TECHNICAL BULLETIN

February 14, 2020

Allowable Potency Variance in Packaging of Marijuana-Infused Products

According to the Medical Marijuana Facility Licensing Act (MMFLA) Administrative Rule 61(2) and the Michigan Regulation and Taxation of Marijuana Act (MRTMA) Emergency Rule 45(2), the allowable variance for THC potency between the actual results and the intended serving is to be + or - 15%.

The Marijuana Regulatory Agency has determined that this potency variance of + or - 15% will also apply to the total THC in infused edible products contained in a package in comparison to the printed packaging label. The allowable, 15% variance for total THC in a 'container' will use the printed packaging label as the intended target and the median for calculation purposes. This does not allow for 15% above or below the intended target, but rather a total variance of 15%, which equates to 7.5% above or below the intended target. Examples are provided below:

Target THC mg (Package Label)	Lowest Level of Total THC in Package Allowed	Highest Level of Total THC in Package Allowed
50	46.25	53.75
100	92.5	107.5
150	138.75	161.25
200	185	215

Additionally, the MRA has determined that the medical marijuana and adult-use marijuana safety compliance facilities should complete potency testing based on the information provided by the processors at the time of the sampling event. If a product is sampled as an individual dosage, the facility will report total THC by dose. If the product is sampled as a finished package, total THC content for the package will be reported.

It is not incumbent on the SCF to determine if the product will meet the package labeling requirements. The SCF testing results provided on the package will report the calculated THC as the product was submitted for testing and is not required to replicate the processor designated package label for THC content. The processor designated package label will be considered the target THC.

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Variance: For the intents and purposes of this document, variance is defined as the total allowable discrepancy between the target concentration of cannabinoids in an infused product and the reported analytical result.

*Homogeneity: refers to the allowable variance **between** doses of an infused product.*

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

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