Transfer of Marijuana Between Equivalent Licenses

The Emergency Rules for Adult-Use Marihuana Establishments promulgated on July 3, 2019, allow a person to obtain equivalent licenses and when those equivalent licenses have common ownership, to operate those equivalent licenses at the same location. The person holding equivalent licenses is subject to Rule 32 of the Adult-Use Marihuana Establishments administrative rules.

“Equivalent licenses” means any of the following held by a single licensee:
- (i) A marihuana grower license, of any class, issued under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and a grower license, of any class, issued under the Medical Marihuana Facilities Licensing Act (MMFLA).
- (ii) A marihuana processor license issued under the MRTMA and a processor license issued under the MMFLA.
- (iii) A marihuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA.
- (iv) A marihuana secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA.
- (v) A marihuana safety compliance facility license issued under the MRTMA and a safety compliance facility license issued under the MMFLA.

Under Rule 40 of the Adult-Use Marihuana Establishments Emergency rules, the agency may authorize licensees who hold equivalent licenses to transfer marihuana product from the inventory of their marihuana facility to the inventory of their marihuana establishment. This applies if they hold marihuana grower/grower, marihuana processor/processor, or marihuana retailer/provisioning center equivalent licenses.

Rule 40(3) states that the agency shall publish a specific start date, end date, and other requirements for the transfer of marihuana product between equivalent licenses.

Beginning December 1, 2019:
- **Growers** may transfer up to 50% of their harvest batch from their marihuana facility to their marihuana establishment. All product transferred must have passed test results in the statewide monitoring system.
- **Processors** may transfer up to 50% of their finished product from their marihuana facility to their marihuana establishment. All product

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transferred must have passed test results in the statewide monitoring system.

- **Provisioning centers** may transfer up to 50% of each product type (marijuana infused product, marijuana concentrate, buds, etc.) that has been in inventory for a minimum of 30 days to their marijuana retailer. All product transferred must have passed test results entered in the statewide monitoring system.

Product transferred from a provisioning center to a marijuana retailer shall not exceed the maximum THC concentrations allowed under the MRTMA, listed in the table below:

| The Maximum Active Delta 9 THC Concentrations for Adult-Use Marijuana-Infused Products |
|---------------------------------------------|---------------------------------------------|
|                              | Per Serving            | Per Container |                          |
| Gummies, baked goods, etc.         | 10 mg                  | 100 mg        |
| Capsules, tinctures, etc.          | 10 mg                  | 200 mg        |
| Topical products including lubricants, spa products, lotions, balms or rubs | N/A                     | N/A           |
| Products not listed                | 10 mg                  | 100 mg        |

Marijuana and marijuana product transferred from a provisioning center to a marijuana retailer shall be labeled in accordance with Rule 49 of the Adult-Use Marijuana Establishments Emergency Rules and contain 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 the licensee that packaged the product, if different from the marijuana processor of the marijuana 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.

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(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.”

*State operating license under the MMFLA.
** Safety compliance facility licensed under the MMFLA.

The marihuana or marihuana product package transfers from facility to establishment must be in accordance with this bulletin and the administrative rules. All transfers must be tracked in the statewide monitoring system (METRC).

To request a transfer, please email MRA-compliance@michigan.gov with the subject line “Request to transfer product to equivalent license”. The email must include the following information.

1. The license number of the transferring marihuana facility
2. The license number of the marihuana establishment receiving the transferred product
3. The marihuana package tag number, weight, and name of the product.
4. An attestation that this transfer request will not exceed the allowable 50%.

Medical products will bear the YELLOW, METRC package label when transferred. Once the package has been accepted into the establishments inventory, a new package will need to be created which bears the BLUE METRC package label.

METRC will be issuing a technical bulletin with step by step instructions for licensees.

All marihuana and marihuana product transferred from a facility to an establishment under this bulletin are required to be sold and transferred by the marihuana establishment in accordance with the administrative rules.
These transfers shall occur for the time period beginning December 1, 2019, and until such time as the agency publishes an advisory bulletin notifying all licensees that the effect of this bulletin has been terminated.

A marihuana establishment is prohibited from transferring marihuana product inventory to a medical marihuana facility.

Questions can be sent to the Marijuana Regulatory Agency Enforcement Section via email at MRA-Enforcement@michigan.gov

For more information about the Marijuana Regulatory Agency, please visit www.michigan.gov/MRA

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