies and procedures may also help as part of a contingency plan for continuity of operations for the SCF.  
Also, how to do this in Metrc |

**Analytical Processes:**  
The analytical process can be described as consisting of four principle stages of operation:  
1. Sampling  
2. Isolation/separation of the desired constituent in a measurable state  
3. Measurement of the desired constituent  
4. Calculation and interpretation of the data  

**Proficiency Testing:**  
Laboratory Standardization is achieved when test results with the same high levels of accuracy and precision can be reproduced across measurement systems, laboratories, and over time. Proficiency testing ensures the production of credible and comparable data across laboratories.

| Is the laboratory participating in a Proficiency Testing (PT) program for each approved category, annually, in which it seeks continuing certification?  
**Emergency Rule 43(14)** |
| To maintain certification SCFs must successfully participate and pass proficiency testing samples once per year for the category for which they are seeking continued certification. These blinded samples help ensure that the clients are receiving accurate quality results from a certified laboratory, regardless of methodology used. |

- □ Potency Analysis: R43 (3)(a)  
- □ Foreign matter inspection: R43 (3)(b)  
- □ Chemical Residue: R43 (3)(d)  
- □ Microbial Screening: R43 (3)(c)  
- □ Metals: R43 (3)(e)  
- □ Residual solvents: R43 (3)(f)
### Competency Assessments:
Competency assessments evaluate an employee’s ability to adequately perform job duties. The assessments can be utilized to determine if an analyst is fully trained and allowed to perform duties independently or if additional training, remedial training, or removal from the analysis is required.

<table>
<thead>
<tr>
<th>Does the laboratory ensure that prior to testing any samples, all testing analysts receive the appropriate training for the type and complexity of tests performed and have demonstrated and documented that they can perform all testing operations reliably to provide and report accurate results? <strong>Emergency Rule 43(1)(b)(c) Emergency Rule 43(14)</strong></th>
<th>Appropriate training for the type and complexity of testing performed is a discretionary term that must be taken with proper consideration and may possibly include performance of a risk assessment to determine the training necessary to ensure that all testing operations are reliably executed to provide and report accurate results. Prior to independently analyzing samples, testing personnel must demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the laboratory have written policies and procedures for monitoring individuals who conduct pre-analytic, analytic, and post-analytic phases of testing to assure that they are competent and maintain their competency to process specimens, perform test procedures, and report test results promptly and proficiently, and whenever necessary, identify needs for remedial training or continuing education to improve skills? <strong>Emergency Rule 43(1)(b)(c)</strong></td>
<td>SCFs must have a written and documented system to evaluate and document employee competency in performing authorized tests. The written policies and procedures must include the evaluations of employees performing accessioning and reporting.</td>
</tr>
</tbody>
</table>
### Quality Assurance & Quality Control:

Laboratory Quality Assurance Programs (QAP) encompass a range of activities that enable laboratories to achieve and maintain high levels of accuracy and proficiency despite changes in test methods and the volume of specimens tested. Test results produced by SCFs have a significant influence on public health and industry product acceptability. A good QA program at least:

- Establishes SOPs for each step of the laboratory testing process, ranging from specimen handling to instrument performance validation.
- Defines administrative requirements, such as mandatory recordkeeping, data evaluation, and internal audits to monitor adherence to SOPs.
- Specifies corrective actions, documentation, and the persons responsible for carrying out corrective actions when problems are identified; and
- Sustains high-quality employee performance.

### Has the laboratory established and continuously monitored and documented the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory’s pre-analytic, analytic, and post-analytic systems when they occur?

**Emergency Rule 43(1)(c)**

The laboratory’s QAP must have an established, documented method (policy/SOP) for the ongoing review of the QAP. A recommended method for continuously monitoring and documenting the ongoing review of the QAP would be internal audits. Internal audits can monitor adherence to SOPs and the QAP through document review.

### Does the laboratory ensure that the test methodologies selected have the capability of providing the quality of results required for the level of the testing the laboratory is certified to perform?

**Emergency Rule 43(1)(c)**

The laboratory must ensure that testing systems developed and used for each of the tests performed provide quality laboratory services for all aspects of test performance, which includes the pre-analytic, analytic, and post-analytic phases of testing. This entails ensuring...
that verification procedures used are adequate to determine the accuracy, precision, and other pertinent performance characteristics of the method; and that laboratory personnel are performing the test methods as required for accurate and reliable results.  
The laboratory must select methods or have assurances in place that at a minimum, under normal circumstances (proper equipment functionality, trained staff, etc.), should be capable of reasonably detecting problems with the method, a matrix, total effectiveness, or other variables that could affect the quality of results.

**Sample Tracking:**  
Sample tracking is an important component of Quality Control and is imperative to maintaining chain of custody. Sample tracking ensures proper sample identification from acceptance to destruction and accuracy in reported test results.

<table>
<thead>
<tr>
<th>Has the laboratory established an adequate sample tracking system?</th>
<th>Sample tracking within a laboratory must be capable of individually identifying every sample throughout pre-analytical, analytical, post-analytical activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency Rule 38(7)</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does the laboratory document all persons handling the original samples, aliquots, and extracts?</th>
<th>A SCF must establish a system to document the complete chain of custody for samples, from receipt to disposal. The laboratory should record all person(s) in custody of the sample from receipt in the laboratory through analysis, storage, and disposal.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency Rule 38(7)</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Record Retention:**  
SCFs must maintain records so that analytical activities performed can be accounted. Records management is the process by which an organization manages all aspects of records, whether internally or externally generated and in any format or media type, from their creation through their lifecycle to their eventual disposal. Laboratory records provide evidence of actions and decisions and represent a vital asset to support daily functions and operations.

| Has the laboratory established written processes to preserve sample records? | The laboratory must have a record retention policy for:  
  - Test results |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency Rule 43(1)(c)</strong></td>
<td></td>
</tr>
</tbody>
</table>
MRTMA SAFETY COMPLIANCE FACILITY PRELICENSURE INSPECTION CHECKLIST

- Quality Control and Quality Assurance records
- SOPs
- Personnel records
- Chain of Custody records
- Proficiency testing records
- Analytical data to include printouts generated by the instrument

**Reporting:**
Proper laboratory reporting is essential to protecting public health. Results and interpretations must be conveyed to customers so they can be applied to their products. Adequate reporting to MED is necessary so any public health hazards can be addressed and mitigated.

<table>
<thead>
<tr>
<th>Does the laboratory adequately document the available external chain of custody information? <strong>Emergency Rule 38(7)</strong></th>
<th>The laboratory should review manifests to ensure accurate and complete external chain of custody was documented and ensure this information is accurately included in the final report.</th>
</tr>
</thead>
</table>

**Standards of Certification:**
A Safety Compliance Facility must meet standards of performance, as established by MRTMA rules, in order to obtain and maintain certification.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the ISO 17025:2005 scope of accreditation specify each particular testing category?</td>
<td>Emergency Rule 43(1)(a)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>In order to obtain testing approval from the Agency, the Safety Compliance Facility’s scope of accreditation must specify that particular testing category and associated methods, the facility has one year from the date of their license to satisfy this requirement.</td>
<td>□ Potency Analysis: R43 (3)(a)</td>
</tr>
<tr>
<td></td>
<td>□ Foreign matter inspection: R43 (3)(b)</td>
</tr>
<tr>
<td></td>
<td>□ Chemical Residue: R43 (3)(d)</td>
</tr>
<tr>
<td></td>
<td>□ Microbial Screening: R43 (3)(c)</td>
</tr>
<tr>
<td></td>
<td>□ Metals: R43 (3)(e)</td>
</tr>
<tr>
<td></td>
<td>□ Residual solvents: R43 (3)(f)</td>
</tr>
<tr>
<td></td>
<td>□ Water activity including moisture content: R43 (3)(g)</td>
</tr>
<tr>
<td></td>
<td>□ Homogeneity: R45(2)</td>
</tr>
</tbody>
</table>
### Rule 64, Temp Event Sales

2. Only persons age 21 or older may purchase and consume marihuana products at a temporary marihuana event. Prior to selling marihuana products to a customer, the licensee making the sale shall confirm, using valid identification as specified in the act and these rules, the age and identity of the customer.

3. All sales of marihuana products at a temporary marihuana event must occur in a retail area as designated in the premises diagram required in Rule 62.

4. Each sale at a temporary marihuana event shall be performed by a licensed marihuana retailer or marihuana microbusiness that is authorized to sell marihuana products to customers. The marihuana event organizer may also sell marihuana products at the temporary marihuana event if the marihuana event organizer separately holds a state license as a marihuana retailer or marihuana microbusiness.

5. Licensed marihuana retailers or licensed marihuana microbusinesses shall only conduct sales activities within their specifically assigned area, identified in the diagram of the physical layout of the temporary marihuana event.

6. Mobile sales activities via wagon, cart, or similar means are prohibited at the temporary marihuana event site.

7. Licensed marihuana retailers or marihuana microbusinesses must prominently display their temporary marihuana event location number and state license within plain sight of the public.

8. All sales at a temporary marihuana event shall occur on the dates stated on the state license and shall occur at the location stated on the state license. All onsite sales of marihuana products must comply with the hours of operation requirements in Rule 62.

### Rule 64, Product Security

10. Except small amounts of products used for display, all marihuana products for sale at a temporary marihuana event shall be stored in a secure, locked container that is not accessible to the public. Marihuana products being stored by a licensee at a temporary marihuana event shall not be left unattended.

### Rule 64, Temp Event Manifests and tracking

9. The marihuana products sold onsite at a temporary marihuana event shall be transported to the site of the temporary marihuana event by a licensed securer transporter in compliance with the act and these rules. A licensed transporter is not required if less than 15 ounces of marihuana or 60 grams of concentrate is being transported at one time.

11. All marihuana products made available for sale at a temporary marihuana event by a licensee shall comply with all requirements of the act and these rules for the sale and tracking of marihuana products. This includes, but is not limited to, the following:

   a. Identifying marihuana product from licensees’ inventory at the marihuana establishment that will be transported for sale at the event using a marihuana secure transporter or an agent of the licensee to the temporary marihuana event.

   b. Tracking in the statewide monitoring system any sales of marihuana product at the event in accordance with the requirements of these rules.

   c. Tracking in the statewide monitoring system any marihuana product that is not sold at the event and is being returned to the marihuana establishment’s inventory at its permanent location. If more than 15 ounces of marihuana or 60 grams of concentrate is being transported at one time, it must be transported using a marihuana secure transporter.

### Rule 62, Temp Event License

1. A temporary marihuana event license shall only be issued to a person who holds a marihuana event organizer license issued by the agency.
### Rule 62, Temp Event Security

(8) The licensed marihuana event organizer shall hire or contract for licensed security personnel to provide security services at the licensed temporary marihuana event. All security personnel hired or contracted for by the licensee shall be at least 21 years of age and present on the licensed event premises at all times marihuana products are available for sale or marihuana consumption is allowed on the licensed event premises. The security personnel shall not engage in the consumption of marihuana products before or during the event.

### Rule 62, Temp Event Layout

(6) An application for a temporary marihuana event license shall be made under oath on a form provided by the agency and shall contain information as prescribed by the agency, including, but not limited to:

- (a) The name of the applicant. For applicants who are individuals, the applicant shall provide both the first and last name of the individual. For applicants who are business entities, the applicant shall provide the legal business name of the applicant.

- (b) The marihuana event organizer license number and each marihuana establishment license held by the applicant.

- (c) The address of the location where the temporary marihuana event will be held.

- (d) The name of the temporary marihuana event.

- (e) A diagram of the physical layout of the temporary marihuana event. The diagram shall clearly indicate all of the following:
  - (i) Where the temporary marihuana event will be taking place on the location grounds.
  - (ii) All entrances and exits that will be used by participants during the event.
  - (iii) All marihuana consumption areas.
  - (iv) All marihuana retail areas where marihuana products will be sold.
  - (v) Where marihuana waste will be stored.
  - (vi) All areas where marihuana products will be stored.
  - (vii) The specific location of each marihuana retailer or marihuana microbusiness licensee who will be participating in the event. Each marihuana retailer or marihuana microbusiness licensee participating in the event shall be identified with an assigned temporary marihuana event location number.

- (f) The dates and hours of operation for which the temporary marihuana event license is being sought. A temporary marihuana event license is required for any date in which the applicant engages in onsite marihuana product sales or allows onsite marihuana product consumption.

- (g) Contact information for the applicant’s designated primary contact person regarding the temporary marihuana event license, including the name, title, address, phone number, and email address of the individual.

- (h) Contact information for a designated contact person(s) who shall be onsite at the event and reachable by telephone at all times that the event is occurring.

- (i) Written attestation on a form provided by the agency from the municipality authorizing the applicant to engage in onsite marihuana sales to, and onsite consumption by, persons 21 years of age or older at the temporary marihuana event at the proposed location.

- (j) A list of all licensees and employees that will be providing onsite sales of marihuana products at the temporary marihuana event. If the list of licensees and employees participating in the temporary marihuana event changes after the application is submitted or after the temporary marihuana event license is issued, the applicant shall submit an updated list and an updated diagram to the agency not less than 72 hours before the event. Licensees not on the list submitted to the agency shall not participate in the temporary marihuana event.

### Rule 62, Age Posting

(9) A licensed marihuana event organizer shall maintain a clearly legible sign, not less than 7” x 11” in size reading, “No Persons Under 21 Allowed” at or near each public entrance to any area where the sale or consumption of marihuana products is allowed. The lettering of the sign shall be no less than 1 inch in height.

(10) The marihuana event organizer licensee shall ensure that access to event is restricted to persons 21 years of age or older and ensure that marihuana sales or consumption is not visible from any public place or non-age restricted area.

### Rule 64, Temporary marihuana event sales.

(1) A marihuana event organizer licensee shall ensure that access to the area where marihuana sales are allowed shall be restricted to persons 21 years of age or older.
Rule 59. Designated consumption establishment license.

(2) A person may apply for a designated consumption establishment license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for a designated consumption establishment license shall be made under oath on a form provided by the agency. A complete application for a designated consumption establishment license shall contain the information required in Rule 7 of these rules and the following including, but not limited to:

(a) A designated consumption establishment plan for the proposed consumption establishment. Upon the request of the agency, an applicant or licensee may be required to submit a revised designated consumption establishment plan. The plan must include, a diagram of the designated consumption establishment including, but not limited to, all of the following:

(i) The proposed establishment’s size and dimensions.
(ii) Specifications of the designated consumption establishment.
(iii) Physical address.
(iv) Location of common entryways, doorways, or passageways.
(v) Means of public entry or exit.
(vi) An indication of the distinct areas or structures for separate marihuana establishments at the same location as provided in Rule 31.

(b) A detailed floor plan and layout that includes all of the following:

(i) Dimensions of the consumption establishment including interior and exterior rooms.
(ii) Number of rooms.
(iii) Dividing structures.
(iv) Fire walls.
(v) Entrances and exits.
(vi) Locations of hazardous material storage, if applicable.
(vii) Means of egress.

(c) Construction details for structures and fire-rated construction for required walls.

(d) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.

(e) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.

(f) Zoning classification and zoning information.

(g) If the proposed designated consumption establishment is in a location that contains multiple tenants and any applicable occupancy restrictions.

(h) Any other information required by the agency if not inconsistent with the act and these rules.

(i) A business plan, which includes a description of the proposed hours of operation.

(j) Proof of possession of the premises where the proposed designated consumption establishment will be located that encompasses all dates of the consumption establishment’s operations and, if the premises are leased, written permission from the owner of the premises approving the applicant’s use of designated consumption establishment for marihuana consumption.

(k) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the designated consumption establishment, the illegal sale or distribution of marihuana or marihuana products within the consumption establishment, and any other potential criminal activity on the premises.

(l) A documented employee training that addresses all components of the responsible operations plan.

(m) A marihuana product destruction and waste management plan that meets the requirements of Rule 37, as applicable, for destroying and disposing of waste left at the marihuana establishment.

Rule 59, Smoke Free Requirements

(7) A designated consumption establishment shall have the following characteristics:

(a) A smoke-free area for employees to monitor the marihuana consumption area.

(b) A ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted.

(c) A location physically separated from areas where smoking is prohibited and where smoke does not infiltrate into nonsmoking areas or buildings.
### Post-Licensure Inspections, Adult Use

<table>
<thead>
<tr>
<th>Sec./Rule Order</th>
<th></th>
</tr>
</thead>
</table>
(4) An applicant or licensee shall notify the agency within 1 business day of becoming aware of or within 1 business day of when the applicant or licensee should have been aware of all of the following:  
(a) Adverse reactions to a marihuana product sold or transferred by any licensee.  
(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state, federal, or foreign jurisdiction.  
(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, federal, or foreign jurisdiction, including any pending action.  
(5) The applicant or licensee shall notify the agency within 10 days of the initiation or conclusion of any new judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, that involves the applicant or the licensee. |
| **Rule 33, Safe Handling** | Rule 33. Marihuana establishments; general requirements.  
(6) A marihuana establishment shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. |
| **Rule 52, Advertising** | Rule 52. Marketing and advertising restrictions.  
(1) A marihuana establishment shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.  
(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.  
(3) A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be under 21 years of age. Any marihuana product advertised or marketed under this rule shall include the warnings listed in Rule 49(1)(k).  
(4) A marihuana product must be marketed or advertised as “marihuana” for use only by individuals 21 years of age or older.  
(5) A marihuana product must not be marketed or advertised to individuals under 21 years of age. Sponsorships targeted to members under 21 years of age are prohibited. |
| **MRTMA Sec.11.a, Visibility** | Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids. |
| **Rule 4, Inventory Control and Tracking** | Rule 4. Third-party inventory control and tracking system.  
(1) Except as otherwise provided in subrule (2), a licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under these rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s state license type:  
(2) If a licensee accesses or enters information directly into the statewide monitoring system, the licensee is not required to adopt and use a third-party inventory control and tracking system. |
(5) The agency may reinspect the marihuana establishment to verify the plan at any time during the establishment’s hours of operation and may require that the plan be resubmitted upon renewal. |
| --- | --- |
| Rule 12 & Rule 18, Prelicensure Inspection | Rule 12. Prelicensure investigation; proposed marihuana establishment inspection.  
(1) An applicant for a state license shall submit to a prelicensure physical inspection of a proposed marihuana establishment, as determined by the agency.  
Rule 18. Inspection; investigation.  
(1) The agency shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana establishments, and marihuana establishment operations:  
(a) Oversee and conduct inspections of proposed marihuana establishments and marihuana establishments to ensure compliance with the act and these rules.  
(b) Inspect and examine marihuana establishments and proposed marihuana establishments.  
(c) Inspect, examine, and audit records of the licensee. |
| Rule 12, C of O | Rule 12. Prelicensure investigation; proposed marihuana establishment inspection.  
(5) An applicant shall submit proof to the agency of both of the following:  
(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules. If this certificate is not available, the agency may accept alternative documentation from the building authority. |
(1) Before a state license is issued or renewed, the licensee or renewal applicant shall file a proof of financial responsibility for liability for bodily injury on the form prescribed in Rule 8 of these rules, for an amount not less than $100,000.00. If the proof required in this subrule is a bond, the bond must be in a format acceptable to the agency. |
| Rule 14, Refused Inspection or Did Not Pass | Rule 14. Denial of state license; additional reasons.  
(2) In addition to the reasons for denial in the act, a state license may be denied by the agency for any of the following reasons:  
(k) The agency is unable to access the proposed marihuana establishment for prelicensure agency inspection or the applicant denied the agency access to the proposed marihuana establishment.  
(l) The applicant failed to receive a passing prelicensure inspection within 60 days of a complete application being submitted to the agency. |
| Rule 14, Establishment substantially differs from plans | Rule 14. Denial of state license; additional reasons.  
(2) In addition to the reasons for denial in the act, a state license may be denied by the agency for any of the following reasons:  
(h) The applicant’s proposed marihuana establishment or marihuana establishment is substantially different from the marihuana establishment plan pursuant to Rule 11 and these rules. |
(1) Applicants and licensees have a continuing duty to provide the agency with up-to-date contact information and shall notify the agency in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the agency.
(2) Applicants and licensees shall report to the agency any changes to the marihuana establishment operations that are required in Rule 30 through Rule 40 and as required in these rules, as applicable.
(3) Applicants and licensees shall report to the agency any material changes to the marihuana establishment before making a material change that may require prior authorization by the agency. Material changes, include, but are not limited to, the following:
   (a) Change in owners, officers, members, or managers.
   (b) Change of location. Upon notification of a change in location, the agency may determine that a new state license and new inspection are required for the change of location pursuant to Rule 22.
   (c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 6 of the act, MCL 333.27956, committed by the licensee, but only if the violation relates to activities licensed under the act and these rules, or the MMFLA and its associated rules, or both.
   (d) The addition or removal of a person named in the application or disclosed.
   (e) Change in entity name.
   (f) Any attempted transfer, sale, or other conveyance of an interest in a state license.
   (g) Any change or modification to the marihuana establishment before or after licensure that was not preinspected, inspected, or part of the marihuana establishment plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processes at a marihuana establishment, increase or decrease in the size or capacity of the marihuana establishment, alterations of ingress or egress, and changes that impact security, fire and building safety.

Rule 17. Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.
(1) Applicants and licensees shall notify the agency and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana establishment.

Rule 18. Inspection; investigation.
(5) The agency may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the agency may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana establishment or marihuana establishment as authorized under the act and these rules.

Rule 30. State licenses; licensees; operations; general.
(2) A licensee shall comply with all of the following:
   (e) Licensee records must be maintained and made available to the agency upon request.

Rule 22. Changes to licensed marihuana establishment.
(1) Any change or modification to the marihuana establishment after licensure is governed by the standards and procedures set forth in these rules and any regulations adopted pursuant to the act. Any material change or modification to the marihuana establishment must be approved by the agency before the change or modification is made.
| Rule 30, Partitioning | Rule 30. State licenses; licensees; operations; general.  
(2) A licensee shall comply with all of the following:  
   (a) Except as provided in Rule 31 and Rule 32, marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling.Marihuana establishments shall not allow onsite or as part of the marihuana establishment any of the following:  
      (i) Sale, consumption, or serving of food or alcohol except for as provided in Rule 56 unless the establishment has the appropriate authorizations from other federal, state, or local agencies as applicable.  
      (ii) Consumption, use, or inhalation of a marihuana product unless the licensee has been granted a designated consumption establishment or temporary marihuana event license under Rule 59 and Rule 62.  
| Rule 30, Limited access areas | Rule 30. State licenses; licensees; operations; general.  
(2) A licensee shall comply with all of the following:  
   (b) A marihuana establishment shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state license.  
   (c) A marihuana establishment shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.  
   (d) Access to the marihuana establishment’s restricted and limited access areas is restricted to the licensee; employees of the licensee, escorted visitors, and the agency. A marihuana retailer or a marihuana microbusiness may grant access as provided in Rule 33(3) to customers to a dedicated point of sale area.  
| Rule 30, Fixed Location | Rule 30. State licenses; licensees; operations; general.  
(2) A licensee shall comply with all of the following:  
   (f) The marihuana establishment must be at a fixed location. Mobile marihuana establishments and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.  
| Rule 30, License display | Rule 30. State licenses; licensees; operations; general.  
(2) A licensee shall comply with all of the following:  
   (g) A state license issued under the act must be framed under a transparent material and prominently displayed in the marihuana establishment.  
| Rule 31, Same Location | Rule 31. Operation at same location.  
(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:  
   (d) The licensee of each marihuana establishment operating at the same location under this rule shall do all the following:
**Rule 32. Equivalent licenses; operation at same location.**

(2) To operate equivalent licenses at the same location, all of the following requirements must be met:

- (d) The person operating the equivalent licenses at the same location under this rule shall do all the following:
  - (i) Apply for and be granted a separate state license and a state operating license and pay the required fees for each license.
  - (ii) Post each state license and state operating license on the wall in its distinct area and as provided in these rules.
  - (iii) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards, if applicable.
  - (iv) Comply with the provisions in the act and these rules.

(3) A licensee with common ownership of a marihuana retailer and a provisioning center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from retail marihuana products.

(4) A licensee with common ownership of a marihuana retailer and a provisioning center and operating the equivalent licenses at the same location shall not bundle a product subject to the excise tax in section 13 of the act, MCL 333.27963, in a single transaction with a product or service that is not subject to the tax imposed by that section.

---

<table>
<thead>
<tr>
<th>Rule 32, Licenses &amp; Posting</th>
<th>Rule 35. Security measures; required plan; video surveillance system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>To operate equivalent licenses at the same location, all of the following requirements must be met:</td>
</tr>
</tbody>
</table>
Rule 35. Security measures; required plan; video surveillance system.

(6) A licensee shall ensure the video surveillance system does all the following:
   (a) Records, at a minimum, the following areas:
      (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana establishment.
      (ii) Limited access areas and security rooms. Transfers between rooms must be recorded.
      (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
      (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana establishments at the same location if applicable, including any transfers between marihuana establishments.
      (v) Point of sale areas where marihuana products are sold and displayed for sale.
      (vi) Anywhere marihuana or marihuana products are destroyed.
   (b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana establishment and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

(8) A licensee shall have sufficient lighting to meet the video surveillance system requirements of this rule.

(9) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

(10) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

(11) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the agency in which case the licensee shall retain the recordings until the time as the agency notifies the licensee that the recordings may be destroyed.

(12) Surveillance recordings of the licensee are subject to inspection by the agency and must be kept in a manner that allows the agency to view and obtain copies of the recordings at the marihuana establishment immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the agency upon request within the time specified by the agency.

(13) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

(14) A licensee shall maintain a log of the recordings, which includes all of the following:
   (a) The identities of the employee or employees responsible for monitoring the video surveillance system.
   (b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.
   (c) The identity of the employee who destroyed any recording.

Rule 36. Prohibitions.

(1) Except for licensed designated consumption establishments or temporary marihuana events, marihuana products not identified and recorded in the statewide monitoring system pursuant to these rules must not be at a marihuana establishment. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to these rules.

(2) Except for a licensed designated consumption establishment or temporary marihuana event, any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana establishment. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.

(3) A licensee shall not allow a physician to conduct a medical examination or issue a medical certification document at a marihuana establishment for the purpose of obtaining a registry identification card.

(4) A violation of these rules may result in sanctions or fines, or both, in accordance with the act and these rules.
Rule 37. Marihuana product destruction and waste management.

(1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding or another method as determined by the agency which incorporates the marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:
   (a) Paper waste.
   (b) Plastic waste.
   (c) Cardboard waste.
   (d) Food waste.
   (e) Grease or other compostable oil waste.
   (f) Fermented organic matter or other compost activators.
   (g) Soil.
   (h) Other wastes approved by the agency that will render the marihuana product waste unusable and unrecognizable.

(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.

(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the agency orders destroyed.

(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.

(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:
   (a) A manned and permitted solid waste landfill.
   (b) A manned compostable materials operation or establishment.
   (c) An in-vessel digester.
   (d) An incineration method approved by state and local laws and regulations.

(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.

(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The agency may publish guidance on marihuana product waste management.

(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.

(9) A licensed marihuana microbusiness or marihuana retailer who participates in a temporary marihuana event shall destroy and dispose of any marihuana product that is considered waste resulting from the licensee’s activities during the event according to the applicable provisions in this rule.

(10) Except for the marihuana product waste specified in subrule 9 of this rule, a marihuana event organizer who holds a temporary marihuana event is responsible for destroying and disposing of any marihuana product waste that results from the event. All marihuana waste must be rendered unusable and unrecognizable and disposed of in accordance with this rule and in compliance with all applicable state and local laws and regulations.

(11) A licensed designated consumption establishment shall destroy and dispose of any marihuana product left at the establishment that is considered waste in accordance with this rule and in compliance with all applicable state and local laws and regulations. The designated consumption establishment shall maintain a log of any marihuana product that is considered waste, which shall include a description of the waste and the amount and the manner in which it was disposed. The designated consumption establishment licensee shall make the log available to the agency upon request.
Rule 38. Storage of marihuana product.
(1) All inventories of marihuana products must be stored at a marihuana establishment in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under these rules.
(2) All containers used to store marihuana products for transfer or sale between marihuana establishments must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act and these rules.
(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
(5) All marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
(6) A marihuana retailer shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
(7) A marihuana safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

Rule 47. Tracking identification; labeling requirements; general.
(1) All marihuana products sold or transferred between marihuana establishments must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the agency, the act, and these rules.

Rule 49. Marihuana product sale or transfer; labeling and packaging requirements.
(1) Before a marihuana product is sold or transferred to or by a marihuana retailer, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
   (a) The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
   (b) The name of the licensee and the state license number including business or trade name of licensee that packaged the product, if different from the marihuana processor of the marihuana product.
   (c) The unique identification number for the package or the harvest, if applicable.
   (d) Date of harvest, if applicable.
   (e) Name of strain, if applicable.
   (f) Net weight in United States customary and metric units.
   (g) Concentration of THC and CBD.
   (h) Activation time expressed in words or through a pictogram.
   (i) Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
   (j) The universal symbol for marihuana product published on the agency’s website.
   (k) A warning that states all the following:
      (i) "For use by individuals 21 years of age or older only. Keep out of reach of children."
      (ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
      (iii) “National Poison Control Center 1-800-222-1222.”
(2) An edible marihuana product sold by a marihuana retailer shall comply with Rule 45(7).
**Rule 56. Employees; requirements.**

(1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the agency.

(2) A licensee shall comply with all of the following:
   (a) Not allow a person under 21 years of age to volunteer or work for the marihuana establishment pursuant to section 11 of the act, MCL 333.27961.
   (b) Not employ any individual who has been convicted for an offense involving distribution of a controlled substance to a minor.
   (c) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is convicted for an offense involving distribution of a controlled substance to a minor, the licensee shall report it immediately to the agency. The agency shall maintain a list of excluded employees.

**Rule 56, Employee tracking**

(2) A licensee shall comply with all of the following:
   (d) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.
   (e) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana establishment and the statewide monitoring system.
   (i) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the agency in accordance with subdivision (c) of this subrule.

**Rule 56, Employee training**

(2) A licensee shall comply with all of the following:
   (f) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials. If applicable, the employee training manual shall include a responsible operations plan as specified in subdivision (g) of this subrule.
   (g) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the establishment, the illegal sale or distribution of marihuana or marihuana products within the establishment, and any other potential criminal activity on the premises, as applicable.
   (h) Establish point of sale or transfer procedures for employees at marihuana retailers performing any transfers or sales to individuals 21 years of age or older. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.
   (j) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.27.

**Rule 56, Employee, general**

(5) Consumption of food by employees or visitors is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana establishment has a designated area for the consumption of food that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.
## Rule 24, Grower License

**Marihuana grower license.**

1. A marihuana grower license authorizes the marihuana grower to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:
   - (a) Class A – 100 marihuana plants.
   - (b) Class B – 500 marihuana plants.
   - (c) Class C – 2,000 marihuana plants.

2. A marihuana grower must enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.

## Rule 41, Plant Batches and Tagging

**Batch; sampling procedures.**

1. A marihuana grower shall uniquely identify each immature plant batch in the statewide monitoring system. Each immature plant batch must not consist of more than 100 immature plants.

2. A marihuana grower shall tag each plant that is greater than 8 inches in height from the growing or cultivating medium or more than 8 inches in width with an individual plant tag and record the identification information in the statewide monitoring system.

3. A marihuana grower shall delineate or separate the plants as the plants go through different growth stages and ensure that the plant tag is always identified with the plant throughout the growth span so that all plants can be easily identified and inspected pursuant to these rules. A marihuana grower shall ensure that identification information is recorded in the statewide monitoring system in accordance with these rules.

4. After a tagged plant is harvested, it is part of a harvest batch so that a sample of the harvest batch can be tested by a marihuana safety compliance facility. A marihuana grower shall quarantine a harvest batch from other plants or batches that has test results pending. A harvest batch must be easily distinguishable from other harvest batches until the batch is broken down into packages.

5. After test results show a passed test and the harvest batch is packaged, the marihuana grower shall destroy the individual plant tags. Each package must have a package tag attached. A marihuana grower shall ensure this information is placed in the statewide monitoring system in accordance with these rules.

6. A marihuana grower shall not transfer or sell any marihuana product that has not been packaged with a package tag attached and recorded in the statewide monitoring system in accordance with these rules.

## Rule 48, Plant Tracking

**Marihuana plant; tracking requirements.**

Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:

- (a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
- (b) Name of the strain.
- (c) Date of harvest, if applicable.
- (d) Seed strain, if applicable.
- (e) Universal symbol, if applicable.

Before the marihuana product can leave the marihuana grower establishment, except as provided in subrule (6) of this rule, a sample of the harvest batch must be tested by a licensed marihuana safety compliance facility as provided in Rule 42 and Rule 43. All test results must indicate passed in the statewide monitoring system before the marihuana can be packaged. A marihuana product from harvest batches must not be transferred or sold until tested, packaged, and tagged as required under subrule (4) of this rule. A marihuana product from a harvest batch that fails safety testing may only be sold or transferred under the remediation protocol as provided in Rule 44. A marihuana product that fails testing and is remediated may only be sold or transferred once approved by the agency.

A marihuana grower establishment may transfer or sell marihuana to a marihuana processor without first being tested by a marihuana safety compliance facility in order to produce live resin. The maximum harvest batch size for the production of live resin must be 60 pounds. After the marihuana processor has produced live resin, the marihuana processor shall have the sample tested pursuant to Rule 42 and Rule 43.
### Rule 49, Package Labeling

Before a marihuana product is sold or transferred to or by a marihuana retailer, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:

- (a) The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
- (b) The name of the licensee and the state license number including business or trade name of licensee that packaged the product, if different from the marihuana processor of the marihuana product.
- (c) The unique identification number for the package or the harvest, if applicable.
- (d) Date of harvest, if applicable.
- (e) Name of strain, if applicable.
- (f) Net weight in United States customary and metric units.
- (g) Concentration of THC and CBD.
- (h) Activation time expressed in words or through a pictogram.
- (i) Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
- (j) The universal symbol for marihuana product published on the agency’s website.
- (k) A warning that states all the following:
  - (i) “For use by individuals 21 years of age or older only. Keep out of reach of children.”
  - (ii) “It is illegal to drive a motor vehicle while under the influence of marihuana.”
  - (iii) “National Poison Control Center 1-800-222-1222.”

### Rule 53, Trade Samples

(1) The following licensees may provide trade samples:

- (a) A marihuana grower may provide samples of marihuana or marihuana products to a marihuana processor or a marihuana retailer.
- (b) A marihuana processor may provide a sample of marihuana or marihuana products to a marihuana processor or marihuana retailer.

(2) The transfer of trade samples does not require the use of a marihuana secure transporter provided the amount of trade samples does not exceed either:

- (a) 15 ounces of marihuana.
- (b) 60 grams of marihuana concentrate.

(3) Except for a licensed designated consumption establishment, the samples may not be consumed or used on the premises of a licensed marihuana establishment.

(4) Trade samples may not be sold to another licensee or consumer.

(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.

(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.

(7) A licensee is limited to providing the following aggregate amounts of trade samples to another licensee in a 30-day period:

- (a) 2.5 ounces or less of marihuana.
- (b) 15 grams of marihuana concentrate.

(8) Any sample given to a licensee shall have a label containing the following in a legible font:

- (a) A statement that reads: “TRADE SAMPLE NOT FOR RESALE” in bold, capital letters attached to the trade sample.
- (b) All other information required in Rule 45.

(9) A licensee having received a trade sample may distribute the trade sample to its employees to determine whether to purchase the marihuana product.

### Rule 54, Internal Product Testing Samples

(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.

(5) A marihuana grower is limited to providing a total of 2.5 ounces or less of internal product testing samples to their employees in a 30-day period.
### Rule 55, R & D

(2) A marihuana grower may designate up to 50 marihuana plants for research and development. Any marihuana plants designated for research and development shall count towards the authorized total amount of marihuana plants for a marihuana grower establishment and must be tracked in the statewide monitoring system.

### Rule 25, Processor License

(1) A marihuana processor license authorizes purchase of marihuana only from a marihuana grower or a marihuana processor and sale of marihuana-infused products or marihuana only to a marihuana retailer or another marihuana processor.

(4) A marihuana processor must enter all transaction, current inventory, and other information into the statewide monitoring system as required in these rules.

### Rule 41, Package Tagging

(9) After a marihuana processor receives or purchases a package in the statewide monitoring system, and the marihuana processor proceeds to process the marihuana product in accordance with the scope of a marihuana processor license, the act, and these rules, the marihuana processor shall give the marihuana product a new package tag anytime the marihuana product changes form or is incorporated into something else.

(10) After a package is created by a marihuana processor of the marihuana product in its final state, the marihuana processor shall have the sample tested pursuant to Rule 42 and Rule 43. The marihuana processor shall not transfer or sell a final package to a marihuana retailer until after test results indicate a passed test.

### Rule 45, Labeling

(1) A marihuana processor shall package and properly label marihuana-infused products before sale or transfer.

(3) A marihuana processor of marihuana-infused products shall list and record the THC concentration and CBD concentration of marihuana-infused products, as provided in Rules 43 and 46, in the statewide monitoring system and indicate the THC concentration and CBD concentration on the label along with the tag identification as required under these rules. Items that are part of a product recall issued in the statewide monitoring system, or by the agency, or other state agency, if applicable, must be immediately pulled from production by the marihuana processor of the marihuana-infused products and not sold or transferred.

(5) At a minimum, a marihuana processor shall label any marihuana-infused product it produces or packages with all of the following:

(a) The name and address of the marihuana establishment that processes or packages the marihuana-infused product.

(b) The name of the marihuana-infused product.

(c) The ingredients of the marihuana-infused product, in descending order of predominance by weight.

(d) The net weight or net volume of the product.

(e) For an edible marihuana product, the marihuana processor shall comply with subdivisions (a) to (d) of this subrule and all of the following:

(i) Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343.

(ii) If any nutritional claim is made, appropriate labeling as specified by Code of Federal Regulations, Food Labeling, 21 CFR part 101.

(iii) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a marihuana establishment."
Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

6) A marihuana processor of edible marihuana product shall comply with all the following to ensure safe preparation:
   (a) 21 CFR part 110. Any potentially hazardous ingredients used to process shelf-stable edible marihuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
   (b) 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. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover the following subjects:
      (i) Causes of foodborne illness, highly susceptible populations, and worker illness.
      (ii) Personal hygiene and food handling practices.
      (iii) Approved sources of food.
      (iv) Potentially hazardous foods and food temperatures.
      (v) Sanitization and chemical use.
      (vi) Emergency procedures, including, but not limited to, fire, flood, and sewer backup.
   (c) A licensee, to ensure compliance with the safe preparation standards under this subrule, shall comply with 1 or more of the following:
      (i) The FDA food safety modernization act, 21 USC chapter 2201 to 2252.
      (ii) Safe Quality Food (SQF), 7.2 edition adopted by reference pursuant to Rule 3.
   (d) The agency may request in writing documentation to verify certifications and compliance with these rules.

Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

7) A marihuana processor of edible marihuana product shall comply with all the following:
   (a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
   (b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be 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 simply fruit flavored are permissible.
   (c) An edible marihuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15. An edible marihuana product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.

Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.

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:
   (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.

Rule 46. Maximum THC concentration for marihuana-infused products.

Marihuana-infused products processed, sold, or transferred through marihuana retailers must not exceed the maximum THC concentration as established by the agency. For the purposes of maximum THC concentration for marihuana-infused products, the agency shall publish a list of maximum THC concentration and serving size limits.
Rule 53. Trade samples.
(1) The following licensees may provide trade samples:
   (a) A marihuana grower may provide samples of marihuana or marihuana products to a marihuana processor or a marihuana retailer.
   (b) A marihuana processor may provide a sample of marihuana or marihuana products to a marihuana processor or marihuana retailer.
(2) The transfer of trade samples does not require the use of a marihuana secure transporter provided the amount of trade samples does not exceed either:
   (a) 15 ounces of marihuana.
   (b) 60 grams of marihuana concentrate.
(3) Except for a licensed designated consumption establishment, the samples may not be consumed or used on the premises of a licensed marihuana establishment.
(4) Trade samples may not be sold to another licensee or consumer.
(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.
(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.
(7) A licensee is limited to providing the following aggregate amounts of trade samples to another licensee in a 30-day period:
   (a) 2.5 ounces or less of marihuana.
   (b) 15 grams of marihuana concentrate.
(8) Any sample given to a licensee shall have a label containing the following in a legible font:
   (a) A statement that reads: “TRADE SAMPLE NOT FOR RESALE” in bold, capital letters attached to the trade sample.
   (b) All other information required in Rule 45.
(9) A licensee having received a trade sample may distribute the trade sample to its employees to determine whether to purchase the marihuana product.

Rule 54. Internal product testing samples.
(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.
(6) A marihuana processor is limited to providing a total of 5 grams of marihuana concentrate of internal product testing samples to their employees in a 30-day period.

Rule 55. Research and development.
(3) A marihuana processor may designate up to 5 grams of marihuana concentrate for research and development in a 30-day period. Any marihuana concentrates designated for research and development must be tracked in the statewide monitoring system.

Rule 26. Marihuana retailer license.
(1) A marihuana retailer license authorizes the purchase or transfer of marihuana only from a marihuana grower or marihuana processor and sale or transfer to only an individual 21 years of age or older. Except as otherwise provided in Rule 42, Rule 53, this rule, and the act, all transfers of marihuana to a marihuana retailer from a separate marihuana establishment must be by means of a marihuana secure transporter. A transfer of marihuana to a marihuana retailer from a marihuana establishment that occupies the same location as the marihuana retailer does not require a marihuana secure transporter if the marihuana is transferred to the marihuana retailer using only private real property without accessing public roadways.
(3) A marihuana retailer shall comply with all of the following:
   (a) Sell or transfer marihuana to an individual 21 years of age or older only after it has been tested and bears the label required for retail sale.
   (b) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.
   (c) Before selling or transferring marihuana to an individual 21 years of age or older, verify the individual appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in these rules.

Rule 32. Equivalent licenses; operation at same location.
(4) A licensee with common ownership of a marihuana retailer and a provisioning center and operating the equivalent licenses at the same location shall not bundle a product subject to the excise tax in section 13 of the act, MCL 333.27963, in a single transaction with a product or service that is not subject to the tax imposed by that section.
Rule 32. Equivalent licenses; operation at same location.
(3) A licensee with common ownership of a marihuana retailer and a provisioning center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from retail marihuana products.

Rule 31. Operation at same location.
(3) Operation of a state license at the same location that includes a licensed marihuana retailer shall have the entrance and exit to the licensed marihuana retailer and entire inventory physically separated from any of the other licensed marihuana establishment or establishments so that individuals can clearly identify the retail entrance and exit.

Rule 33. Marihuana establishments; general requirements.
(5) A marihuana retailer shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product as provided in the act and these rules. The marihuana retailer shall keep marihuana products behind a counter or other barrier to ensure that a customer does not have direct access to the marihuana products.

Rule 41. Batch; sampling procedures.
(11) After a marihuana retailer receives or purchases a marihuana product in the statewide monitoring system, a licensee may sell or transfer marihuana product only to an individual 21 years of age or older under both of the following conditions:
(a) The marihuana product has received passing test results in the statewide monitoring system. If the information cannot be confirmed, the marihuana product must be tested by a marihuana safety compliance facility and receive passing test results before sale or transfer.
(b) The marihuana product bears the label required for retail sale under these rules.

Rule 50. Sale or transfer; marihuana retailer.
(1) A marihuana retailer may sell or transfer a marihuana product to an individual 21 years of age or older if all of the following are met:
(a) The licensee confirms that the customer presented his or her valid driver license or government-issued identification card that bears a photographic image and he or she is 21 years of age or older.
(b) The licensee determines, if completed, any transfer or sale will not exceed the purchasing limit prescribed in Rule 51.
(c) Any marihuana product that is sold or transferred under this rule has been tested and is labelled and packaged for sale or transfer in accordance with Rule 49.

(2) A marihuana retailer shall enter all transactions, current inventory, and other information required by these rules in the statewide monitoring system in compliance with the act and these rules. The marihuana retailer shall maintain appropriate records of all sales or transfers under the act and these rules and make them available to the agency upon request.

(3) A marihuana retailer is not required to retain information from customers other than the following:
(a) Payment method.
(b) Amount of payment.
(c) Time of sale.
(d) Product quantity.
(e) Other product descriptors.

Rule 45. Requirements and restrictions on marihuana-infused products; edible marihuana product.
(7) A marihuana processor of edible marihuana product shall comply with all the following:
(a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
(b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be 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 simply fruit flavored are permissible.
(c) An edible marihuana product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15. An edible marihuana product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.
### Rule 53, Trade Samples

(5) Any sample provided to another licensee or received by a licensee must be recorded in the statewide monitoring system.

(6) Any trade samples provided under this rule must be tested in accordance with these rules prior to being transferred to another licensee.

### Rule 4, Internal Product Samples

(4) Any internal product testing sample provided under this rule must be recorded in the statewide monitoring system.

### Rule 57, Marihuana retailer delivery employees; delivery for individuals 21 years of age or older; limited circumstances

(1) A marihuana retailer may employ an individual to engage in the delivery of a marihuana product for sale or transfer to an individual 21 years of age or older.

(2) A marihuana retailer that employs an individual under subrule (1) of this rule shall establish procedures as specified in this rule to allow an employee of the marihuana retailer to deliver a marihuana product to an individual 21 years of age or older at the residential address or at the address of a designated consumption establishment provided at the time the order was placed. All of the following procedures apply to the delivery procedures established by a marihuana retailer:

(a) For the purposes of this rule only, a marihuana retailer may accept an online order request of a marihuana product and payment for the order that will be delivered to the residential address or the address of a designated consumption establishment provided by an individual 21 years of age or older as provided in this rule.

(b) The marihuana retailer creates a delivery procedure that is subject to inspection and examination including, but not limited to, record keeping and tracking requirements. The agency may publish guidelines on the recommended procedure.

(c) The delivery employee meets the requirements in Rule 56 and is an employee of the marihuana retailer.

(d) The agency has authorized the marihuana retailer licensee’s proposed delivery procedure.

(e) Any other delivery procedures required in this rule.

(3) A marihuana retailer that has received authorization under subrule (2) of this rule shall comply with all of the following:

(a) The marihuana retailer shall verify that the sale or transfer to the individual 21 years of age or older is in accordance with Rule 50 and this rule. The delivery employee may take cash payment upon delivery and shall deliver the marihuana product only to the physical residential address or to the address of a designated consumption establishment provided by the individual at the time the order was placed.

(b) The amount of marihuana product that may be delivered is limited to the single transaction purchase limits as provided in Rule 51.

(c) The marihuana retailer shall record all transactions in the statewide monitoring system as required in these rules.

(d) An employee of the marihuana retailer shall make deliveries only to an individual 21 years of age or older. The delivery employee shall verify that the person taking delivery is 21 years of age or older and the individual who placed the order.

(e) The authorization granted to a marihuana retailer pursuant to subrule (2) of this rule may be denied, suspended, or withdrawn by the agency. The marihuana retailer may be subject to other sanctions and fines as provided in the act and these rules.

(4) A marihuana retailer shall maintain records of all of the following that must be made available to the agency upon request:

(a) Confirmation that the customer presented his or her valid driver license or government-issued identification bearing a photographic image of the customer to verify he or she is 21 years of age or older at the time of delivery.

(b) Validation that the address for delivery of a marihuana product is the residential address or at the address of a designated consumption establishment provided by the customer at the time the order for the marihuana product was placed.

(c) Documentation that the customer has consented to the delivery of marihuana product.

(d) Maintenance of the following records for any motor vehicle used for delivery and the making of the records available to the agency upon request:

(i) Vehicle make.

(ii) Vehicle model.

(iii) Vehicle color.

(iv) Vehicle identification number.

(v) License plate number.

(vi) Vehicle registration.
Rule 57, Delivery

(5) A delivery employee shall carry a copy of all of the following information and shall make these records available to the agency upon request:

(a) The employee identification number required under Rule 56.
(b) The marihuana retailer licensee license number.
(c) The address of the marihuana retailer licensee.
(d) Contact information of the marihuana retailer licensee.
(e) A copy of the marihuana retailer delivery log as required in subrule (10) of this rule.

(6) A delivery employee shall have access to a secure form of communication with the marihuana retailer licensee, such as a cellular telephone, at all times in the vehicle or on his or her person.

(7) To ensure the integrity of the marihuana retailer operation, a delivery employee shall comply with all the following:

(a) During delivery, the delivery employee shall maintain a physical or electronic copy of the delivery request and shall make the delivery request available to the agency upon request.
(b) A delivery employee shall not leave a marihuana product in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system.
(c) A delivery employee’s vehicle shall contain a global positioning system (GPS) device for identifying the geographic location of the delivery vehicle. The device must be either permanently or temporarily affixed to the delivery vehicle while the delivery vehicle is in operation, and the device must remain active and in the possession of the delivery employee at all times during delivery. At all times, the marihuana retailer must be able to identify the geographic location of all delivery vehicles and delivery employees who are making deliveries for the marihuana retailer and shall provide that information to the agency upon request.
(d) While making deliveries, a delivery employee shall travel only from the marihuana retailer’s licensed marihuana establishment to the delivery addresses and back to the marihuana retailer. A delivery employee shall make no more than 10 deliveries per trip before returning to the marihuana retailer. In making deliveries, a marihuana retailer shall not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time pursuant to section 11 of the act, MCL 333.27961. A delivery employee shall not deviate from the delivery limit or delivery path described in this subrule except in an emergency that is reported to the marihuana retailer and documented in the residential delivery log. A delivery employee may refuel the vehicle during a stop that is reported and documented in the delivery log.
(e) While making deliveries, a delivery employee shall not carry marihuana product valued in excess of the amount of the customer’s delivery of the marihuana product at any time. A marihuana retailer shall have a procedure subject to agency’s approval that establishes the amount of money a delivery employee is allowed to have on his or her person at any 1 time during the delivery process. All transactions must be completed in 1 business day and any money collected during the delivery process must be returned to the marihuana retailer.
(f) A delivery employee of a marihuana retailer shall not be employed as a home or delivery employee for multiple marihuana retailers, provisioning centers, or marihuana microbusinesses.

(8) A marihuana retailer shall ensure that deliveries are completed in a timely and efficient manner as provided on the delivery request and log. All deliveries must occur within the business hours of the marihuana retailer. During a delivery, a delivery employee shall not store a marihuana product in a vehicle used for deliveries other than in a secured compartment. Marihuana product for delivery must be packaged separately per delivery order and not comingled during the delivery and stored within a secured compartment that is clearly marked, latched or locked in a manner to keep all contents secured within.

(9) The process of delivery begins when the delivery employee leaves the marihuana retailer’s marihuana establishment with the marihuana product for delivery. The process of delivery ends when the delivery employee returns to the marihuana retailer’s licensed marihuana establishment after delivering the marihuana product to the customer.

(10) A marihuana retailer shall maintain a record of each delivery of a marihuana product in a delivery log, which may be a hard copy or electronic format, and make the delivery log available to the agency upon request. For each delivery, the delivery log must record all of the following:

(a) The date and time that the delivery began and ended.
(b) The name of the delivery employee.
(c) The amount of marihuana product allowed to be possessed for delivery.
(d) The lot number of the marihuana product and the name of the strain of that marihuana product.
(e) The signature of the customer who accepted delivery.
(f) The deviations made under subrule 7(d).

(11) A marihuana retailer shall notify the agency, state police, or local law enforcement of any theft, loss of marihuana product, or criminal activity as provided in Rule 16. A marihuana retailer shall report to the agency and law enforcement, if applicable, any other event occurring during delivery that violates the delivery procedure as provided in this rule, including diversion of marihuana product.

(12) This rule does not affect the application of any applicable local, state, or federal laws or regulations.
### Rule 28, Secure Trans License

**Rule 28. Marihuana secure transporter license.**

1. A marihuana secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana establishments for a fee upon request of a person with legal custody of that marihuana or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver. If a marihuana secure transporter has its primary place of business in a municipality that has not adopted an ordinance under section 6 of the act, MCL 333.27956, prohibiting marihuana establishments, the marihuana secure transporter may travel through any municipality.

2. A marihuana secure transporter shall comply with all of the following:
   - Each driver transporting marihuana must have a chauffeur's license issued by this state.
   - Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.
   - A route plan and manifest must be entered into the statewide monitoring system, and a copy must be carried in the transporting vehicle and presented to a law enforcement officer upon request.
   - The marihuana must be transported in 1 or more sealed containers and not be accessible while in transit.
   - A secure transporting vehicle must not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

### Rule 33, Business Location

**Rule 33. Marihuana establishments; general requirements.**

1. A marihuana secure transporter shall have a primary place of business as its marihuana establishment that is operating in a municipality that has not adopted an ordinance prohibiting marihuana establishments from operating within its boundaries under section 6 of the act, MCL 333.27956, and these rules and its marihuana establishment must comply with the requirements prescribed by the act, these rules, and any municipal ordinances that meet the requirements of section 6 of the act, MCL 333.27956. A marihuana secure transporter shall hold a separate state license for every marihuana secure transporter location. A marihuana secure transporter may travel through any municipality to transport a marihuana product. A marihuana secure transporter shall comply with all of the following:
   - The marihuana secure transporter may take physical custody of the marihuana or money, but legal custody belongs to the transferor or transferee.
   - A marihuana secure transporter shall not sell or purchase marihuana products.
   - A marihuana secure transporter shall transport any marihuana product in a locked, secured, and sealed container that is not accessible while in transit. The container must be secured by a locked closed lid or door. A marihuana secure transporter of marihuana product from separate marihuana establishments shall not comingle the marihuana product. All marihuana products must be labeled in accordance with these rules and kept in separate compartments or containers within the main locked, secured, and sealed container. If the marihuana secure transporter transports money associated with the purchase or sale of marihuana product between establishments, the marihuana secure transporter shall lock the money in a sealed container kept separate from the marihuana product and only accessible to the licensee and its employees.
   - A marihuana secure transporter shall log and track all handling of money associated with the purchase or sale of marihuana between marihuana establishments. These records must be maintained and made available to the agency upon request.
   - A marihuana secure transporter shall have a route plan and manifest available for inspection by the agency to determine compliance with the act and these rules. A copy of the route plan and manifest must be carried with the marihuana secure transporter during transport between marihuana establishments. A marihuana secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana product pursuant to these rules. A marihuana secure transporter shall carry a copy of a route plan and manifest in the transporting vehicle and shall present them to a law enforcement officer upon request.
   - A marihuana secure transporter shall follow the manifest. In cases of emergencies, the marihuana secure transporter shall notify the transferor and transferee, update the statewide monitoring system, and revise the manifest to reflect the unexpected change to the original manifest.
   - A marihuana secure transporter shall store vehicles at its primary place of business. If a marihuana secure transporter stores a vehicle that does not contain marihuana or marihuana product at a location that is not its primary place of business, it will indicate that in its establishment plan pursuant to Rules 8 and 16.
   - Each driver transporting marihuana must have a chauffeur's license issued by this state.

---

<table>
<thead>
<tr>
<th>Rule 13, Registrations and Insurances</th>
<th>Rule 13. Proof of financial responsibility; insurance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) In addition to the requirement in subrule 1 of this rule, a marihuana secure transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marihuana product as required by the act and these rules.</td>
<td></td>
</tr>
</tbody>
</table>
### Rule 29, SCF License

**Rule 29. Marihuana safety compliance facility license.**

3. A marihuana safety compliance facility shall comply with all of the following:

   d. Enter all transactions, current inventory, and other information into the statewide monitoring system as required in these rules.

   e. Have a secured laboratory space that cannot be accessed by the general public.

### Rule 38, Chain of Custody

**Rule 38. Storage of marihuana product.**

1. All inventories of marihuana products must be stored at a marihuana establishment in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under these rules.

2. All containers used to store marihuana products for transfer or sale between marihuana establishments must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act and these rules.

3. All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

4. Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.

5. All marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.

6. A marihuana retailer shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.

7. A marihuana safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.

8. A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

### Rule 42, Sampling

**Rule 42. Sampling.**

2. A marihuana safety compliance facility shall collect samples of a marihuana product from another marihuana establishment according to the following requirements:

   d. The marihuana safety compliance facility shall enter in the statewide monitoring system the marihuana product sample that was collected from a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness, including the date and time the marihuana product is collected, transferred, tested, and recorded within 3 business days of completion of testing.
MRTMA SAFETY COMPLIANCE FACILITY INSPECTION CHECKLIST

**Personnel:**

SCFs provide complex laboratory services which require personnel to possess the qualifications necessary to ensure their professional competence. Corporate organization, as part of this section, ensures duties carried out by personnel are clearly defined and changes of personnel in key positions do not affect continuity of operations/certification. This section provides guidance for the baseline requirements for SCF personnel.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Evidence of Compliance</th>
<th>Satisfactory Yes or No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the laboratory employ a Laboratory Manager with sufficient education and experience in order to obtain and maintain certification? * position description must satisfy Emergency Rule 29(3)(f)</td>
<td>Retain and employ at least 1 laboratory manager with a relevant advanced degree in a medical or laboratory science. A laboratory manager shall be responsible for the following duties including, but not limited to: (i) Ensure tests are conducted in accordance with ISO 17025. (ii) Ensure test results are accurate and valid. (iii) Oversee day-to-day operations. (iv) Validate reporting requirements in the statewide monitoring system. (v) Verify conformity with ISO 17025. (vi) Any other duties required and published by the agency.</td>
<td>Yes or No</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory maintain complete and current documentation of education, training, and experience for the Laboratory Manager and all analysts? Emergency Rule 29(3)(f)</td>
<td>The laboratory must provide documentation that demonstrates that the Laboratory Manager and all analysts are competent to perform analysis. e.g. curriculum vitae (CV), resumes, training records, competency assessments, professional certifications, collegiate degrees or diplomas.</td>
<td>Yes or No</td>
<td></td>
</tr>
<tr>
<td>Has the Laboratory Manager specified, in a comprehensive job description, the responsibilities and duties of each person engaged in the performance of the pre-analytic, analytic, and post-analytic phases of testing? Emergency Rule 29(3)(f)</td>
<td>Documentation must identify which analyses and procedures each individual is authorized to perform, whether supervision is required for sample processing, test performance, results reporting, and the review required prior to reporting results.</td>
<td>Yes or No</td>
<td></td>
</tr>
<tr>
<td>Does the Laboratory Manager serve as the Supervisory Analyst?</td>
<td>The Laboratory Manager may also serve as a Supervisory Analyst or testing analyst, or</td>
<td>Yes or No</td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Rule 29(3)(f)</td>
<td>both, for a SCF. A Supervisory Analyst can hold as much or as little responsibility as the Laboratory Manager delegates, but the Supervisory Analyst must have the education/experience to make operational decisions (approve reports, method development, day-to-day scientific/operational decision making above the credentials of a testing analyst). The Supervisory Analyst is responsible for all duties delegated (in writing) by the Laboratory Manager.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the Testing Analysts qualified?</td>
<td>Testing Analysts should meet one of the following criteria: Have, at a minimum, a bachelor’s degree in one of the natural sciences and one year of full-time experience in laboratory testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there a sufficient number of qualified laboratory personnel to ensure accurate performance of tests and reporting of test results?</td>
<td>The laboratory must be adequately staffed to perform daily workloads and precise reporting, including providing appropriate consultation and adequate supervision of staff.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the laboratory have policy or procedure to provide a written notice to the Marijuana Regulatory Agency within seven days of the laboratory Manager’s departure?</td>
<td>In the event that the laboratory Manager leaves employment at a Safety Compliance Facility, the Safety Compliance Facility shall: 1. Provide written notice to the Marijuana Regulatory Agency within seven days of the laboratory Manager’s departure; and 2. Designate an interim laboratory Manager within seven days of the laboratory Manager’s departure. At a minimum, the interim laboratory Manager must meet the qualifications of a supervisory analyst. 3. The Safety Compliance Facility must hire a permanent laboratory Manager within 60 days from the date of the previous laboratory Manager’s departure, unless the Safety Compliance Facility receives a written waiver from the Division Director.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Does the laboratory Manager ensure that the overall analytical operation and quality of the | The laboratory Manager is responsible for the overall analytical operation and quality of the
<table>
<thead>
<tr>
<th>Operation and quality of the results reported by the Safety Compliance Facility are in compliance with the standards set forth in the Emergency Rules of the Adult-Use Marihuana Establishments Rules dated July 03, 2019? Emergency Rule 29(3)(f)</th>
<th>Results reported by the Safety Compliance Facility, including the employment of personnel who are competent to perform test procedures, and record and report test results promptly, accurately, and proficiently and for assuring compliance with the standards set forth in Emergency Rules of the Adult-Use Marihuana Establishments Rules dated July 03, 2019.</th>
</tr>
</thead>
</table>

**Standard Operating Procedure:**

SOPs provide guidance and tools for companies and organizations who want to ensure that their products and services consistently meet customer’s requirements, and that quality is consistently improved. (ISO 9000 Quality Management).

**Has a written Standard Operating Procedure (SOP) Manual been established?** Emergency Rule 43(1)(b)

<table>
<thead>
<tr>
<th>SOPs are uniformly written procedures with detailed instructions to perform routine operations, processes, and practices followed within an organization. SOPs help define the group’s (e.g. unit, division, department, institution, etc.) standard practices and daily processes conducted to assure execution of tasks (pre-analytic, analytic, and post-analytic) in accordance with institutional and state guidance.</th>
</tr>
</thead>
</table>

**Has the SOP Manual, to include all approved methods, been signed and dated by the current Laboratory Manager annually. (Not to exceed 12 months)** Emergency Rule 29(3)(f) Emergency Rule 43(2)

<table>
<thead>
<tr>
<th>SOPs must be approved, signed and dated by the Laboratory Manager prior to initial use, upon revision, and at least annually. Regular review of the laboratory procedures helps ensure in the in-use protocols are accurate and consistent with current practices. If any modifications are made to the procedures, the Laboratory Manager must approve, sign and date the revision prior to use.</th>
</tr>
</thead>
</table>

**Is the SOP Manual readily available to all analysts?**

<table>
<thead>
<tr>
<th>Accessibility (to the SOP Manual) can be either through paper-based or electronic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency Rule 43(1)(b)</strong></td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
</tbody>
</table>
| **Does the SOP Manual include criteria for sample receiving?** Emergency Rule 43(1)(b) | Sample receiving criteria should include requirements/instructions for reviewing and documenting the receipt of samples from the customer, such as:  
- # of samples received  
- Type of sample received (medical, retail, hemp)  
- Signatures verifying who accepted and reviewed the manifest/requisition  
- Verification of sample weights and condition  
- Instructions on how to receive samples in METRC |
| **Does the SOP Manual include criteria for sample accessioning?** Emergency Rule 43(1)(b) | The SOP criteria regarding sample accessioning should explain how the laboratory tracks samples from receipt, to analysis, to reporting, to storage. The criteria should also include a description of how accession numbers are created, internal labeling procedures, procedures for reviewing for clerical errors, and data-entry review. |
| **Does the SOP Manual include criteria for sample storage?** Emergency Rule 43(1)(b) | The SOP criteria for sample storage should include the laboratory’s requirements for storing samples upon receipt, throughout testing (unused sample and extracts), and long-term storage. Parameters to consider:  
- Temperature  
- Recording dates of sample storage and removal from storage  
- Comments (e.g. reason for obtaining a sample)  
- Initials of the recorder |
| **Does the SOP Manual include criteria for identifying and rejecting unacceptable samples?** Emergency Rule 43(1)(b) | Identification and rejection of samples should be thoroughly explained to include (if applicable): |
| Does the SOP Manual include criteria for recording and reporting discrepancies? | The laboratory must have processes to record and report discrepancies throughout the pre-analytic, analytic, and post-analytic phases of operation. Some examples of discrepancies:  
- Weight discrepancy between METRC and weight upon receipt at laboratory.  
- Debris found in sample.  
- Analytical sample vial broken during transfer to instrument.  
- Administrative reporting errors. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency Rule 43(1)(b)</strong></td>
<td><strong>Emergency Rule 43(1)(b)</strong></td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for security of samples, aliquots, extracts, and records?</td>
<td>The SOP must describe the measures taken by the laboratory to ensure the security of samples/aliquots/extracts upon intake, short-term storage, testing, and long-term storage. Additionally, the security of both paper and digital records that are in use and under long-term storage must be addressed.</td>
</tr>
<tr>
<td><strong>Emergency Rule 43(1)(b)</strong></td>
<td><strong>Emergency Rule 43(1)(b)</strong></td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for sample retention to assure stability for 30 days for all products?</td>
<td>All samples remaining after testing must be securely stored by the SCF for 30 days.</td>
</tr>
<tr>
<td><strong>Emergency Rule 43(7)</strong></td>
<td><strong>Emergency Rule 43(7)</strong></td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for sample disposal?</td>
<td>Marijuana and marijuana product waste must be made unusable and unrecognizable prior to disposal.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| **Emergency Rule 43(7) in accordance with Rule 37.** | to leaving the licensed premises. The laboratory must grind and incorporate the marijuana waste with non-consumable, solid wastes such that the resulting mixture is at least 50% non-marijuana waste. Compounds that can be used for the waste mixture:  
- Paper waste  
- Plastic waste  
- Cardboard waste  
- Food waste  
- Grease or other compostable oil waste  
- Other wastes, approved by the Agency  
- Soil |
| --- | --- |
| **Does the SOP Manual include criteria, for the validation of new or revised methods, where applicable, prior to testing samples?**  
**Emergency Rule 43(1)(b)(2)** | All new and revised analytical methods must be validated, and SOP criteria must, at minimum, include the following parameters: accuracy, precision, analytical sensitivity, analytical specificity (interferences), limit of detection (LOD), limit of quantification (LOQ), and verification of the reportable range. |
| **Does the SOP Manual include criteria establishing a documented system for reviewing the results of testing calibrators, controls, standards, and test results; as well as reviewing for clerical errors, analytical errors, and any unusual analytical results?**  
**Emergency Rule 43(1)(b)(c)** | The documented system/procedure for review of routine/daily testing should include; but is not limited to, review of:  
- Calibrators  
- Controls  
- Standards  
- Test results (ensure that test results are reported in the proper units for the proper samples, and all of the aforementioned checks and balances were, in fact, reviewed).  
- Administrative errors (errors in data entry, results, client information, etc.)  
- Analytical errors (calculations, dilution factors, etc.)  
- Any unusual analytical results (peak shaving, calibration point removal, etc.) |
<table>
<thead>
<tr>
<th><strong>MRTMA SAFETY COMPLIANCE FACILITY INSPECTION CHECKLIST</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This review must be documented to reflect that each analytical result reported has been evaluated for the aforementioned examples, to ensure the accuracy of the final report. This process should include at least two levels of review.</strong></td>
</tr>
</tbody>
</table>
| **Does the laboratory adhere to the approved standard operating procedures as written?**  
**Emergency Rule 43(1)(b)** |
| The laboratory must follow the current, approved SOPs and perform the tests as required by the procedure(s) for accurate and reliable results. |
| **Does the laboratory document all corrective actions taken when unacceptable calibration, control, and standard or instrument performance does not meet acceptability criteria as defined in the Standard Operating Procedure?**  
**Emergency Rule 43(1)(b)(c)** |
| The laboratory must issue and document corrective action when acceptability criteria are not met. |
| **Does the SOP Manual include policies and procedures to follow when samples are requested for referral for testing by another certified laboratory?**  
**Emergency Rule 43(1)(b)** |
| A laboratory must have policies and procedures in place that follow METRC requirements for transfer of samples. These policies and procedures may also help as part of a contingency plan for continuity of operations for the SCF. Also, how to do this in Metrc |

**Analytical Processes:**  
The analytical process can be described as consisting of four principle stages of operation:  
1. Sampling  
2. Isolation/separation of the desired constituent in a measurable state  
3. Measurement of the desired constituent  
4. Calculation and interpretation of the data

| **Does the laboratory perform, and document instrument preventative maintenance and repair as required by the manufacturer?**  
**Emergency Rule 43(1)(b)(c)** |
<p>| Documentation of instrument maintenance is important to help with troubleshooting and ensure that all manipulations to instruments are performed in accordance with the manufacturer’s recommendations. Logs should be maintained to document all maintenance events (daily, weekly, monthly, quarterly, annually, etc.) and include, at a minimum: dates, identity of |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
</table>
**Proficiency Testing:**
Laboratory Standardization is achieved when test results with the same high levels of accuracy and precision can be reproduced across measurement systems, laboratories, and over time. Proficiency testing ensures the production of credible and comparable data across laboratories.

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the laboratory participating in a Proficiency Testing (PT) program for each approved category, annually, in which it seeks continuing certification? <strong>Emergency Rule 43(14)</strong></td>
<td>To maintain certification SCFs must successfully participate and pass proficiency testing samples once per year for the category for which they are seeking continued certification. These blinded samples help ensure that the clients are receiving accurate quality results from a certified laboratory, regardless of methodology used.</td>
</tr>
<tr>
<td>Does the Laboratory Manager and all testing analysts that participated in a PT event sign corresponding attestation statements? <strong>Emergency Rule 43(1)(b)(c)</strong> <strong>Emergency Rule 43(14)</strong></td>
<td>All analyst(s) testing/handling the samples and the Laboratory Manager must attest to the routine integration of the sample into the workload using the laboratory’s standard method. This is usually a separate form that all involved sign, confirming their knowledge of PT sample handling and holding accountability requirements.</td>
</tr>
<tr>
<td>Does the laboratory analyze PT samples using the same procedures with the same number of replicate analyses, standards, testing analysts, and equipment as used for product testing? <strong>Emergency Rule 43(1)(b)(c)</strong> <strong>Emergency Rule 43(14)</strong></td>
<td>PT samples should be treated as routine testing; meaning they should go through the same end-to-end process that all samples endure. This will help evaluate the laboratory’s entire process and could possibly determine problems internally. If any special handling is necessary the laboratory should document any necessary reconstitution,</td>
</tr>
</tbody>
</table>
MRTMA SAFETY COMPLIANCE FACILITY INSPECTION
CHECKLIST

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>longer mixing times, unit conversion of results, etc. PT samples are not</td>
<td>analyzed with additional QC unless that is normal practice for all</td>
</tr>
<tr>
<td>allowed to be reanalyzed to confirm results, analyzed in duplicate, or</td>
<td></td>
</tr>
<tr>
<td>analyzed with additional QC unless that is normal practice for all</td>
<td></td>
</tr>
<tr>
<td>samples.</td>
<td></td>
</tr>
<tr>
<td>Does the Laboratory Manager review and evaluate performance on all PT</td>
<td>The laboratory must document that the Laboratory Manager reviews and</td>
</tr>
<tr>
<td>events? Emergency Rule 29(3)(f)</td>
<td>evaluates all PT results, whether acceptable or unacceptable. It is</td>
</tr>
<tr>
<td></td>
<td>recommended that laboratories also share the results within their</td>
</tr>
<tr>
<td></td>
<td>organization (at least with the analysts involved) and also document</td>
</tr>
<tr>
<td></td>
<td>their review.</td>
</tr>
<tr>
<td>Does the laboratory take and document remedial actions when a score of</td>
<td>he laboratory’s corrective action/non-conformance process should be</td>
</tr>
<tr>
<td>less than 100% is achieved during a PT event to include a review of</td>
<td>initiated when a score of less than 100% is earned during a PT event.</td>
</tr>
<tr>
<td>samples tested and results reported since the last successful PT</td>
<td>This could include, but is not limited to, an internal investigation</td>
</tr>
<tr>
<td>challenge? Emergency Rule 43(1)(b)(c) Emergency Rule 43(14)</td>
<td>covering:</td>
</tr>
<tr>
<td></td>
<td>• Examination of submitted results and received reports for</td>
</tr>
<tr>
<td></td>
<td>discrepancies or clerical errors.</td>
</tr>
<tr>
<td></td>
<td>• Method history review (i.e. maintenance, reagents, etc.)</td>
</tr>
<tr>
<td></td>
<td>• History of previous survey problems.</td>
</tr>
<tr>
<td></td>
<td>• Sample material problem(s) investigation (i.e. handling,</td>
</tr>
<tr>
<td></td>
<td>reconstitution, storage, analysis sequence).</td>
</tr>
<tr>
<td>Competency Assessments:</td>
<td></td>
</tr>
<tr>
<td>Competency assessments evaluate an employee’s ability to adequately</td>
<td></td>
</tr>
<tr>
<td>perform job duties. The assessments can be utilized to determine if</td>
<td></td>
</tr>
<tr>
<td>an analyst is fully trained and allowed to perform duties</td>
<td></td>
</tr>
<tr>
<td>independently or if additional training, remedial training, or removal</td>
<td></td>
</tr>
<tr>
<td>from the analysis is required.</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory ensure that prior to testing any samples, all</td>
<td>Appropriate training for the type and complexity of testing performed</td>
</tr>
<tr>
<td>testing Appropriate training for the type and complexity of testing</td>
<td>is a</td>
</tr>
<tr>
<td>performed is a</td>
<td></td>
</tr>
</tbody>
</table>

62
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysts receive the appropriate training for the type and complexity of</td>
<td>A discretionary term that must be taken with proper consideration and may possibly include performance of a risk assessment to determine the training necessary to ensure that all testing operations are reliably executed to provide and report accurate results. Prior to independently analyzing samples, testing personnel must demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls).</td>
</tr>
<tr>
<td>tests performed and have demonstrated and documented that they can perform</td>
<td></td>
</tr>
<tr>
<td>all testing operations reliably to provide and report accurate results?</td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Rule 43(1)(b)(c)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Rule 43(14)</strong></td>
<td></td>
</tr>
<tr>
<td>Does the laboratory have written policies and procedures for monitoring</td>
<td>SCFs must have a written and documented system to evaluate and document employee competency in performing authorized tests. The written policies and procedures must include the evaluations of employees performing accessioning and reporting.</td>
</tr>
<tr>
<td>individuals who conduct pre-analytic, analytic, and post-analytic phases</td>
<td></td>
</tr>
<tr>
<td>of testing to assure that they are competent and maintain their competency</td>
<td></td>
</tr>
<tr>
<td>to process specimens, perform test procedures, and report test results</td>
<td></td>
</tr>
<tr>
<td>promptly and proficiently, and whenever necessary, identify needs for</td>
<td></td>
</tr>
<tr>
<td>remedial training or continuing education to improve skills?</td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Rule 43(1)(b)(c)</strong></td>
<td></td>
</tr>
<tr>
<td>Are competency assessments performed and documented on all new</td>
<td>Prior to independently analyzing samples, testing personnel must demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls). Documentation of competency assessments should include, but is not limited to:</td>
</tr>
<tr>
<td>Supervisory and Testing Analysts prior to reporting results?</td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Rule 43(1)(b)(c)</strong></td>
<td></td>
</tr>
</tbody>
</table>
### MRTMA SAFETY COMPLIANCE FACILITY INSPECTION CHECKLIST

| Evidence of review of relevant policies, procedures, and literature | Observation of all test processes and instrument functions | Successful performance of testing |
| Data review | Reporting |

**Are competency assessments performed and documented on all Supervisory and Testing Analysts annually for all approved methods being used or when modifications to existing methods are made prior to reporting results?**

**Emergency Rule 43(1)(b)(c)**

Supervisory and Testing Analysts must, at a minimum, annually (or upon method modification) demonstrate continued acceptable competency.

Documentation of competency assessments should include, but is not limited to:

- Evidence of review of relevant policies, procedures, and literature
- Observation of performance of all test processes and instrument functions
- Successful performance of testing
- Proper data review
- Correct reporting

---

**Quality Assurance & Quality Control:**

Laboratory Quality Assurance Programs (QAP) encompass a range of activities that enable laboratories to achieve and maintain high levels of accuracy and proficiency despite changes in test methods and the volume of specimens tested. Test results produced by SCFs have a significant influence on public health and industry product acceptability. A good QA program at least:

- Establishes SOPs for each step of the laboratory testing process, ranging from specimen handling to instrument performance validation.
- Defines administrative requirements, such as mandatory recordkeeping, data evaluation, and internal audits to monitor adherence to SOPs.
- Specifies corrective actions, documentation, and the persons responsible for carrying out corrective actions when problems are identified; and
- Sustains high-quality employee performance.
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the laboratory established and continuously monitored and documented the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory’s pre-analytic, analytic, and post-analytic systems when they occur? Emergency Rule 43(1)(c)</td>
<td>The laboratory’s QAP must have an established, documented method (policy/SOP) for the ongoing review of the QAP. A recommended method for continuously monitoring and documenting the ongoing review of the QAP would be internal audits. Internal audits can monitor adherence to SOPs and the QAP through document review.</td>
</tr>
<tr>
<td>Is the review of quality assurance documentation performed by the Laboratory Manager or designated Supervisory Analyst on an ongoing basis to ensure the effectiveness of actions taken over time? Emergency Rule 43(1)(c)</td>
<td>The laboratory’s QAP must include the process by which and how the laboratory intends to review QA documentation. Corrective actions of nonconformance must be reviewed (at least annually) to ensure the effectiveness of the actions taken. Depending on the severity of the nonconformance (or actions taken), the length of time and/or intervals of time needed to review the effectiveness of actions taken is at the discretion of the Laboratory Manager or designated Supervisory Analyst.</td>
</tr>
<tr>
<td>Does the Laboratory Manager or designated Supervisory Analyst review the performance of validated methods used by the laboratory to include: calibration standards, controls, and the SOPs used for analysis on an ongoing basis to ensure quality improvements are made when problems are identified or as needed? Emergency Rule 43(1)(c)</td>
<td>The laboratory QAP must include the process by which and how the laboratory intends to review the performance of validated methods. The written policies/procedures must include what is to be reviewed, by whom, the frequency of review, and how this review will be documented. The Laboratory Manager and/or designated Supervisory Analyst may perform this review through a combination of internal audits, corrective actions/non-conformance reviews, analytical/QC data review and approval, and SOP review and approval at least annually.</td>
</tr>
<tr>
<td>Does the laboratory ensure that the test methodologies selected have the capability of providing the quality of results required for the level of the test?</td>
<td>The laboratory must ensure that testing systems developed and used for each of the tests performed provide quality laboratory services for all aspects of test</td>
</tr>
<tr>
<td>Question</td>
<td>Checklist</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Is the laboratory certified to perform? Emergency Rule 43(1)(c)</td>
<td>Performance, which includes the pre-analytic, analytic, and post-analytic phases of testing. This entails ensuring that verification procedures used are adequate to determine the accuracy, precision, and other pertinent performance characteristics of the method; and that laboratory personnel are performing the test methods as required for accurate and reliable results. The laboratory must select methods or have assurances in place that at a minimum, under normal circumstances (proper equipment functionality, trained staff, etc.), should be capable of reasonably detecting problems with the method, a matrix, total effectiveness, or other variables that could affect the quality of results.</td>
</tr>
<tr>
<td>Has the laboratory established, continuously monitored, and documented the quality control measures taken by the laboratory to ensure the proper functioning of equipment, validity of SOPs, and accuracy of results reported? Emergency Rule 43(1)(c)</td>
<td>The laboratory must provide evidence that quality control measures are monitored and documented, such as QC sheets for daily analysis, with at least primary and secondary review, or instrument maintenance logs with periodic secondary review.</td>
</tr>
</tbody>
</table>
| Does the laboratory review and document the accuracy of automatic and adjustable pipettes and other measuring devices when placed into service and annually thereafter? Emergency Rule 43(1)(c) | - Annual service/calibration certificate documentation must be available. This can be performed in-house or by an outside vendor.  
  - In-house service/calibration requires:  
    - SOP for the process  
    - Documented annual training of technicians  
    - Competency in accurately performing the service/calibration |
<p>| Does the laboratory document the cleaning, maintenance, calibration and verification of the analytical balances? | The laboratory should use an “Analytical Balance Maintenance Log” to document the cleaning, maintenance, and calibration |</p>
<table>
<thead>
<tr>
<th>Emergency Rule 43(1)(c)</th>
<th>of analytical balances; the log should be reviewed periodically by a secondary reviewer. Balances should be verified using weights bracketing the range of measurement as frequently as the balance is in use (i.e. daily, weekly, etc.).</th>
</tr>
</thead>
</table>
| Does the laboratory annually verify the calibration of analytical balances using certified weights to include; three or more NIST traceable weights, bracketing the ranges of measurement used by the laboratory? Emergency Rule 43(1)(c) | Annual service/calibration certificate documentation must be available. This can be performed in-house or by an outside vendor. In-house service/calibration requires:  
  - SOP for process  
  - Documented annual training of technicians  
  - Competency in accurately performing the service/calibration  
  - Annually calibrated NIST traceable weights |
| Does the laboratory annually verify and document the accuracy of thermometers using a NIST traceable reference thermometer? Emergency Rule 43(1)(c) | Annual service/calibration certificate documentation must be available. This can be performed in-house or by an outside vendor. In-house service/calibration requires:  
  - SOP for process  
  - Documented annual training of technicians  
  - Competency in accurately performing the service/calibration  
  - Annually calibrated NIST traceable thermometer |
| Does the laboratory record temperatures on all equipment when in use where temperature control is specified in the SOPs Manual or required by reagents, such as water baths, heating blocks, incubators, ovens, refrigerators, and freezers? Emergency Rule 43(1)(c) | Temperature charts/logs are required to ensure the laboratory is monitoring the temperature dependent instruments, reagents, and processes, per the requirements established by the manufacturer or method. This assists the laboratory with identifying possible non-conformances, prior to analysis.  
  - Temperature ranges (e.g. 2-8 °C) should be stated on the |
| Does the laboratory ensure reagents are properly labeled?**  
Emergency Rule 43(1)(c) | Reagent bottles/containers must be labeled even if they are recorded in a “Reagent Preparation Log”. Evidence of Compliance: (must include but is not limited to)  
- Received dates  
- Receiver’s initials  
- Expiration dates  
- Opened dates  
- Initials of opener  
- Storage conditions  
- Lot number |
|---|---|
| Does the laboratory properly label and track in-house prepared solutions that identify: solution contents, the concentration, date of preparation, storage conditions, lot number (if applicable), expiration date, and the identity of the preparer?**  
Emergency Rule 43(1)(c) | Solution bottles/containers must be labeled even if they are recorded in a “Solution Preparation Log”. Solutions will acquire the earliest expiration date of listed ingredients. If no expiration date is available, the lab will set an expiration date. Evidence of Compliance: (must include but is not limited to)  
- Preparation dates  
- Preparer’s initials  
- Expiration dates  
- Initials of opener  
- Storage conditions  
- Lot number (Generated by the laboratory if made in-house) |

**Sample Tracking:**
Sample tracking is an important component of Quality Control and is imperative to maintaining chain of custody. Sample tracking ensures proper sample identification from acceptance to destruction and accuracy in reported test results.

| Has the laboratory established an adequate sample tracking system?**  
Emergency Rule 38(7) | Sample tracking within a laboratory must be capable of individually identifying every sample throughout pre-analytical, analytical, post-analytical activities. |
## MRTMA SAFETY COMPLIANCE FACILITY INSPECTION CHECKLIST

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the laboratory document all persons handling the original samples,</td>
<td>A SCF must establish a system to document the complete chain of custody for samples, from receipt to disposal. The laboratory should record all person(s) in custody of the sample from receipt in the laboratory through analysis, storage, and disposal.</td>
</tr>
<tr>
<td>aliquots, and extracts?</td>
<td></td>
</tr>
<tr>
<td>Emergency Rule 38(7)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory ensure samples are stored appropriately as defined in</td>
<td>A SCF must store samples in the location(s) and at the temperature(s) specified in the written procedures.</td>
</tr>
<tr>
<td>the written SOP?</td>
<td></td>
</tr>
<tr>
<td>Emergency Rule 38(7)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory document the disposal of samples, aliquots, and</td>
<td>A Safety Compliance Facility must establish an adequate chain of custody and sample handling instructions that must include:</td>
</tr>
<tr>
<td>extracts?</td>
<td>- Documentation of the disposal of samples</td>
</tr>
<tr>
<td>Emergency Rule 38(7)</td>
<td>- Documentation of the disposal of aliquots</td>
</tr>
<tr>
<td>Emergency Rule 43(7) in accordance with Rule 37.</td>
<td>- Documentation of the disposal of extracts</td>
</tr>
<tr>
<td></td>
<td>The disposal documentation should include when disposal occurred, who conducted it, and how the material was disposed. All marijuana waste must be weighed before leaving a SCF. A SCF is required to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.</td>
</tr>
<tr>
<td>Record Retention:</td>
<td></td>
</tr>
<tr>
<td>SCFs must maintain records so that analytical activities performed can be</td>
<td>Records management is the process by which an organization manages all aspects of records, whether internally or externally generated and in any format or media type, from their creation through their lifecycle to their eventual disposal. Laboratory records provide evidence of actions and decisions and represent a vital asset to support daily functions and operations.</td>
</tr>
<tr>
<td>accounted. Records management is the process by which an organization</td>
<td></td>
</tr>
<tr>
<td>manages all aspects of records, whether internally or externally</td>
<td></td>
</tr>
<tr>
<td>generated and in any format or media type, from their creation through</td>
<td></td>
</tr>
<tr>
<td>their lifecycle to their eventual disposal. Laboratory records provide</td>
<td></td>
</tr>
<tr>
<td>evidence of actions and decisions and represent a vital asset to</td>
<td></td>
</tr>
<tr>
<td>support daily functions and operations.</td>
<td></td>
</tr>
<tr>
<td>Has the laboratory established written processes to preserve sample</td>
<td>The laboratory must have a record retention policy for:</td>
</tr>
<tr>
<td>records?</td>
<td>- Test results</td>
</tr>
<tr>
<td>Emergency Rule 43(1)(c)</td>
<td></td>
</tr>
</tbody>
</table>
### MRTMA SAFETY COMPLIANCE FACILITY INSPECTION CHECKLIST

<table>
<thead>
<tr>
<th><strong>Does the laboratory adequately document the available external chain of custody information?</strong> <strong>Emergency Rule 38(7)</strong></th>
<th><strong>The laboratory should review manifests to ensure accurate and complete external chain of custody was documented and ensure this information is accurately included in the final report.</strong></th>
</tr>
</thead>
</table>
| **Does the laboratory ensure that final reports contain all pertinent information?** **Emergency Rule 43(1)(b)(c)** | **The laboratory’s reports must, at minimum, contain:**  
- SCF Licensee name and location  
- Sample name and unique identifier  
- Sample received date  
- Report date  
- Type of sample tested  
- Test result  
- Units of measure  
- Submitting client  
- A dedicated area to include any qualifiers or comments needed for interpretation, (when applicable to the test method and results being reported) to include any identified and documented discrepancies |
| **Does the laboratory provide final reports to the MAR when the final results of tested samples exceed the published action limits within 72 hours of obtaining the final result?** | **Final reports must be submitted to MRA by entry into METRC within 72 hours of obtaining final results when tested samples exceed the published action limits.** |

**Reporting:**
Proper laboratory reporting is essential to protecting public health. Results and interpretations must be conveyed to customers so they can be applied to their products. Adequate reporting to MED is necessary so any public health hazards can be addressed and mitigated.
Standards of Certification:
A Safety Compliance Facility must meet standards of performance, as established by MRTMA rules, in order to obtain and maintain certification.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the ISO 17025:2005 scope of accreditation specify each particular testing category?</td>
<td>In order to obtain testing approval from the Agency, the Safety Compliance Facility’s scope of accreditation must specify the particular testing category and associated methods. The SCF has 1 year from the date of their license for this requirement.</td>
</tr>
<tr>
<td>Emergency Rule 43(1)(a)</td>
<td>Emergency Rule 43(1)(a)</td>
</tr>
<tr>
<td>□ Potency Analysis: R43 (3)(a)</td>
<td>□ Potency Analysis: R43 (3)(a)</td>
</tr>
<tr>
<td>□ Foreign matter inspection: R43 (3)(b)</td>
<td>□ Foreign matter inspection: R43 (3)(b)</td>
</tr>
<tr>
<td>□ Chemical Residue: R43 (3)(d)</td>
<td>□ Chemical Residue: R43 (3)(d)</td>
</tr>
<tr>
<td>□ Microbial Screening: R43 (3)(c)</td>
<td>□ Microbial Screening: R43 (3)(c)</td>
</tr>
<tr>
<td>□ Metals: R43 (3)(e)</td>
<td>□ Metals: R43 (3)(e)</td>
</tr>
<tr>
<td>□ Residual solvents: R43 (3)(f)</td>
<td>□ Residual solvents: R43 (3)(f)</td>
</tr>
<tr>
<td>□ Water activity including moisture content: R43 (3)(g)</td>
<td>□ Water activity including moisture content: R43 (3)(g)</td>
</tr>
<tr>
<td>□ Homogeneity: R45(2)</td>
<td>□ Homogeneity: R45(2)</td>
</tr>
</tbody>
</table>
Rule 59. Designated consumption establishment license.

(2) A person may apply for a designated consumption establishment license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for a designated consumption establishment license shall be made under oath on a form provided by the agency. A complete application for a designated consumption establishment license shall contain the information required in Rule 7 of these rules and the following including, but not limited to:

(a) A designated consumption establishment plan for the proposed consumption establishment. Upon the request of the agency, an applicant or licensee may be required to submit a revised designated consumption establishment plan. The plan must include, a diagram of the designated consumption establishment including, but not limited to:

(i) The proposed establishment’s size and dimensions.

(ii) Specifications of the designated consumption establishment.

(iii) Physical address.

(iv) Location of common entryways, doorways, or passageways.

(v) Means of public entry or exit.

(vi) An indication of the distinct areas or structures for separate marihuana establishments at the same location as provided in Rule 31.

(b) A detailed floor plan and layout that includes all of the following:

(i) Dimensions of the consumption establishment including interior and exterior rooms.

(ii) Number of rooms.

(iii) Dividing structures.

(iv) Fire walls.

(v) Entrances and exits.

(vi) Locations of hazardous material storage, if applicable.

(vii) Means of egress.

(c) Construction details for structures and fire-rated construction for required walls.

(d) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.

(e) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.

(f) Zoning classification and zoning information.

(g) If the proposed designated consumption establishment is in a location that contains multiple tenants and any applicable occupancy restrictions.

(h) Any other information required by the agency if not inconsistent with the act and these rules.

(i) A business plan, which includes a description of the proposed hours of operation.

(j) Proof of possession of the premises where the proposed designated consumption establishment will be located that encompasses all dates of the consumption establishment’s operations and, if the premises are leased, written permission from the owner of the premises approving the applicant’s use of designated consumption establishment for marihuana consumption.

(k) A responsible operations plan which shall include a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the designated consumption establishment, the illegal sale or distribution of marihuana or marihuana products within the consumption establishment, and any other potential criminal activity on the premises.

(l) A documented employee training that addresses all components of the responsible operations plan.

(m) A marihuana product destruction and waste management plan that meets the requirements of Rule 37, as applicable, for destroying and disposing of waste left at the marihuana establishment.
### Rule 59. Designated consumption establishment license.

(7) A designated consumption establishment shall have the following characteristics:

(a) A smoke-free area for employees to monitor the marihuana consumption area.

(b) A ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted.

(c) A location physically separated from areas where smoking is prohibited and where smoke does not infiltrate into nonsmoking areas or buildings.
Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following:

(a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:

(i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.

(ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.

(b) A diagram of the marihuana facility including, but not limited to, all of the following:

(i) The proposed facility’s size and dimensions.

(ii) Specifications of the marihuana facility.

(iii) Physical address.

(iv) Location of common entryways, doorways, or passageways.

(v) Means of public entry or exit.

(vi) Limited-access areas within the marihuana facility.

(vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.

(c) A detailed floor plan and layout that includes all of the following:

(i) Dimensions of the marihuana facility including interior and exterior rooms.

(ii) Maximum storage capabilities.

(iii) Number of rooms.

(iv) Dividing structures.

(v) Fire walls.

(vi) Entrances and exits.

(vii) Locations of hazardous material storage.

(viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.

(d) Means of egress, including, but not limited to, delivery and transfer points.

(e) Construction details for structures and fire-rated construction for required walls.

(f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.

(g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.

(h) Zoning classification and zoning information.

(i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.

(j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.

(k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.
§303(f) Records maintained onsite

Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.210 Prelicensure investigation; proposed marihuana facility inspection.

Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.

(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.

(3) The department shall investigate an applicant in accordance with the act and these rules.

(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.

(5) An applicant shall submit proof to the department of both of the following:

(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.

(b) A fire safety inspection as specified in R 333.234.
R 333.215 Notification and reporting.

Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.

(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.

(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes include, but are not limited to, the following:
   (a) Change in owners, officers, members, or managers.
   (b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.
   (c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.
   (d) The addition or removal of persons named in the application or disclosed.
   (e) Change in entity name.
   (f) Any attempted transfer, sale, or other conveyance of an interest in a license.
   (g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.

(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:
   (a) Adverse reactions to a marihuana product sold or transferred by any licensee.
   (b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.
   (c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.

(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

R 15, § 406
Notification & Reporting:
Changes in -
ownership, facility plan, or criminal and regulatory discipline

§ 406ADHERENCE TO:
Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board’s approval before a license is transferred, sold, or purchased.
(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).

Sec. 501. (1) A grower license authorizes the grower to grow not more than the following number of marihuana plants under the indicated license class for each license the grower holds in that class:
   (a) Class A – 500 marihuana plants.
   (b) Class B – 1,000 marihuana plants.
   (c) Class C – 1,500 marihuana plants.

(2) Except as otherwise provided in this subsection, a grower license authorizes sale of marihuana plants to a grower only by means of a secure transporter. A grower license authorizes the sale or transfer of seeds, seedlings, or tissue cultures to a grower from a registered primary caregiver or another grower without using a secure transporter.

(3) A grower license authorizes a grower to transfer marihuana without using a secure transporter to a processor or provisioning center if both of the following are met:
   (a) The processor or provisioning center occupies the same location as the grower and the marihuana is transferred using only private real property without accessing public roadways.
   (b) The grower enters each transfer into the statewide monitoring system.

(4) A grower license authorizes sale of marihuana, other than seeds, seedlings, tissue cultures, and cuttings, to a processor or provisioning center.

(5) Except as otherwise provided in subsections (2) and (3) and section 505, a grower license authorizes the grower to transfer marihuana only by means of a secure transporter.

(6) To be eligible for a grower license, the applicant and each investor in the grower must not have an interest in a secure transporter or safety compliance facility.
(7) Until December 31, 2018, for a period of 30 days after the issuance of a grower license and in accord with rules, a grower may transfer any of the following that are lawfully possessed by an individual formerly registered as a primary caregiver who is an active employee of the grower:
   (a) Marihuana plants.
   (b) Seeds.
   (c) Seedlings.
(8) A grower shall comply with all of the following:
   (a) Until December 31, 2021, have, or have as an active employee an individual who has, a minimum of 2 years’ experience as a registered primary caregiver.
   (b) While holding a license as a grower, not be a registered primary caregiver and not employ an individual who is simultaneously a registered primary caregiver.
   (c) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
(9) A grower license does not authorize the grower to operate in an area unless the area is zoned for industrial or agricultural uses or is unzoned and otherwise meets the requirements established in section 205(1).

ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.
Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.
(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.
MSP 517-284-3388, mti@michigan.gov
LARA 517-284-8597, MRA-Enforcement@michigan.gov

OPERATIONS

R 333.231 State operating licenses; licensees; operations; general.
Rule 31. (1) A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.
(2) A licensee shall comply with all of the following:
   (a) Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:
      (i) Sale, consumption, or serving of food except for as provided in R 333.281.
      (ii) Sale, consumption, or use of alcohol or tobacco products.
      (iii) Consumption, use, or inhalation of a marihuana product.
   (b) A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.
   (c) A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
   (d) Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.
   (e) Licensee records must be maintained and made available to the department upon request.
   (f) The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.
   (g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.
(3) A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules.
R 333.232 Operation at same location.

Rule 32. (1) A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.

(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:

(a) The department has authorized the proposed operation at the same location.

(b) The operation at the same location is not in violation of any local ordinances or regulations.

(c) The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.

(d) The licensee of each marihuana facility operating at the same location under this rule shall do all the following:

(i) Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.

(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.

(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.

(iv) Post the state operating license on the wall in its distinct area and as provided in these rules.

(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.

(vi) Comply with the provisions in the act and these rules.

(3) Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.

R 333.233 Marihuana facilities; requirements.

Rule 33. (1) A grower shall operate a marihuana facility under either of the following conditions:

(a) The marihuana facility operations are within a building that meets the security requirements and passes the inspections in these rules and has a building permit pursuant to R 333.234 and these rules.

(b) The marihuana facility operations are within a building, except that cultivation may occur in an outdoor area, and all of the following conditions are met:

(i) The outdoor area containing the cultivation of marihuana plants is contiguous with the building, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and the fences are secured and comply with the applicable security measures in these rules, including, but not limited to, locked entries only accessible to authorized persons or emergency personnel.

(ii) After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana occurs inside the building meeting all the requirements under these rules.

(iii) The building meets the security requirements and passes the inspections in these rules and has a building permit pursuant to R 333.234 and these rules.

(4) A marihuana facility shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

(5) A marihuana facility shall enter in the statewide monitoring system all transactions including, but not limited to, current inventory. These records must be maintained and made available to the department upon request.
Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s license type:
(a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers.
(b) Tracking lot and batch information throughout the entire chain of custody.
(c) Tracking all products, conversions, and derivatives throughout the entire chain of custody.
(d) Tracking marihuana plant, batch, and product destruction.
(e) Tracking transportation of product.
(f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:
   (i) Sold product.
   (ii) Product inventory that is finished and available for sale.
   (iii) Product that is in the process of transfer.
   (iv) Product being processed into another form.
   (v) Postharvest raw product, such as product that is in the drying, trimming, or curing process.
   (g) Reporting and tracking loss, theft, or diversion of product containing marihuana.
   (h) Reporting and tracking all inventory discrepancies.
   (i) Reporting and tracking adverse patient responses or dose-related efficacy issues.
   (j) Reporting and tracking all sales and refunds.
   (k) Electronically receiving and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act.
   (l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample.
   (m) Identifying test results that may have been altered.
   (n) Providing the licensee with access to information in the tracking system that is necessary to verify that the licensee is carrying out the marihuana transactions authorized under the licensee’s license in accordance with this act.
   (o) Providing information to cross-check that product sales are made to a registered qualifying patient or a registered primary caregiver on behalf of a registered qualifying patient and that the product received the required testing.
   (p) Providing the department and state agencies with access to information in the database that they are authorized to access.
   (q) Providing law enforcement agencies with access to the information in the database that is necessary to verify that an individual possesses a valid and current registry identification card.
   (r) Providing licensees with access only to the information in the system that they are required to receive before a sale, transfer, transport, or other activity authorized under a license issued under this act.
   (s) Securing the confidentiality of information in the database by preventing access by a person who is not authorized to access the statewide monitoring system or is not authorized to access the particular information.
   (t) Providing analytics to the department regarding key performance indicators such as the following:
   (i) Total daily sales.
   (ii) Total marihuana plants in production.
   (iii) Total marihuana plants destroyed.
   (iv) Total inventory adjustments.

Sec. 501(8c)
Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.

(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.

(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.

(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.

(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

(6) A licensee shall ensure the video surveillance system does all the following:
   (a) Records, at a minimum, the following areas:
      (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.
      (ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.
      (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
      (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.
   (b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

(8) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

(9) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

(10) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.

(11) Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.

(12) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

(13) A licensee shall maintain a log of the recordings, which includes all of the following:
   (a) The identities of the employee or employees responsible for monitoring the video surveillance system.
   (b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.
   (c) The identity of the employee who destroyed any recording.
R 333.237 Marihuana product destruction and waste management.
Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the 22 marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:
(a) Paper waste.
(b) Plastic waste.
(c) Cardboard waste.
(d) Food waste.
(e) Grease or other compostable oil waste.
(f) Fermented organic matter or other compost activators.
(g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable.
(h) Soil.
(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.
(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.
(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.
(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:
(a) A manned and permitted solid waste landfill.
(b) A manned compostable materials operation or facility.
(c) An in-vessel digester.
(d) An incineration method approved by state and local laws and regulations.
(6) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.
(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The department may publish guidance on marihuana product waste management.
(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.

R 333.238 Storage of marihuana product.
Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.
(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.
(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.
R 36 Prohibitions

Rule 36. (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules.

(2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.

(3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.

TESTING

R 333.245 Plant batches; testing procedures.

Rule 45. (1) A grower shall uniquely identify each immature plant batch in the statewide monitoring system. Each immature plant batch must not consist of more than 100 immature plants.

(2) A grower shall tag each plant that is greater than 8 inches in height from the growing or cultivating medium or more than 8 inches in width with an individual plant tag and record the identification information in the statewide monitoring system.

(3) A grower shall delineate or separate the plants as the plants go through different growth stages and ensure that the plant tag is always identified with the plant throughout the growth span so that all plants can be easily identified and inspected pursuant to the act and these rules. A grower shall ensure that identification information is recorded in the statewide monitoring system in accordance with the act, the marihuana tracking act, and these rules.

(4) After a tagged plant is harvested, it is part of a harvest batch so that a sample of the harvest batch can be tested by a safety compliance facility. A grower shall quarantine a harvest batch from other plants or batches that has test results pending. A harvest batch must be easily distinguishable from other harvest batches until the batch is broken down into packages.

(5) Before the marihuana product can leave the grower facility, a sample of the harvest batch must be tested by a licensed safety compliance facility as provided in R 333.247 and R 333.248. All test results must indicate passed in the statewide monitoring system before the marihuana can be packaged. A marihuana product from harvest batches must not be transferred or sold until tested, packaged, and tagged as required under subrule (4) of this rule. A marihuana product from a harvest batch that fails safety testing may only be sold or transferred under the remediation protocol as provided in R 333.246(4). A failed test for pesticides cannot be remediated. A marihuana product that fails testing and is remediated may only be sold or transferred once approved by the department.

(6) After test results show a passed test and the harvest batch is packaged, the grower shall destroy the individual plant tags. Each package must have a package tag attached. A grower shall ensure this information is placed in the statewide monitoring system in accordance with the act, the marihuana tracking act, and these rules.

(7) A grower shall not transfer or sell any marihuana product that has not been packaged with a package tag attached and recorded in the statewide monitoring system in accordance with the act, the marihuana tracking act, and these rules.

R 333.246 Retesting

Rule 46. (3) A marihuana product is prohibited from being retested in all the following circumstances:

(a) The marihuana product is in a final package.

(b) A final test for chemical residue failed pursuant to these rules. If the amount of chemical residue or chemical residue active ingredient found is not permissible by the department, the marihuana product is ineligible for retesting and the product must be destroyed.

(c) A final failed test for microbials on marihuana-infused product is ineligible for retesting and the product must be destroyed.
**R 71 Labeling**

R 333.271 Tracking identification; labeling requirements; general.

Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules.

(2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.

**R 333.272 Marihuana plant; tracking requirements.**

Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:

(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
(b) Name of the strain.
(c) Date of harvest, if applicable.
(d) Seed strain, if applicable.
(e) Universal symbol, if applicable.

**R 333.273 Marihuana product sale or transfer; labeling and packaging requirements.**

Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:

(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.
(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and cannabidiol (CBD).
(h) Activation time expressed in words or through a pictogram.
(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the department’s website.
(k) A warning that states all the following:
   (i) "For use by registered qualifying patients only. Keep out of reach of children."
   (ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
   (iii) “National Poison Control Center 1-800-222-1222.”

(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).
R 333.276 Marketing and advertising restrictions.  
Rule 76. (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.  
(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.  
(3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k).  
(4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.  
(5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.

EMPLOYEES

R 333.281 Employees; requirements.  
Rule 81. (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police.  
(2) A licensee shall comply with all of the following:  
(a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department.  
(b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.  
(c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system.  
(d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials.  
(e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.  
(f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department.  
(g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.  
(h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.
(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule “employee” includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405
Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.
R 333.209 Marihuana facility plan.

Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following:
   (a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:
      (i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.
      (ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.
   (b) A diagram of the marihuana facility including, but not limited to, all of the following:
      (i) The proposed facility’s size and dimensions.
      (ii) Specifications of the marihuana facility.
      (iii) Physical address.
      (iv) Location of common entryways, doorways, or passageways.
      (v) Means of public entry or exit.
      (vi) Limited-access areas within the marihuana facility.
      (vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.
   (c) A detailed floor plan and layout that includes all of the following:
      (i) Dimensions of the marihuana facility including interior and exterior rooms.
      (ii) Maximum storage capabilities.
      (iii) Number of rooms.
      (iv) Dividing structures.
      (v) Fire walls.
      (vi) Entrances and exits.
      (vii) Locations of hazardous material storage.
      (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
   (d) Means of egress, including, but not limited to, delivery and transfer points.
   (e) Construction details for structures and fire-rated construction for required walls.
   (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
   (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
   (h) Zoning classification and zoning information.
   (i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.
   (j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.
   (k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.
§303(f)

Records

Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.217 Inspection; investigation.

Rule 17. (1) The department shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana facilities, and marihuana facility operations:

(a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana facilities and marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the act and these rules.

(b) Investigate individuals employed by marihuana facilities.

(c) Inspect and examine marihuana facilities and proposed marihuana facilities.

(d) Inspect, examine, and audit records of the licensee.

(2) The department may at any time, through its investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the proposed marihuana facility or marihuana facility, offices, or other places of business of a licensee, if evidence of compliance or noncompliance is likely to be found in accordance with the act and these rules.

(3) The department, through its investigators, agents, auditors, or the state police, may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the act or these rules.

(4) The department, through its investigators, agents, auditors, or the state police, may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the department through its investigators, agents, auditors, or the state police may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana facility or marihuana facility.

(5) The department through its investigators, agents, auditors, or the state police may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana facility or marihuana facility if that individual violates the act, a final order, or these rules.

(6) The department through its investigators, agents, auditors, or the state police may take any reasonable or appropriate action to enforce the act and rules.

(7) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the act, and these rules.

(8) For purposes of this rule, the term “record” means books, ledgers, documents, writings, photocopies, correspondence, electronic records, videotapes, surveillance footage, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewide monitoring system, or any other document that is used for recording information.

R 17 Inspection Authority

§303(f)
Records maintained onsite

Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.210 Prelicensure investigation; proposed marihuana facility inspection.

Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.

(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.

(3) The department shall investigate an applicant in accordance with the act and these rules.

(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.

(5) An applicant shall submit proof to the department of both of the following:

(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.

(b) A fire safety inspection as specified in R 333.234.
R 333.215 Notification and reporting.
Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.
(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.
(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes, include, but are not limited to, the following:
(a) Change in owners, officers, members, or managers.
(b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.
(c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.
(d) The addition or removal of persons named in the application or disclosed.
(e) Change in entity name.
(f) Any attempted transfer, sale, or other conveyance of an interest in a license.
(g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.
(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:
(a) Adverse reactions to a marihuana product sold or transferred by any licensee.
(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.
(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.
(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

§ 406ADHERENCE TO:
Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board’s approval before a license is transferred, sold, or purchased.
(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).
Sec. 504. (1) A provisioning center license authorizes the purchase or transfer of marihuana only from a grower or processor and sale or transfer to only a registered qualifying patient or registered primary caregiver. Except as otherwise provided in section 505 and this subsection, all transfers of marihuana to a provisioning center from a separate marihuana facility must be by means of a secure transporter. A transfer of marihuana to a provisioning center from a marihuana facility that occupies the same location as the provisioning center does not require a secure transporter if the marihuana is transferred to the provisioning center using only private real property without accessing public roadways.

(2) A provisioning center license authorizes the provisioning center to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter or as provided in section 505.

(3) To be eligible for a provisioning center license, the applicant and each investor in the provisioning center must not have an interest in a secure transporter or safety compliance facility.

(4) A provisioning center shall comply with all of the following:

(a) Sell or transfer marihuana to a registered qualifying patient or registered primary caregiver only after it has been tested and bears the label required for retail sale.

(b) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.

(c) Before selling or transferring marihuana to a registered qualifying patient or to a registered primary caregiver on behalf of a registered qualifying patient, inquire of the statewide monitoring system to determine whether the patient and, if applicable, the caregiver hold a valid, current, unexpired, and unrevoked registry identification card and that the sale or transfer will not exceed the daily and monthly purchasing limit established by the medical marihuana licensing board under this act.

(d) Not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

(e) Not allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.

ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.

Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.

(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.

MSP 517-284-3388, mti@michigan.gov
LARA 517-284-8597, MRA-Enforcement@michigan.gov
### R 31

**General:**
- Partitioning,
- Food, alcohol,
- tobacco, use of marihuana onsite,
- Restricted access,
- Visitor log,
- License posting

#### Rule 31.

1. A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.
2. A licensee shall comply with all of the following:
   - Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:
     - Sale, consumption, or serving of food except for as provided in R 333.281.
     - Sale, consumption, or use of alcohol or tobacco products.
     - Consumption, use, or inhalation of a marihuana product.
   - A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.
   - A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
   - Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.
   - Licensee records must be maintained and made available to the department upon request.
   - The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.
   - A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.
3. A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules.

### R 32

**Same Location Operations**

#### Rule 32.

1. A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.
2. To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:
   - The department has authorized the proposed operation at the same location.
   - The operation at the same location is not in violation of any local ordinances or regulations.
   - The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.
   - The licensee of each marihuana facility operating at the same location under this rule shall do all the following:
     - Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.
     - Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.
     - Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
     - Post the state operating license on the wall in its distinct area and as provided in these rules.
     - Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.
     - Comply with the provisions in the act and these rules.
3. Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.
R 33.233 Marihuana facilities; requirements.

Rule 33. (3) A provisioning center shall have a separate room that is dedicated as the point of sale area for the transfer or sale of marihuana product as provided in the act and these rules. The provisioning center shall keep marihuana products behind a counter or other barrier to ensure that a registered qualifying patient or registered primary caregiver does not have direct access to the marihuana products. The sale or transfer of a marihuana product to a registered qualifying patient who is under the age of 18 must be made by the provisioning center to the registered qualifying patient’s parent or legal guardian who serves as the registered qualifying patient’s registered primary caregiver.

(4) A marihuana facility shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

(5) A marihuana facility shall enter in the statewide monitoring system all transactions including, but not limited to, current inventory. These records must be maintained and made available to the department upon request.

Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s license type:

(a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers.

(b) Tracking lot and batch information throughout the entire chain of custody.

(c) Tracking all products, conversions, and derivatives throughout the entire chain of custody.

(d) Tracking marihuana plant, batch, and product destruction.

(e) Tracking transportation of product.

(f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:

(i) Sold product.

(ii) Product inventory that is finished and available for sale.

(iii) Product that is in the process of transfer.

(iv) Product being processed into another form.

(v) Postharvest raw product, such as product that is in the drying, trimming, or curing process.

(g) Reporting and tracking loss, theft, or diversion of product containing marihuana.

(h) Reporting and tracking all inventory discrepancies.

(i) Reporting and tracking adverse patient responses or dose-related efficacy issues.

(j) Reporting and tracking all sales and refunds.

(k) Electronically receiving and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act.

(l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample.

(m) Identifying test results that may have been altered.

(n) Providing the licensee with access to information in the tracking system that is necessary to verify that the licensee is carrying out the marihuana transactions authorized under the licensee’s license in accordance with this act.
(o) Providing information to cross-check that product sales are made to a registered qualifying patient or a registered primary caregiver on behalf of a registered qualifying patient and that the product received the required testing.
(p) Providing the department and state agencies with access to information in the database that they are authorized to access.
(q) Providing law enforcement agencies with access to only the information in the database that is necessary to verify that an individual possesses a valid and current registry identification card.
(r) Providing licensees with access only to the information in the system that they are required to receive before a sale, transfer, transport, or other activity authorized under a license issued under this act.
(s) Securing the confidentiality of information in the database by preventing access by a person who is not authorized to access the statewide monitoring system or is not authorized to access the particular information.
(t) Providing analytics to the department regarding key performance indicators such as the following:
   (i) Total daily sales.
   (ii) Total marihuana plants in production.
   (iii) Total marihuana plants destroyed.
   (iv) Total inventory adjustments.

Sec. 501(8c)
Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.

R 34
Building & Fire Safety
Handled by BFS

R 333.235 Security measures; required plan; video surveillance system.
Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.
(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.
(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.
(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.
(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.
(6) A licensee shall ensure the video surveillance system does all the following:
   (a) Records, at a minimum, the following areas:
      (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.
      (ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.
      (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
   (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.
   (v) Point of sale areas where marihuana products are sold and displayed for sale.
   (b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.
A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.

Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.

A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

A licensee shall maintain a log of the recordings, which includes all of the following:

1. The identities of the employee or employees responsible for monitoring the video surveillance system.
2. The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.
3. The identity of the employee who destroyed any recording.

Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:

(a) Paper waste.
(b) Plastic waste.
(c) Cardboard waste.
(d) Food waste.
(e) Grease or other compostable oil waste.
(f) Fermented organic matter or other compost activators.
(g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable.
(h) Soil.

(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.

(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.

(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.

(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:

(a) A manned and permitted solid waste landfill.
(b) A manned compostable materials operation or facility.
(c) An in-vessel digester.
(d) An incineration method approved by state and local laws and regulations.

(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.
**R 38 Storage**

R 333.238 Storage of marihuana product.
Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.
(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.
(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

**R 36 Prohibitions**

R 333.236 Prohibitions.
Rule 36. (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules.
(2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.
(3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.
R 333.245 Plant batches; testing procedures.
Rule 45.
(7) A grower shall not transfer or sell any marihuana product that has not been packaged with a package tag attached and recorded in the statewide monitoring system in accordance with the act, the marihuana tracking act, and these rules.
(9) After a package is created by a processor of the marihuana product in its final state, the processor shall have the sample tested pursuant to R 333.247 and R 333.248. The processor shall not transfer or sell a final package until after test results indicate a passed test.
(10) After a provisioning center receives or purchases a marihuana product in the statewide monitoring system, a licensee may sell or transfer marihuana product only to a registered qualifying patient or registered primary caregiver under both of the following conditions:
(a) The marihuana product has received passing test results in the statewide monitoring system. If the information cannot be confirmed, the marihuana product must be tested by a safety compliance facility and receive passing test results before sale or transfer.
(b) The marihuana product bears the label required for retail sale under the act and these rules.

MARIHUANA INFUSED AND EDIBLE MARIHUANA PRODUCTS

R 333.261 Requirements and restrictions on marihuana-infused products; edible marihuana product.
(4) Marihuana-infused products must be stored and secured as prescribed under these rules.
(5) At a minimum, a processor shall label any marihuana-infused product it produces or packages with all of the following:
(a) The name and address of the marihuana facility that processes or packages the marihuana-infused product.
(b) The name of the marihuana-infused product.
(c) The ingredients of the marihuana-infused product, in descending order of predominance by weight.
(d) The net weight or net volume of the product.
(e) For an edible marihuana product, the processor shall comply with subdivisions (a) to (d) of this subrule and all of the following:
(i) Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343.
(iii) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: “Made in a marihuana facility.”
(6) A processor of edible marihuana product shall comply with all the following to ensure safe preparation:
(a) 21 CFR part 110. Any potentially hazardous ingredients used to process shelf-stable edible marihuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
(b) Provide employee training 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. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover the following subjects:
R 62
Max THC

Rule 62. Marihuana-infused products processed, sold, or transferred through provisioning centers must not exceed the maximum THC levels as established by the department. For the purposes of maximum THC levels for marihuana-infused products, the department shall publish a list of maximum THC concentration and serving size limits.

R 71
Labeling

Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules.

(2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.
R 333.272 Marihuana plant; tracking requirements.
Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
(b) Name of the strain.
(c) Date of harvest, if applicable.
(d) Seed strain, if applicable.
(e) Universal symbol, if applicable.

R 333.273 Marihuana product sale or transfer; labeling and packaging requirements.
Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.
(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and cannabidiol (CBD).
(h) Activation time expressed in words or through a pictogram.
(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the department’s website.
(k) A warning that states all the following:
   (i) "For use by registered qualifying patients only. Keep out of reach of children."
   (ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."
   (iii) "National Poison Control Center 1-800-222-1222."
(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).
Rule 74. (1) A provisioning center may sell or transfer a marihuana product to a registered qualifying patient or a registered primary caregiver if all of the following are met:

(a) The licensee verifies with the statewide monitoring system that the registered qualifying patient or a registered primary caregiver holds a valid, current, unexpired, and unrevoked registry identification card.

(b) The licensee confirms that the registered qualifying patient or the registered primary caregiver presented his or her valid driver license or government-issued identification card that bears a photographic image of the qualifying patient or primary caregiver.

(c) The licensee determines, if completed, any transfer or sale will not exceed the purchasing limit prescribed in R 333.275.

(d) Any marihuana product that is sold or transferred under this rule has been tested and is labelled and packaged for sale or transfer in accordance with R 333.273.

(2) A provisioning center may sell or transfer a marihuana product to a visiting qualifying patient if all of the following are met:

(a) The licensee verifies that the visiting qualifying patient has a valid unexpired medical marihuana registry card, or its equivalent issued in another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana.

(b) The licensee confirms that the visiting qualifying patient presented his or her valid driver license or government-issued identification card that bears a photographic image of the visiting qualifying patient.

(c) The licensee determines, if completed, that any transfer or sale will not exceed the purchasing limit prescribed in R 333.275.

(d) Any marihuana product that is sold or transferred under this rule has been tested and is labelled and packaged for sale or transfer in accordance with R 333.273.

(e) As used in this subrule, “visiting qualifying patient” means that term as defined in section 3 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423.

(3) A provisioning center shall enter all transactions, current inventory, and other information required by these rules in the statewide monitoring system in compliance with the act, marihuana tracking act, and these rules. The provisioning center shall maintain appropriate records of all sales or transfers under the act and these rules and make them available to the department through its investigators, agents, auditors, or the state police upon request.

Rule 75. (1) Before the sale or transfer of marihuana product to a registered qualifying patient or registered primary caregiver, the licensee shall verify in the statewide monitoring system that the sale or transfer does not exceed either of the daily purchasing limits as follows:

(a) For a registered qualifying patient, an amount of marihuana product that does not, in total, exceed 2.5 ounces per day.

(b) For a registered primary caregiver, an amount of marihuana product that does not, in total, exceed 2.5 ounces per day for each registered qualifying patient with whom he or she is connected through the department’s registration process.

(2) Before the sale or transfer of marihuana product to a registered qualifying patient or registered primary caregiver, the licensee shall verify in the statewide monitoring system that the sale or transfer does not exceed the monthly purchasing limit of 10 ounces of marihuana product per month to a qualifying patient, either directly or through the qualifying patient’s registered primary caregiver.
R 333.276 Marketing and advertising restrictions.

Rule 76. (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.

(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.

(3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k).

(4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.

(5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.

R 333.281 Employees; requirements.

Rule 81. (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police.

(2) A licensee shall comply with all of the following:

(a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department.

(b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

(c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system.

(d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials.

(e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

(f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department.

(g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.
(h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.

(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule “employee” includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405
Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.

R 333.282 Provisioning center home delivery employees; patient home delivery; limited circumstances.
Rule 82. (1) A provisioning center may employ an individual to engage in the home delivery of a marihuana product for sale or transfer to a registered qualifying patient.

(2) A provisioning center that employs an individual under subrule (1) of this rule shall establish procedures as specified in this rule to allow an employee of the provisioning center to deliver a marihuana product to a patient at the patient’s home address. All of the following procedures apply to the home delivery procedures established by a provisioning center:

(a) For the purposes of this rule only, a licensee may accept an online order of a marihuana product and payment for the order that will be delivered to the home of the registered qualifying patient as provided in this rule. An online order and payment must be received through a secure website that authenticates access by the registered qualifying patient. A provisioning center shall ensure that only an authenticated and verified registered qualifying patient may view on the provisioning center’s website a marihuana product that is available for home delivery.

(b) The provisioning center creates a home delivery procedure that is subject to inspection and examination including, but not limited to, record keeping and tracking requirements. The department may publish guidelines on the recommended procedure.

(c) The home delivery employee meets the requirements in R 333.281 and is an employee of the provisioning center.

(d) Any other home delivery procedures required in this rule.

(e) The department has authorized the provisioning center licensee’s proposed registered qualifying patient home delivery procedure.

(3) A provisioning center that has received authorization under subrule (2) of this rule shall comply with all of the following:

(a) The provisioning center shall verify that the sale or transfer to the registered qualifying patient is in accordance with R 333.274 and this rule. The home delivery employee may take cash payment upon delivery and shall deliver the marihuana product only to the physical home address of the registered qualifying patient.

(b) The amount of marihuana product that may be delivered is limited to the daily and monthly purchase limits of the registered qualifying patient as provided in R 333.275.

(c) The provisioning center shall record all transactions in the statewide monitoring system as required in the act and these rules.
(d) An employee of the provisioning center shall make home deliveries only to a registered qualifying patient. A home delivery employee shall verify that the person taking delivery is the registered qualifying patient who has been recorded in the statewide monitoring system.

(e) The authorization granted to a provisioning center pursuant to subrule (2) of this rule may be denied, suspended, or withdrawn by the department. The provisioning center may be subject to other sanctions and fines as provided in the act and these rules.

(4) A provisioning center shall maintain records of all of the following that are required to be made available to the department through its investigators, agents, auditors, or the state police upon request:

(a) Verification in the statewide monitoring system that the registered qualifying patient holds a valid, current, unexpired, and unrevoked registry identification card as required in R 333.274 and this rule.

(b) Confirmation that the registered qualifying patient presented his or her valid driver license or government-issued identification card that bears a photographic image of the patient as required in R 333.274 at the time of home delivery.

(c) Validation that the address for home delivery of a marihuana product is the home address of the registered qualifying patient.

(d) Documentation that the registered qualifying patient has consented to the home delivery of marihuana product. The consent must include an acknowledgement by the patient for the release of information necessary in fulfilling the home delivery.

(e) Maintenance of the following records for any motor vehicle used for home delivery and the making of the records available to the department through its investigators, agents, auditors, or the state police upon request: the vehicle’s make, model, color, vehicle identification number, license plate number, and vehicle registration.

(5) A home delivery employee shall carry a copy of all of the following information and shall make these records available to the department through its investigators, agents, auditors, or the state police upon request:

(a) The employee identification number required under R 333.281.

(b) The provisioning center licensee license number.

(c) The address of the provisioning center licensee.

(d) Contact information of the provisioning center licensee.

(e) A copy of the provisioning center’s home delivery log as required in subrule (10) of this rule.

(6) A home delivery employee shall have access to a secure form of communication with the provisioning center licensee, such as a cellular telephone, at all times in the vehicle or on his or her person.

(7) To ensure the integrity of the provisioning center operation, a home delivery employee shall comply with all the following:

(a) During home delivery, the home delivery employee shall maintain a physical or electronic copy of the home delivery request and shall make the home delivery request available to the department through its investigators, agents, auditors, or the state police upon request.

(b) A home delivery employee shall not leave a marihuana product in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system.

(c) A home delivery employee’s vehicle must contain a global positioning system (GPS) device for identifying the geographic location of the delivery vehicle. The device must be either permanently or temporarily affixed to the delivery vehicle while the delivery vehicle is in operation, and the device must remain active and in the possession of the delivery employee at all times during delivery. At all times, the provisioning center must be able to identify the geographic location of all home delivery vehicles and home delivery employees who are making home deliveries for the provisioning center and shall provide that information to the department through its investigators, agents, auditors, or the state police upon request.

(d) While making home deliveries, a home delivery employee shall travel only from the provisioning center’s licensed marihuana facility to the delivery addresses and back to the provisioning center. A home delivery employee shall make no more than 10 registered qualifying patient home deliveries per trip before returning to the provisioning center. A home delivery employee shall not deviate from the home delivery limit or delivery path described in this subrule except in an emergency that is reported to the provisioning center and documented in the statewide monitoring system. A home delivery employee may refuel the vehicle during a stop that is reported and documented in the statewide monitoring system.

(e) While making home deliveries, a home delivery employee shall not carry marihuana product valued in excess of the amount of the registered qualifying patient’s delivery of the marihuana product at any time. A provisioning center shall have a procedure subject to department approval that establishes the amount of money a home delivery employee is allowed to have on his or her person at any 1 time during the home delivery process. All transactions must be completed in 1 business day and any money collected during the delivery process must be returned to the provisioning center.
(f) A home delivery employee of a provisioning center shall not be employed as a home delivery employee for multiple provisioning centers.

(8) A provisioning center shall ensure that home deliveries are completed in a timely and efficient manner as provided on the home delivery request and log. All home deliveries must occur within the business hours of the provisioning center. During a home delivery, a home delivery employee shall not store a marihuana product in a vehicle used for home deliveries other than in a secured compartment. Marihuana product for home delivery must be packaged separately per home delivery order and not comingled during the delivery and stored within a secured compartment that is clearly marked, latched or locked in a manner to keep all contents secured within.

(9) The process of home delivery begins when the delivery employee leaves the provisioning center’s marihuana facility with the marihuana product for delivery. The process of home delivery ends when the delivery employee returns to the provisioning center’s licensed marihuana facility after delivering the marihuana product to the registered qualifying patient.

(10) A provisioning center shall maintain a record of each delivery of a marihuana product in a home delivery log, which may be a hard copy or electronic format, and make the home delivery log available to the department through its investigators, agents, auditors, or the state police upon request. For each delivery, the home delivery log must record all of the following:

(a) The date and time that the delivery began and ended.
(b) The name of the home delivery employee.
(c) The amount of marihuana product allowed to be possessed for delivery.
(d) The lot number of the marihuana product and the name of the strain of that marihuana product.
(e) The signature of the registered qualifying patient who accepted delivery.

(11) A provisioning center shall notify the department, state police, or local law enforcement of any theft, loss of marihuana product, or criminal activity as provided in R 333.216. A provisioning center shall report to the department and law enforcement, if applicable, any other event occurring during home delivery that violates the home delivery procedure as provided in this rule, including delivery vehicle accidents and diversion of marihuana product.

(12) This rule does not affect the application of any applicable local, state, or federal laws or regulations.

---

EXIT INTERVIEW

Review violations identified during inspection.
Review informational points regarding facility plan accuracy, floor plan accuracy, and inspector accessed all areas of marihuana facility.
Discuss timeline for next inspection.
Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following:
   (a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:
      (i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.
      (ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.

   (b) A diagram of the marihuana facility including, but not limited to, all of the following:
      (i) The proposed facility’s size and dimensions.
      (ii) Specifications of the marihuana facility.
      (iii) Physical address.
      (iv) Location of common entryways, doorways, or passageways.
      (v) Means of public entry or exit.
      (vi) Limited-access areas within the marihuana facility.
      (vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.

   (c) A detailed floor plan and layout that includes all of the following:
      (i) Dimensions of the marihuana facility including interior and exterior rooms.
      (ii) Maximum storage capabilities.
      (iii) Number of rooms.
      (iv) Dividing structures.
      (v) Fire walls.
      (vi) Entrances and exits.
      (vii) Locations of hazardous material storage.
      (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
   (d) Means of egress, including, but not limited to, delivery and transfer points.
   (e) Construction details for structures and fire-rated construction for required walls.
   (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
   (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
   (h) Zoning classification and zoning information.
   (i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.
   (j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.
   (k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.
Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.217 Inspection; investigation.
Rule 17. (1) The department shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana facilities, and marihuana facility operations:
(a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana facilities and marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the act and these rules.
(b) Investigate individuals employed by marihuana facilities.
(c) Inspect and examine marihuana facilities and proposed marihuana facilities.
(d) Inspect, examine, and audit records of the licensee.
(2) The department may at any time, through its investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the proposed marihuana facility or marihuana facility, offices, or other places of business of a licensee, if evidence of compliance or noncompliance is likely to be found in accordance with the act and these rules.
(3) The department, through its investigators, agents, auditors, or the state police, may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the act or these rules.
(4) The department, through its investigators, agents, auditors, or the state police, may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the department through its investigators, agents, auditors, or the state police may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana facility or marihuana facility.
(5) The department through its investigators, agents, auditors, or the state police may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana facility or marihuana facility if that individual violates the act, a final order, or these rules.
(6) The department through its investigators, agents, auditors, or the state police may take any reasonable or appropriate action to enforce the act and rules.
(7) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the act, and these rules.
(8) For purposes of this rule, the term “record” means books, ledgers, documents, writings, photocopies, correspondence, electronic records, videotapes, surveillance footage, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewide monitoring system, or any other document that is used for recording information.

R 333.210 Prelicensure investigation; proposed marihuana facility inspection.
Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.
(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.
(3) The department shall investigate an applicant in accordance with the act and these rules.
(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.
(5) An applicant shall submit proof to the department of both of the following:
(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRosset-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.
(b) A fire safety inspection as specified in R 333.234.
R 333.215 Notification and reporting.

Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.

(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.

(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes include, but are not limited to, the following:

(a) Change in owners, officers, members, or managers.

(b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.

(c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.

(d) The addition or removal of persons named in the application or disclosed.

(e) Change in entity name.

(f) Any attempttransfer, sale, or other conveyance of an interest in a license.

(g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.

(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:

(a) Adverse reactions to a marihuana product sold or transferred by any licensee.

(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.

(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.

(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

§ 406ADHERENCE TO:
Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board’s approval before a license is transferred, sold, or purchased.

(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).
### §502 Processor Authorization Information

Sec. 502. (1) A processor license authorizes purchase of marihuana only from a grower and sale of marihuana-infused products or marihuana only to a provisioning center or another processor.

(2) Except as otherwise provided in section 505 and this subsection, a processor license authorizes the processor to transfer marihuana only by means of a secure transporter. A processor license authorizes a processor to transfer marihuana without using a secure transporter to a grower or provisioning center if both of the following are met:

(a) The grower or provisioning center occupies the same location as the processor and the marihuana is transferred using only private real property without accessing public roadways.

(b) The processor enters each transfer into the statewide monitoring system.

(3) To be eligible for a processor license, the applicant and each investor in the processor must not have an interest in a secure transporter or safety compliance facility.

(4) Until December 31, 2018, for a period of 30 days after the issuance of a processor license and in accord with rules, a processor may transfer any of the following that are lawfully possessed by an individual formerly registered as a primary caregiver who is an active employee of the processor:

(a) Marihuana plants.

(b) Usable marihuana.

(5) A processor shall comply with all of the following:

(a) Until December 31, 2021, have, or have as an active employee an individual who has, a minimum of 2 years' experience as a registered primary caregiver.

(b) While holding a license as a processor, not be a registered primary caregiver and not employ an individual who is simultaneously a registered primary caregiver.

(c) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.

### R 16 Diversion, Theft, Loss, or Criminal Activity Contact Info

ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.

Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.

(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.

MSP 517-284-3388, mti@michigan.gov
LARA 517-284-8597, MRA-Enforcement@michigan.gov

### OPERATIONS

Rule 31. (1) A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.

(2) A licensee shall comply with all of the following:

(a) Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:

(i) Sale, consumption, or serving of food except for as provided in R 333.281.

(ii) Sale, consumption, or use of alcohol or tobacco products.

(iii) Consumption, use, or inhalation of a marihuana product.

(b) A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.

(c) A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
(d) Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.
(e) Licensee records must be maintained and made available to the department upon request.
(f) The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.
(g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.

(3) A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules.

<table>
<thead>
<tr>
<th>R 32 Same Location Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>R 333.232 Operation at same location.</td>
</tr>
<tr>
<td>Rule 32. (1) A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.</td>
</tr>
<tr>
<td>(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:</td>
</tr>
<tr>
<td>(a) The department has authorized the proposed operation at the same location.</td>
</tr>
<tr>
<td>(b) The operation at the same location is not in violation of any local ordinances or regulations.</td>
</tr>
<tr>
<td>(c) The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.</td>
</tr>
<tr>
<td>(d) The licensee of each marihuana facility operating at the same location under this rule shall do all the following:</td>
</tr>
<tr>
<td>(i) Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.</td>
</tr>
<tr>
<td>(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.</td>
</tr>
<tr>
<td>(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.</td>
</tr>
<tr>
<td>(iv) Post the state operating license on the wall in its distinct area and as provided in these rules.</td>
</tr>
<tr>
<td>(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.</td>
</tr>
<tr>
<td>(vi) Comply with the provisions in the act and these rules.</td>
</tr>
<tr>
<td>(3) Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.</td>
</tr>
</tbody>
</table>
Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s license type:

(a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers.
(b) Tracking lot and batch information throughout the entire chain of custody.
(c) Tracking all products, conversions, and derivatives throughout the entire chain of custody.
(d) Tracking marihuana plant, batch, and product destruction.
(e) Tracking transportation of product.
(f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:

(i) Sold product.
(ii) Product inventory that is finished and available for sale.
(iii) Product that is in the process of transfer.
(iv) Product being processed into another form.
(v) Postharvest raw product, such as product that is in the drying, trimming, or curing process.
(g) Reporting and tracking loss, theft, or diversion of product containing marihuana.
(h) Reporting and tracking all inventory discrepancies.
(i) Reporting and tracking adverse patient responses or dose-related efficacy issues.
(j) Reporting and tracking all sales and refunds.
(k) Electronic reporting and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act.
(l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample.
(m) Identifying test results that may have been altered.
(n) Providing the licensee with access to information in the tracking system that is necessary to verify that the licensee is carrying out the marihuana transactions authorized under the licensee’s license in accordance with this act.
(o) Providing information to cross-check that product sales are made to a registered qualifying patient or a registered primary caregiver on behalf of a registered qualifying patient and that the product received the required testing.
(p) Providing the department and state agencies with access to information in the database that they are authorized to access.
(q) Providing law enforcement agencies with access to only the information in the database that is necessary to verify that an individual possesses a valid and current registry identification card.
(r) Providing licensees with access only to the information in the system that they are required to receive before a sale, transfer, transport, or other activity authorized under a license issued under this act.
(s) Securing the confidentiality of information in the database by preventing access by a person who is not authorized to access the statewide monitoring system or is not authorized to access the particular information.
(t) Providing analytics to the department regarding key performance indicators such as the following:

(i) Total daily sales.
(ii) Total marihuana plants in production.
(iii) Total marihuana plants destroyed.
(iv) Total inventory adjustments.

Sec. 501(8c)
Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
R 333.235 Security measures; required plan; video surveillance system. Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.

(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.

(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.

(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.

(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

(6) A licensee shall ensure the video surveillance system does all the following:
   (a) Records, at a minimum, the following areas:
      (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.
      (ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.
      (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
      (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.
      (v) Point of sale areas where marihuana products are sold and displayed for sale.
   (b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

(8) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

(9) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

(10) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.

(11) Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.

(12) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

(13) A licensee shall maintain a log of the recordings, which includes all of the following:
   (a) The identities of the employee or employees responsible for monitoring the video surveillance system.
   (b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.
   (c) The identity of the employee who destroyed any recording.
R 333.237 Marihuana product destruction and waste management.
Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the 22 marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:
(a) Paper waste.
(b) Plastic waste.
(c) Cardboard waste.
(d) Food waste.
(e) Grease or other compostable oil waste.
(f) Fermented organic matter or other compost activators.
(g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable.
(h) Soil.
(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.
(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.
(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.
(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:
(a) A manned and permitted solid waste landfill.
(b) A manned compostable materials operation or facility.
(c) An in-vessel digester.
(d) An incineration method approved by state and local laws and regulations.
(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.
(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The department may publish guidance on marihuana product waste management.
(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.

R 333.238 Storage of marihuana product.
Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.
(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.
(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.
### R 36 Prohibitions

**Rule 36.** (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules.

(2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.

(3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.

### TESTING

**Rule 333.245 Plant batches; testing procedures.**

Rule 45. (8) After a processor receives or purchases a package in the statewide monitoring system, and the processor proceeds to process the marihuana product in accordance with the scope of a processor license, the act, and these rules, the processor shall give the marihuana product a new package tag anytime the marihuana product changes form or is incorporated into something else.

(9) After a package is created by a processor of the marihuana product in its final state, the processor shall have the sample tested pursuant to R 333.247 and R 333.248. The processor shall not transfer or sell a final package until after test results indicate a passed test.

**Rule 333.246 Retesting**

Rule 46. (3) A marihuana product is prohibited from being retested in all the following circumstances:

(a) The marihuana product is in a final package.

(b) A final test for chemical residue failed pursuant to these rules. If the amount of chemical residue or chemical residue active ingredient found is not permissible by the department, the marihuana product is ineligible for retesting and the product must be destroyed.

(c) A final failed test for microbials on marihuana-infused product is ineligible for retesting and the product must be destroyed.

### MARIHUANA INFUSED AND EDIBLE MARIHUANA PRODUCTS

**Rule 333.261 Requirements and restrictions on marihuana-infused products; edible marihuana product.**

Rule 61. (1) A processor shall prepackage and properly label marihuana-infused products before sale or transfer.

(2) Marihuana-infused products processed under these rules must be homogenous. The allowable variation for weight and delta-9 tetrahydrocannabinol (THC) potency between the actual results and the intended serving is to be + or – 15%. The department shall publish guidelines for a processor to follow to verify the marihuana-infused product is homogenous.

(3) A processor of marihuana-infused products shall list and record the THC level of marihuana-infused products, as provided in R 333.262, in the statewide monitoring system and indicate the THC level on the label along with the tag identification as required under these rules. Items that are part of a product recall issued in the statewide monitoring system, or by the department, or other state agency, if applicable, must be immediately pulled from production by the processor of the marihuana-infused products and not sold or transferred.

(4) Marihuana-infused products must be stored and secured as prescribed under these rules.

(5) At a minimum, a processor shall label any marihuana-infused product it produces or packages with all of the following:

(a) The name and address of the marihuana facility that processes or packages the marihuana-infused product.

(b) The name of the marihuana-infused product.

(c) The ingredients of the marihuana-infused product, in descending order of predominance by weight.

(d) The net weight or net volume of the product.

(e) For an edible marihuana product, the processor shall comply with subdivisions (a) to (d) of this subrule and all of the following:

(i) Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343.


(iii) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: “Made in a marihuana facility.”
Rule 61
Edibles Labels and Storage

(6) A processor of edible marihuana product shall comply with all the following to ensure safe preparation:
(a) 21 CFR part 110. Any potentially hazardous ingredients used to process shelf-stable edible marihuana products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
(b) Provide employee training 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. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover the following subjects:
(i) Causes of foodborne illness, highly susceptible populations, and worker illness.
(ii) Personal hygiene and food handling practices.
(iii) Approved sources of food.
(iv) Potentially hazardous foods and food temperatures.
(v) Sanitization and chemical use.
(vi) Emergency procedures, including, but not limited to, fire, flood, and sewer backup.
(c) A licensee, to ensure compliance with the safe preparation standards under this subrule, shall comply with 1 or more of the following:
(i) The FDA food safety modernization act, 21 USC chapter 27.
(ii) Safe Quality Food (SQF), 7.2 edition adopted by reference pursuant to R 333.203.
(d) The department may request in writing documentation to verify certifications and compliance with these rules.
(7) A processor of edible marihuana product shall comply with all the following:
(a) No edible marihuana product package can be in a shape or labeled in a manner that would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
(b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. No edible marihuana product can be 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 simply fruit flavored are permissible.
(c) An edible marihuana product must be in resealable, opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15.
(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 shelflife 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.
(9) As used in this rule, the term “edible marihuana product” means any marihuana infused product containing marihuana that is intended for human consumption in a manner other than smoke inhalation.
(10) This rule does not affect the application of any applicable local, state, or federal laws or regulations.

Rule 62
Max THC

R 333.262 Maximum THC levels for marihuana-infused products.
Rule 62. Marihuana-infused products processed, sold, or transferred through provisioning centers must not exceed the maximum THC levels as established by the department. For the purposes of maximum THC levels for marihuana-infused products, the department shall publish a list of maximum THC concentration and serving size limits.
Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules. (2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.

Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
(b) Name of the strain.
(c) Date of harvest, if applicable.
(d) Seed strain, if applicable.
(e) Universal symbol, if applicable.

Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.
(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and cannabidiol (CBD).
(h) Activation time expressed in words or through a pictogram.
(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the department’s website.
(k) A warning that states all the following:
(i) "For use by registered qualifying patients only. Keep out of reach of children.”
(ii) "It is illegal to drive a motor vehicle while under the influence of marihuana.”
(iii) “National Poison Control Center 1-800-222-1222.”
(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).
### EMPLOYEES

**R 333.276 Marketing and advertising restrictions.**

**Rule 76.** (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.

(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.

(3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k).

(4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.

(5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.

---

**R 333.281 Employees; requirements.**

**Rule 81.** (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police.

(2) A licensee shall comply with all of the following:

(a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department.

(b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

(c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system.

(d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials.

(e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

(f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department.

(g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.

(h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.
(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule “employee” includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405
Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.
Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following:
   (a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:
      (i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.
      (ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.
   (b) A diagram of the marihuana facility including, but not limited to, all of the following:
      (i) The proposed facility's size and dimensions.
      (ii) Specifications of the marihuana facility.
      (iii) Physical address.
      (iv) Location of common entryways, doorways, or passageways.
      (v) Means of public entry or exit.
      (vi) Limited-access areas within the marihuana facility.
      (vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.
   (c) A detailed floor plan and layout that includes all of the following:
      (i) Dimensions of the marihuana facility including interior and exterior rooms.
      (ii) Maximum storage capabilities.
      (iii) Number of rooms.
      (iv) Dividing structures.
      (v) Fire walls.
      (vi) Entrances and exits.
      (vii) Locations of hazardous material storage.
      (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
   (d) Means of egress, including, but not limited to, delivery and transfer points.
   (e) Construction details for structures and fire-rated construction for required walls.
   (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
   (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
   (h) Zoning classification and zoning information.
   (i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.
   (j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.
   (k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.
Rule 17. (1) The department shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana facilities, and marihuana facility operations:

(a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana facilities and marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the act and these rules.

(b) Investigate individuals employed by marihuana facilities.

(c) Inspect and examine marihuana facilities and proposed marihuana facilities.

(d) Inspect, examine, and audit records of the licensee.

(2) The department may at any time, through its investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the proposed marihuana facility or marihuana facility, offices, or other places of business of a licensee, if evidence of compliance or noncompliance is likely to be found in accordance with the act and these rules.

(3) The department, through its investigators, agents, auditors, or the state police, may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the act or these rules.

(4) The department, through its investigators, agents, auditors, or the state police, may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the department through its investigators, agents, auditors, or the state police may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana facility or marihuana facility.

(5) The department through its investigators, agents, auditors, or the state police may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana facility or marihuana facility if that individual violates the act, a final order, or these rules.

(6) The department through its investigators, agents, auditors, or the state police may take any reasonable or appropriate action to enforce the act and rules.

(7) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the act, and these rules.

(8) For purposes of this rule, the term “record” means books, ledgers, documents, writings, photocopies, correspondence, electronic records, videotapes, surveillance footage, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewide monitoring system, or any other document that is used for recording information.

Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.210 Prelicensure investigation; proposed marihuana facility inspection.
Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.

(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.

(3) The department shall investigate an applicant in accordance with the act and these rules.

(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.

(5) An applicant shall submit proof to the department of both of the following:

(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.

(b) A fire safety inspection as specified in R 333.234.
R 11 Vehicle Licensing Requirements

*PRE-LICENSE INFORMATIONAL
All secure transport vehicle paperwork and at least one vehicle currently held by the applicant need to be available onsite for inspection. R 11”

*BI-ANNUAL INFORMATIONAL
Is vehicle registered as commercial vehicle?

R 333.211 Proof of financial responsibility; insurance.
Rule 11. A secure transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product as required by the act and these rules.

R 333.215 Notification and reporting.
Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.
(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.
(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes, include, but are not limited to, the following:
(a) Change in owners, officers, members, or managers.
(b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.
(c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.
(d) The addition or removal of persons named in the application or disclosed.
(e) Change in entity name.
(f) Any attempted transfer, sale, or other conveyance of an interest in a license.
(g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.
(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:
(a) Adverse reactions to a marihuana product sold or transferred by any licensee.
(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.
(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.
(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

§ 406 ADHERENCE TO:
Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board’s approval before a license is transferred, sold, or purchased.
(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).
333.27503 Secure Transporter License
Sec. 503. (1) A secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver. If a secure transporter has its primary place of business in a municipality that has adopted an ordinance under section 205 authorizing that marihuana facility, the secure transporter may travel through any municipality.

(2) To be eligible for a secure transporter license, the applicant and each investor with an interest in the secure transporter must not have an interest in a grower, processor, provisioning center, or safety compliance facility and must not be a registered qualifying patient or a registered primary caregiver.

(3) A secure transporter shall enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.

(4) A secure transporter shall comply with all of the following:
(a) Each driver transporting marihuana must have a chauffeur’s license issued by this state.
(b) Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 5 years or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.
(c) Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of marihuana.
(d) A route plan and manifest must be entered into the statewide monitoring system, and a copy must be carried in the transporting vehicle and presented to a law enforcement officer upon request.
(e) The marihuana must be transported in 1 or more sealed containers and not be accessible while in transit.
(f) A secure transporting vehicle must not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

(5) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with this act.

ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.
Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.

(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.
MSP 517-284-3388, mti@michigan.gov
LARA 517-284-8597, MRA-Enforcement@michigan.gov
Rule 31. (1) A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.

(2) A licensee shall comply with all of the following:

(a) Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling. Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:

(i) Sale, consumption, or serving of food except for as provided in R 333.281.

(ii) Sale, consumption, or use of alcohol or tobacco products.

(iii) Consumption, use, or inhalation of a marihuana product.

(b) A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.

(c) A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.

(d) Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.

(e) Licensee records must be maintained and made available to the department upon request.

(f) The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.

(g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.

(3) A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules.
R 333.232 Operation at same location.
Rule 32. (1) A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.
(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:
(a) The department has authorized the proposed operation at the same location.
(b) The operation at the same location is not in violation of any local ordinances or regulations.
(c) The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.
(d) The licensee of each marihuana facility operating at the same location under this rule shall do all the following:
(i) Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.
(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.
(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
(iv) Post the state operating license on the wall in its distinct area and as provided in these rules.
(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.
(vi) Comply with the provisions in the act and these rules.
(3) Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.

R 333.233 Marihuana facilities; requirements.
Rule 33. (2) A secure transporter shall have a primary place of business as its marihuana facility that is operating in a municipality that has adopted an ordinance that meets the requirements of section 205 of the act, MCL 333.27205, and these rules and its marihuana facility must comply with the requirements prescribed by the act and these rules. A secure transporter shall hold a separate license for every marihuana facility location where a marihuana product is stored. A secure transporter may travel through any municipality to transport a marihuana product. A secure transporter shall comply with all of the following:
(a) The secure transporter may take physical custody of the marihuana or money but legal custody belongs to the transferor or transferee.
(b) A secure transporter shall not sell or purchase marihuana products.
(c) A secure transporter shall transport any marihuana product in a locked, secured, and sealed container that is not accessible while in transit. The container must be secured by a locked closed lid or door. A secure transporter of marihuana product from separate marihuana facilities shall not comingle the marihuana product. All marihuana products must be labeled in accordance with these rules and kept in separate compartments or containers within the main locked, secured, and sealed container. If the secure transporter transports money associated with the purchase or sale of marihuana product between facilities, the secure transporter shall lock the money in a sealed container kept separate from the marihuana product and only accessible to the licensee and its employees.
(d) A secure transporter shall log and track all handling of money associated with the purchase or sale of marihuana between facilities. These records must be maintained and made available to the department upon request.
(e) A secure transporter shall have a route plan and manifest available for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules. A copy of the route plan and manifest must be carried with the secure transporter during transport between marihuana facilities. A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana product pursuant to the act or these rules. A secure transporter shall carry a copy of a route plan and manifest in the transporting vehicle and shall present them to a law enforcement officer upon request.
(f) A secure transporter shall follow the manifest. In cases of emergencies, the secure transporter shall notify the transferor and transferee, update the statewide monitoring system, and revise the manifest to reflect the unexpected change to the original manifest.

(g) The timeframe for the secure transporter to maintain custody of the marihuana product must not be more than 48 hours or by permission of the department on a case-by-case basis.

(h) A secure transporter shall identify and record all vehicles with the department and have the required vehicle registration with the secretary of state as required under state law. A secure transporter’s vehicles are subject to inspection at any time by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee’s license type:

(a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers.

(b) Tracking lot and batch information throughout the entire chain of custody.

(c) Tracking all products, conversions, and derivatives throughout the entire chain of custody.

(d) Tracking marihuana plant, batch, and product destruction.

(e) Tracking transportation of product.

(f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:

(i) Sold product.

(ii) Product inventory that is finished and available for sale.

(iii) Product that is in the process of transfer.

(iv) Product being processed into another form.

(v) Postharvest raw product, such as product that is in the drying, trimming, or curing process.

(g) Reporting and tracking loss, theft, or diversion of product containing marihuana.

(h) Reporting and tracking all inventory discrepancies.

(i) Reporting and tracking adverse patient responses or dose-related efficacy issues.

(j) Reporting and tracking all sales and refunds.

(k) Electronically receiving and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act.

(l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample.

(m) Identifying test results that may have been altered.
R 333.235 Security measures; required plan; video surveillance system.

Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.

(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.

(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.

(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.

(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

(6) A licensee shall ensure the video surveillance system does all the following:
   (a) Records, at a minimum, the following areas:
      (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.
      (ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.
      (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
      (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.
   (v) Point of sale areas where marihuana products are sold and displayed for sale.
   (b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.
(8) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.
(9) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.
(10) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.
(11) Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.
(12) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.
(13) A licensee shall maintain a log of the recordings, which includes all of the following:
(a) The identities of the employee or employees responsible for monitoring the video surveillance system.
(b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.
(c) The identity of the employee who destroyed any recording.

R 333.237 Marihuana product destruction and waste management.
Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the following:
(a) Paper waste.
(b) Plastic waste.
(c) Cardboard waste.
(d) Food waste.
(e) Grease or other compostable oil waste.
(f) Fermented organic matter or other compost activators.
(g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable.
(h) Soil.
(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.
(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.
(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.
(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:
(a) A manned and permitted solid waste landfill.
(b) A manned compostable materials operation or facility.
(c) An in-vessel digester.
(d) An incineration method approved by state and local laws and regulations.
(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.

(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The department may publish guidance on marihuana product waste management.

(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.

R 333.238 Storage of marihuana product.
Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.
(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.
(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.
(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.
(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.
(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.
(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

R 333.236 Prohibitions.
Rule 36. (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules.
(2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.
(3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.

SALE OR TRANSFER

R 333.271 Tracking identification; labeling requirements; general.
Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules.
(2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.
### R 76 Marketing & Advertising

**R 333.276 Marketing and advertising restrictions.**

Rule 76. (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.

(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.

(3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k).

(4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.

(5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.

---

### R 72 Plant Tracking

**R 333.272 Marihuana plant; tracking requirements.**

Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:

(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.

(b) Name of the strain.

(c) Date of harvest, if applicable.

(d) Seed strain, if applicable.

(e) Universal symbol, if applicable.

**R 733.273 Marihuana product sale or transfer; labeling and packaging requirements.**

Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:

(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.

(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.

(c) The unique identification number for the package or the harvest, if applicable.

(d) Date of harvest, if applicable.

(e) Name of strain, if applicable.

(f) Net weight in United States customary and metric units.

(g) Concentration of THC and cannabidiol (CBD).

(h) Activation time expressed in words or through a pictogram.

(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.

(j) The universal symbol for marihuana product published on the department’s website.

(k) A warning that states all the following:

(i) "For use by registered qualifying patients only. Keep out of reach of children."

(ii) "It is illegal to drive a motor vehicle while under the influence of marihuana."

(iii) “National Poison Control Center 1-800-222-1222.”

(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).
R 333.281 Employees; requirements.

Rule 81. (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police.

(2) A licensee shall comply with all of the following:

(a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department.

(b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

(c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system.

(d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials.

(e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

(f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department.

(g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.

(h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.

(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule “employee” includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405

Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.
EXIT INTERVIEW
Review violations identified during inspection.
Review informational points regarding facility plan accuracy, floor plan accuracy, and inspector accessed all areas of marihuana facility.
Discuss timeline for next inspection.
R 333.209 Marihuana facility plan.

Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following:

(a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:
   (i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.
   (ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.

(b) A diagram of the marihuana facility including, but not limited to, all of the following:
   (i) The proposed facility’s size and dimensions.
   (ii) Specifications of the marihuana facility.
   (iii) Physical address.
   (iv) Location of common entryways, doorways, or passageways.
   (v) Means of public entry or exit.
   (vi) Limited-access areas within the marihuana facility.
   (vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.

(c) A detailed floor plan and layout that includes all of the following:
   (i) Dimensions of the marihuana facility including interior and exterior rooms.
   (ii) Maximum storage capabilities.
   (iii) Number of rooms.
   (iv) Dividing structures.
   (v) Fire walls.
   (vi) Entrances and exits.
   (vii) Locations of hazardous material storage.
   (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
   (d) Means of egress, including, but not limited to, delivery and transfer points.
   (e) Construction details for structures and fire-rated construction for required walls.
   (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
   (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
   (h) Zoning classification and zoning information.
   (i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.
   (j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.
   (k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.
Rule 17. (1) The department shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana facilities, and marihuana facility operations:
(a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana facilities and marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the act and these rules.
(b) Investigate individuals employed by marihuana facilities.
(c) Inspect and examine marihuana facilities and proposed marihuana facilities.
(d) Inspect, examine, and audit records of the licensee.
(2) The department may at any time, through its investigators, agents, auditors, or the state police, without a warrant and without notice to the licensee, enter the proposed marihuana facility or marihuana facility, offices, or other places of business of a licensee, if evidence of compliance or noncompliance is likely to be found in accordance with the act and these rules.
(3) The department, through its investigators, agents, auditors, or the state police, may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the act or these rules.
(4) The department, through its investigators, agents, auditors, or the state police, may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the department through its investigators, agents, auditors, or the state police may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana facility or marihuana facility.
(5) The department through its investigators, agents, auditors, or the state police may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana facility or marihuana facility if that individual violates the act, a final order, or these rules.
(6) The department through its investigators, agents, auditors, or the state police may take any reasonable or appropriate action to enforce the act and rules.
(7) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the act, and these rules.
(8) For purposes of this rule, the term “record” means books, ledgers, documents, writings, photocopies, correspondence, electronic records, videotapes, surveillance footage, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewidemonitoring system, or any other document that is used for recording information.

Sec. 303 Require all relevant records of licensees, including financial or other statements, to be kept on the premises authorized for operation of the marihuana facility of the licensee or in the manner prescribed by the board.

R 333.210 Prelicensure investigation; proposed marihuana facility inspection.
Rule 10. (1) An applicant for a state operating license shall submit to a prelicensure physical inspection of a proposed marihuana facility, as determined by the department.
(2) The department shall establish an inspection process to confirm that the applicants and proposed marihuana facilities meet the requirements of the act and these rules.
(3) The department shall investigate an applicant in accordance with the act and these rules.
(4) The department, through its investigators, agents, auditors, or the state police, shall conduct inspections and examinations of an applicant and a proposed marihuana facility in accordance with the act and these rules.
(5) An applicant shall submit proof to the department of both of the following:
(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules.
(b) A fire safety inspection as specified in R 333.234.
R 333.215 Notification and reporting.

Rule 15. (1) Applicants and licensees have a continuing duty to provide the department with up-to-date contact information and shall notify the department in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the department.

(2) Applicants and licensees shall report any changes to the marihuana facility operations that are required in R 333.231 to R 333.238 and as required in the act and these rules, as applicable.

(3) Applicants and licensees shall report material changes to the department before making a material change that may require prior authorization by the department. Material changes, include, but are not limited to, the following:

(a) Change in owners, officers, members, or managers.

(b) Change of location. Upon notification of a change in location, the department may determine that a new license and new inspection are required for the change of location.

(c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the act, MCL 333.27205, committed by the licensee, but only if the violation relates to activities licensed under the act, the Michigan medical marihuana act, and these rules.

(d) The addition or removal of persons named in the application or disclosed.

(e) Change in entity name.

(f) Any attempted transfer, sale, or other conveyance of an interest in a license.

(g) Any change or modification to the marihuana facility for prelicensure or postlicensure that was not preinspected, inspected, or part of the marihuana facility plan or final inspection including, but not limited to, operational or method changes requiring inspection under these rules, additions or reductions in equipment or processors at a marihuana facility, increase or decrease in the size or capacity of the marihuana facility, alterations of ingress or egress, and changes that impact security, fire and building safety.

(4) An applicant or licensee shall notify the department within 1 business day of becoming aware of or should have been aware of all the following:

(a) Adverse reactions to a marihuana product sold or transferred by any licensee.

(b) Criminal convictions, charges, or civil judgements against an applicant or licensee in this state or any other state.

(c) Regulatory disciplinary action taken or determined against an applicant or licensee by this state or any other state, including any pending action.

(5) Failure to report material changes pursuant to subrule (3) of this rule or notifications under subrule (4) of this rule may result in sanctions or fines, or both.

§ 406ADHERENCE TO:
Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board’s approval before a license is transferred, sold, or purchased.

(No, means - The attempted transfer, sale, or other conveyance of an interest of more than 1% in a license without prior board approval).
333.27505 Safety compliance facility license.
Sec. 505. (1) In addition to transfer and testing authorized in section 203, a safety compliance facility license authorizes the safety compliance facility to do all of the following without using a secure transporter:
(a) Take marihuana from, test marihuana for, and return marihuana to only a marihuana facility.
(b) Collect a random sample of marihuana at the marihuana facility of a grower, processor, or provisioning center for testing.
(2) A safety compliance facility must be accredited by an entity approved by the board by 1 year after the date the license is issued or have previously provided drug testing services to this state or this state’s court system and be a vendor in good standing in regard to those services. The board may grant a variance from this requirement upon a finding that the variance is necessary to protect and preserve the public health, safety, or welfare.
(3) To be eligible for a safety compliance facility license, the applicant and each investor with any interest in the safety compliance facility must not have an interest in a grower, secure transporter, processor, or provisioning center.
(4) A safety compliance facility shall comply with all of the following:
(a) Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides.
(b) Use validated test methods to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid levels.
(c) Perform tests that determine whether marihuana complies with the standards the board establishes for microbial and mycotoxin contents.
(d) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed in rules.
(e) Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
(f) Have a secured laboratory space that cannot be accessed by the general public.
(g) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.

R 16
Diversion, Theft, Loss, or Criminal Activity
Contact Info
ADHERENCE TO: R 333.216 Notifications of diversion, theft, loss, or criminal activity pertaining to marihuana product.
Rule 16. (1) A licensee and an applicant shall notify the department, state police, and local law enforcement authorities within 24 hours of becoming aware of or should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana facility.
(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.
MSP 517-284-3388, mti@michigan.gov
LARA 517-284-8597, MRA-Enforcement@michigan.gov
<table>
<thead>
<tr>
<th>Test</th>
<th>Method used, ISO accredited etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Potency Analysis:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Tetrahydrocannabinol level (THC)</td>
<td></td>
</tr>
<tr>
<td>2. Tetrahydrocannabinol acid level (THC-A)</td>
<td></td>
</tr>
<tr>
<td>3. Cannabidiol level (CBD)</td>
<td></td>
</tr>
<tr>
<td>4. Cannabidiol acid level (CBD-A)</td>
<td></td>
</tr>
<tr>
<td><strong>Foreign matter inspection:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Pests</td>
<td></td>
</tr>
<tr>
<td>2. Mold</td>
<td></td>
</tr>
<tr>
<td>3. other organic or inorganic materials</td>
<td></td>
</tr>
<tr>
<td><strong>Microbial Screening:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Total Viable Aerobic Bacteria</td>
<td></td>
</tr>
<tr>
<td>2. Total Coliform</td>
<td></td>
</tr>
<tr>
<td>3. Total Yeast &amp; Mold</td>
<td></td>
</tr>
<tr>
<td>4. Bile-tolerant gram-negative bacteria</td>
<td></td>
</tr>
<tr>
<td>5. E. coli</td>
<td></td>
</tr>
<tr>
<td>6. Salmonella</td>
<td></td>
</tr>
<tr>
<td><strong>Chemical Residue:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Pesticides, Fungicides, Insecticides</td>
<td></td>
</tr>
<tr>
<td>2. Banned published list of chemicals and action limits</td>
<td></td>
</tr>
</tbody>
</table>
Metals:
1. Mercury
2. Inorganic Arsenic
3. Cadmium
4. Lead
5. Total Chromium

Residual solvents levels
1. Published list of solvents and action limits

Water activity including moisture content

Homogeneity

### Personnel

<table>
<thead>
<tr>
<th>Position/Title</th>
<th>Name</th>
<th>Education Level Degree/Major*</th>
<th>Experience in yrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>333.27505 (2)(g) Retain and employ at least 1 staff member with a relevant advanced degree in a medical or laboratory science.</td>
<td>Laboratory Director</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemistry</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
*If the major is not in medical or laboratory science, list hours of college level courses in medical or laboratory sciences

<table>
<thead>
<tr>
<th>TESTS AND METHODS</th>
<th>Satisfactory Yes or No Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has a written Standard Operating Procedure (SOP) Manual been established?</td>
<td>R47 (R 333.247)1 (b)(9)(c)</td>
</tr>
<tr>
<td>Is the SOP Manual readily available to all analysts?</td>
<td>R47 (R 333.247)1 (b)(9)(c)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for pass/fail for compliance samples?</td>
<td>R47 (R 333.247)1 (b)(9)(c)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for security of samples, aliquots, extracts, and records?</td>
<td>R47 (R 333.247)1 (b)(9)(c)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for sample retention to assure stability?</td>
<td>R47 (R 333.247)1 (b)(9)(c)</td>
</tr>
<tr>
<td>Question</td>
<td>Code</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Does the laboratory document all corrective actions taken when unacceptable calibration, control, and standard or instrument performance does not meet acceptability criteria as defined in the Standard Operating Procedure?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria, for the validation of new or revised methods, where applicable, prior to testing samples?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria establishing a documented system for reviewing the results of testing calibrators, controls, standards, and test results; as well as reviewing for clerical errors, analytical errors, and any unusual analytical results?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for sample disposal?</td>
<td>R47 (R 333.247)3</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for the preparation and identification of reagents, solutions, standards, calibrators, and controls?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for the frequency and number of control and calibration materials?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Does the SOP Manual include criteria for recording and reporting assay results?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
<tr>
<td>Do laboratory SOPs include step-by-step instructions with sufficient detail to perform the assay, to include equipment operation and any abbreviated versions used by a testing analyst?*</td>
<td>R47 (R 333.247)1</td>
</tr>
<tr>
<td></td>
<td>(b)(9)(c)(d)</td>
</tr>
</tbody>
</table>
Does the SOP Manual include acceptability criteria for the results of controls?*

<table>
<thead>
<tr>
<th>Item</th>
<th>Reference</th>
<th>Satisfactory Yes or No Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the laboratory have a quality control and quality assurance program that conforms to ISO/IEC 17025:2005 or 17025:2017 standards?</td>
<td>R47 (R 333.247)(9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory perform and document instrument preventative maintenance and repair as required by the manufacturer?</td>
<td>R47 (R 333.247)(9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory evaluate and document the performance of instruments after routine and preventative maintenance and prior to analyzing samples?</td>
<td>R47 (R 333.247)(9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory perform and document instrument troubleshooting and corrective actions when performance does not meet established levels of quality?</td>
<td>R47 (R 333.247)(9)(d)</td>
<td></td>
</tr>
<tr>
<td>Has the laboratory established and continuously monitored and documented the ongoing review of a quality assurance program that is sufficient to identify problems in the laboratory’s pre-analytic, analytic, and post-analytic systems when they occur?</td>
<td>R47 (R 333.247)(9)(d)</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>Reference</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>Has the laboratory established, continuously monitored, and documented the quality control measures taken by the laboratory to ensure the proper functioning of equipment, validity of SOPs, and accuracy of results reported?</td>
<td>R47 (R 333.247) (9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory annually verify the calibration of analytical balances using certified weights to include; three or more NIST traceable weights, bracketing the ranges of measurement used by the laboratory?</td>
<td>R47 (R 333.247) (9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the laboratory properly label and track in-house prepared solutions that identify: solution contents, the concentration, date of preparation, storage conditions, lot number (if applicable), expiration date, and the identity of the preparer?</td>
<td>R47 (R 333.247) (9)(d)</td>
<td></td>
</tr>
<tr>
<td>Does the ISO 17025:2017 scope of accreditation specify each particular testing category?</td>
<td>R47 (R 333.247) (9)(b)</td>
<td></td>
</tr>
<tr>
<td>A safety compliance facility shall analyze proficiency test samples using the same procedures with the same number of replicate analyses, standards, testing analysts and equipment as used for marihuana product testing. A safety compliance facility shall successfully analyze a set of proficiency testing samples not less than annually.</td>
<td>R47 (R 333.247) (10)</td>
<td></td>
</tr>
<tr>
<td>Do all compliance samples include appropriate Metrc tags?</td>
<td>R36(R333.236)(2)</td>
<td></td>
</tr>
</tbody>
</table>
Sample Audit

<table>
<thead>
<tr>
<th>METRC Sample ID</th>
<th>Sample Name</th>
<th>Test</th>
<th>Result from COA</th>
<th>METRC result</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R 31 General: Partitioning, Food, alcohol, tobacco, use of marihuana onsite, Restricted access, Visitor log, License Posting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **R 333.231 State operating licenses; licensees; operations; general.**  
  Rule 31. (1) A state operating license and a stacked license as described in R 333.220 are limited to the scope of the state operating license issued for that type of marihuana facility that is located within the municipal boundaries connected with the license.  
  (2) A licensee shall comply with all of the following:  
  (a) Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling.Marihuana facilities shall not allow onsite or as part of the marihuana facility any of the following:  
  (i) Sale, consumption, or serving of food except for as provided in R 333.281.  
  (ii) Sale, consumption, or use of alcohol or tobacco products.  
  (iii) Consumption, use, or inhalation of a marihuana product.  
  (b) A marihuana facility shall have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.  
  (c) A marihuana facility shall have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.  
  (d) Access to the marihuana facility is restricted to the licensee; employees of the licensee; and, the department through its investigators, agents, auditors, or the state police. A provisioning center may grant access as provided in R 333.233(3) to registered qualifying patients and registered primary caregivers with valid registry cards to a dedicated point of sale area. A separate waiting area may be created for visitors not authorized to enter the marihuana facility. The licensee shall maintain a log tracking all visitors to a marihuana facility. The visitor log must be available at all times for inspection by the department through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.  
  (e) Licensee records must be maintained and made available to the department upon request.  
  (f) The marihuana facility must be at a fixed location. Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.  
  (g) A state operating license issued under the act must be framed under a transparent material and prominently displayed in the marihuana facility.  
  (3) A marihuana facility must comply with any other operational measures requested by the department that are not inconsistent with the act and these rules. |
### R 32
#### Same Location Operations

**R 333.232 Operation at same location.**

Rule 32. (1) A licensee that has any combination of state operating licenses may operate separate marihuana facilities at the same location. For purposes of this rule, a stacked license is considered a single marihuana facility.

(2) To operate at the same location subject to subrule (1) of this rule, all of the following requirements must be met:

(a) The department has authorized the proposed operation at the same location.

(b) The operation at the same location is not in violation of any local ordinances or regulations.

16

(c) The operation at the same location does not circumvent a municipal ordinance or zoning regulation that limits the type or number of marihuana facilities under section 205 of the act, MCL 333.27205, or prohibits the operation at the same location.

(d) The licensee of each marihuana facility operating at the same location under this rule shall do all the following:

(i) Apply for and be granted separate state operating licenses and pay a separate regulatory assessment for each state operating license.

(ii) Have distinct and identifiable areas with designated structures that are contiguous and specific to the state operating license.

(iii) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.

(iv) Post the state operating license on the wall in its distinct area and as provided in these rules.

(v) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards.

(vi) Comply with the provisions in the act and these rules.

(3) Operation of a state operating license at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marihuana facility and entire inventory physically separated from any of the other licensed marihuana facility or facilities so that individuals can clearly identify the retail entrance and exit.

### R 33
#### SCF Requirements

**R 333.233 Marihuana facilities; requirements.**

Rule 33.(4) A marihuana facility shall ensure that the handling of marihuana product is done in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110.

(5) A marihuana facility shall enter in the statewide monitoring system all transactions including, but not limited to, current inventory. These records must be maintained and made available to the department upon request.
Sec. 207. A licensee shall adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules. The third-party inventory control and tracking system must have all of the following capabilities necessary for the licensee to comply with the requirements applicable to the licensee's license type:

(a) Tracking all marihuana plants, products, packages, patient and primary caregiver purchase totals, waste, transfers, conversions, sales, and returns that are linked to unique identification numbers.
(b) Tracking lot and batch information throughout the entire chain of custody.
(c) Tracking all products, conversions, and derivatives throughout the entire chain of custody.
(d) Tracking marihuana plant, batch, and product destruction.
(e) Tracking transportation of product.
(f) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:
   (i) Sold product.
   (ii) Product inventory that is finished and available for sale.
   (iii) Product that is in the process of transfer.
   (iv) Product being processed into another form.
   (v) Postharvest raw product, such as product that is in the drying, trimming, or curing process.
   (g) Reporting and tracking loss, theft, or diversion of product containing marihuana.
   (h) Reporting and tracking all inventory discrepancies.
   (i) Reporting and tracking adverse patient responses or dose-related efficacy issues.
   (j) Reporting and tracking all sales and refunds.
   (k) Electronically receiving and transmitting information as required under this act, the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, and the marihuana tracking act.

(l) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the system and directly linking the testing results to each applicable source batch and sample.
(m) Identifying test results that may have been altered.
(n) Providing the licensee with access to information in the tracking system that is necessary to verify that the licensee is carrying out the marihuana transactions authorized under the licensee's license in accordance with this act.
(o) Providing information to cross-check that product sales are made to a registered qualifying patient or a registered primary caregiver on behalf of a registered qualifying patient and that the product received the required testing.
(p) Providing the department and state agencies with access to information in the database that they are authorized to access.
(q) Providing law enforcement agencies with access to only the information in the database that is necessary to verify that an individual possesses a valid and current registry identification card.
(r) Providing licensees with access only to the information in the system that they are required to receive before a sale, transfer, transport, or other activity authorized under a license issued under this act.
(s) Securing the confidentiality of information in the database by preventing access by a person who is not authorized to access the statewide monitoring system or is not authorized to access the particular information.
(t) Providing analytics to the department regarding key performance indicators such as the following:
   (i) Total daily sales.
   (ii) Total marihuana plants in production.
   (iii) Total marihuana plants destroyed.
   (iv) Total inventory adjustments.

Sec. 501(8c)
Enter all transactions, current inventory, and other information into the statewide monitoring system as required in this act, rules, and the marihuana tracking act.
Rule 35. (1) An applicant for a license to operate a proposed marihuana facility shall submit a security plan that demonstrates, at a minimum, the ability to meet the requirements of this rule.

(2) A licensee shall ensure that any person at the marihuana facility, except for employees of the licensee, are escorted at all times by the licensee or an employee of the licensee when in the limited-access areas at the marihuana facility.

(3) A licensee shall securely lock the marihuana facility, including all interior rooms, windows, and points of entry and exits, with commercial-grade, nonresidential door locks. Locks on doors that are required for egress shall meet the requirements of NFPA 1, local fire codes, and the Michigan building code.

(4) A licensee shall maintain an alarm system at the marihuana facility. Upon request, a licensee shall make available to the department all information related to the alarm system, monitoring, and alarm activity.

(5) A licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

(6) A licensee shall ensure the video surveillance system does all the following:

(a) Records, at a minimum, the following areas:
   (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana facility.
   (ii) Limited-access areas and security rooms. Transfers between rooms must be recorded.
   (iii) Areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.
   (iv) The entrances and exits to the building must be recorded from both indoor and outdoor vantage points. The areas of entrance and exit between marihuana facilities at the same location if applicable, including any transfers between marihuana facilities.
   (v) Point of sale areas where marihuana products are sold and displayed for sale.

(b) Records at all times images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

(7) A licensee shall install each camera so that it is permanently mounted and in a fixed location. Each camera must be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the marihuana facility and allows for the clear and certain identification of any person, including facial features, and activities, including sales or transfers, in all areas required to be recorded under these rules.

(8) A licensee shall have cameras that record continuously 24 hours per day and recorded images must clearly and accurately display the time and date.

(9) A licensee shall secure the physical media or storage device on which surveillance recordings are stored in a manner to protect the recording from tampering or theft.

(10) A licensee shall keep surveillance recordings for a minimum of 30 days, except in instances of investigation or inspection by the department, through its investigators, agents, auditors, or the state police, in which case the licensee shall retain the recordings until the time as the department notifies the licensee that the recordings may be destroyed.

(11) Surveillance recordings of the licensee are subject to inspection by the department, through its investigators, agents, auditors, or the state police, and must be kept in a manner that allows the department to view and obtain copies of the recordings at the marihuana facility immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the department upon request within the time specified by the department.

(12) A licensee shall maintain a video surveillance system equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance system storage device.

(13) A licensee shall maintain a log of the recordings, which includes all of the following:

(a) The identities of the employee or employees responsible for monitoring the video surveillance system.

(b) The identity of the employee who removed the recording from the video surveillance system storage device and the time and date removed.

(c) The identity of the employee who destroyed any recording.
R 333.237 Marihuana product destruction and waste management.

Rule 37. (1) A marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form through grinding and incorporating the marihuana product waste with the non-consumable solid waste specified in subdivisions (a) to (h) of this subrule so that the resulting mixture is not less than 50% non-marihuana product waste:

(a) Paper waste.
(b) Plastic waste.
(c) Cardboard waste.
(d) Food waste.
(e) Grease or other compostable oil waste.
(f) Fermented organic matter or other compost activators.
(g) Other wastes approved by the department that will render the marihuana product waste unusable and unrecognizable.
(h) Soil.

(2) A marihuana product rendered unusable and unrecognizable and, therefore, considered waste, must be recorded in the statewide monitoring system.

(3) A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.

(4) A licensee shall manage all waste that is hazardous waste pursuant to part 111 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11101 to 324.11153.

(5) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following methods that complies with applicable state and local laws and regulations:

(a) A manned and permitted solid waste landfill.
(b) A manned compostable materials operation or facility.
(c) An in-vessel digester.
(d) An incineration method approved by state and local laws and regulations.

(6) A licensee shall dispose of wastewater generated during the cultivation of marihuana and the processing of marihuana products in a manner that complies with applicable state and local laws and regulations.

(7) A licensee shall maintain accurate and comprehensive records regarding marihuana product waste that accounts for, reconciles, and evidences all waste activity related to the disposal. The department may publish guidance on marihuana product waste management.

(8) For the purposes of this rule, “unrecognizable” means marihuana product rendered indistinguishable from any other plant material.
R 38 Storage

Rule 38. (1) All inventories of marihuana products must be stored at a marihuana facility in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under the act, the marihuana tracking act, or these rules.

(2) All containers used to store marihuana products for transfer or sale between marihuana facilities must be clearly marked, labeled, or tagged, if applicable, and enclosed on all sides in secured containers. The secured containers must be latched or locked in a manner to keep all contents secured within. Each secured container must be identified and tracked in accordance with the act, the marihuana tracking act, and these rules.

(3) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.

(4) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such marihuana-infused products or edible marihuana products, must have separate storage areas from toxic or flammable materials.

(5) Edible marihuana products must be stored in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110. Edible marihuana products not in final packaging must be stored separately from other types of marihuana product in compliance with these rules.

(6) A provisioning center shall store all marihuana products for transfer or sale behind a counter or other barrier separated from stock rooms.

(7) A safety compliance facility shall establish an adequate chain of custody and instructions for sample and storage requirements.

(8) A licensee shall ensure that any stock or storage room meets the security requirements of these rules and any other applicable requirements in the act and these rules.

R 36 Prohibitions

Rule 36. (1) Marihuana products not identified and recorded in the statewide monitoring system pursuant to the act, the marihuana tracking act, or these rules must not be at a marihuana facility. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to the act or these rules.

(2) Any marihuana product without a batch number or identification tag or label pursuant to these rules must not be at a marihuana facility. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.

(3) A violation of these rules may result in sanctions or fines, or both, in accordance with the act or these rules.

R 47 SCF Testing

Addressed on addendum checklist
Rule 48. (1) A safety compliance facility shall test samples as provided in the act, the Michigan medical marihuana act, and these rules.

(2) A safety compliance facility shall collect samples of a marihuana product from another marihuana facility according to the following requirements:

(a) The safety compliance facility shall physically collect samples of a marihuana product from another marihuana facility to be tested at the safety compliance facility. The safety compliance facility shall ensure that samples of the marihuana product are placed in secured, sealed containers that bear the labeling information as required under these rules.

(b) The safety compliance facility shall collect a sample size sufficient to complete all analyses required, but the sample shall not be less than 0.5% of the weight of the batch. The maximum batch size must be 15 pounds. The department may publish recommendations for this subdivision based on the type of marihuana product being tested.

(c) The safety compliance facility shall enter in the statewide monitoring system the marihuana product sample that was collected from a grower, processor, or provisioning center, including the date and time the marihuana product is collected, transferred, tested, and recorded.

(d) If a testing sample is collected from a marihuana facility for testing in the statewide monitoring system, that marihuana facility shall quarantine the marihuana product that is undergoing the testing from any other marihuana product at the marihuana facility. The marihuana facility shall indicate the sample being tested in the statewide monitoring system. The quarantined marihuana product must not be transferred or sold until testing results pass as provided under these rules.

(e) Any marihuana product that a safety compliance facility collects for testing from a licensee under this rule must not be transferred or sold to any other marihuana facility other than the licensee from whom the sample was collected.

(f) A safety compliance facility may request additional sample material from the same licensee from which the sample was collected for the purposes of completing the required safety tests as long as the requirements of this rule are met.

Rule 71. (1) All marihuana products sold or transferred between marihuana facilities must have the tracking identification numbers that are assigned by the statewide monitoring system affixed, tagged, or labeled and recorded, and any other information required by the department, the act, and these rules.

(2) To ensure access to safe sources of marihuana products, the department, if alerted in the statewide monitoring system, may recall any marihuana products, issue safety warnings, and require a marihuana facility to provide information material or notifications to a registered qualifying patient or registered primary caregiver at the point of sale.
Rule 72. Before a marihuana plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
(a) Business or trade name, licensee number, and the RFID package tag assigned by the statewide monitoring system that is visible.
(b) Name of the strain.
(c) Date of harvest, if applicable.
(d) Seed strain, if applicable.
(e) Universal symbol, if applicable.

Rule 73. (1) Before a marihuana product is sold or transferred to or by a provisioning center, the container, bag, or product holding the marihuana product must have a label and be sealed with all of the following information:
(a) The name of the licensee and the license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system.
(b) The name of the licensee and the license number including business or trade name of licensee that packaged the product, if different from the processor of the marihuana product.
(c) The unique identification number for the package or the harvest, if applicable.
(d) Date of harvest, if applicable.
(e) Name of strain, if applicable.
(f) Net weight in United States customary and metric units.
(g) Concentration of THC and cannabidiol (CBD).
(h) Activation time expressed in words or through a pictogram.
(i) Name of the safety compliance facility that performed any test, any associated test batch number, and any test analysis date.
(j) The universal symbol for marihuana product published on the department’s website.
(k) A warning that states all the following:
(i) “For use by registered qualifying patients only. Keep out of reach of children.”
(ii) “It is illegal to drive a motor vehicle while under the influence of marihuana.”
(iii) “National Poison Control Center 1-800-222-1222.”
(2) An edible marihuana product sold by a provisioning center must comply with R 333.261(7).

Rule 76. (1) A marihuana facility shall comply with all municipal ordinances, state law, and these rules that regulate signs and advertising.
(2) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.
(3) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. A licensee shall not advertise or market a marihuana product to members of the public unless the licensee has reliable evidence that no more than 30 percent of the audience or readership for the television program, radio program, internet web site, or print publication, is reasonably expected to be aged 17 years or younger. Any marihuana product advertised or marketed under this rule shall include the warnings listed in R 333.273(1)(k).
(4) A marihuana product must be marketed or advertised as “medical marihuana” for use only by registered qualifying patients or registered primary caregivers.
(5) A marihuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.
R 333.281 Employees; requirements.

Rule 81. (1) A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual pursuant to section 405 of the act, MCL 333.27405. A licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the department through its investigators, agents, auditors, or the state police.

(2) A licensee shall comply with all of the following:

(a) Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the license shall report it immediately to the department.

(b) Enter in the statewide monitoring system the employee’s information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

(c) If an employee is no longer employed by a licensee, the licensee shall remove that employee’s access and permissions to the marihuana facility and the statewide monitoring system.

(d) Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits if applicable, or educational materials.

(e) Establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, marihuana product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

(f) Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department.

(g) When a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.

(h) A licensee shall ensure that employees handle marihuana product in compliance with current good manufacturing process in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in R. 333.233.

(3) If an individual is present at a marihuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

(4) Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act and these rules.

(5) Consumption of food by employees is prohibited where marihuana product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the marihuana facility has an employee designated area that includes, but is not limited to, a room with floor to ceiling walls and a door that separates the room from any marihuana product.

(6) As used in this rule “employee” includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marihuana facility. Trade services provided by individuals not normally engaged in the operation of a marihuana facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

§ 405
Before hiring a prospective employee, the holder of a license shall conduct a background check of the prospective employee. If the background check indicates a pending charge or conviction within the past 10 years for a controlled substance-related felony, a licensee shall not hire the prospective employee without written permission of the board.
EXIT INTERVIEW
Review violations identified during inspection.
Review informational points regarding facility plan accuracy, floor plan accuracy, and inspector accessed all areas of marihuana facility.
Discuss timeline for next inspection.