TECHNICAL BULLETIN

October 11, 2021
Supersedes July 13, 2020

Allowable Potency Variance in Packaging of Marijuana-infused Products

The intent of this technical bulletin is to provide clarification on the allowable potency variance.

Rule 4 of the Marijuana-Infused Products and Edible Marijuana Product Rule Set - (R 420.404) – A marijuana sales location shall not sell or transfer marijuana-infused products that exceed the maximum THC concentrations established by the agency by more than 10%.

The allowable variation for potency defined as the total THC (sum of Delta-9 and Delta-8 THC) concentration between the actual results and the intended package or serving is to not to exceed 10%.

The label of the package cannot exceed the maximum THC limits established by the agency.

The allowable variance of 10% applies to the Total THC in infused edible products contained in a package in comparison to the printed package label. The printed package label must include the laboratory reported Total THC concentration from the statewide monitoring system.

The allowable 10% variance for total THC in a 'container' will use the printed package label as the intended target and the median for calculation purposes. Please see table 1. (below).

Table 1. Total THC in Milligrams (mg)

Target Package Label	Lowest Concentration of Allowed in Package	Highest Concentration Allowed in Package
50	45	55
100	90	110
150	135	165
200	180	220

This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Marijuana Regulatory Agency's Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Administrative Rules. More information on the MRA can be found at the agency's website.

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Laboratories should complete potency testing based on the information provided by the processors at the time of the sampling event. The laboratory chain of custody should document the intended serving as stated by the processor. If a product is sampled as an individual dosage/serving, the facility will report Total THC in total milligrams (mg) per dose/serving. If the product is sampled as a finished package, the facility will report the Total THC in milligrams (mg) per package.

Please refer to equation 1 (below) for calculating Total THC with the inclusion of both Delta-8 and Delta-9:

> **Equation 1.** Total THC where M is the mass or mass fraction of Delta-9 THC, Delta-8 THC, or Delta-9 THC-A
>
> $$\textbf{Total THC} = M_{(d8THC)} + M_{(d9THC)} + [0.877 \times M_{(d9THCA)}]$$

It is not mandatory for laboratories to sample products in final packaging, although the products **must be in final form**. This means the samples must be ready for final packaging, and sampled in the state in which they will be consumed.

Examples:

- Vape cartridges must be in filled cartridges ready for use, but do not have to be boxed for sale.
- Capsules must be in the capsule form used for consumption, but do not have to be in individual jars or bottles.

It is not incumbent on the laboratory to determine if the product will meet the package labeling requirements. The laboratory testing results provided in the statewide monitoring system will report potency as the product was submitted for testing and is not required to replicate the processor-designated Total-THC. The processor-designated Total-THC will be considered the target Total-THC.

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