

**LARA Annual Regulatory Plan
2021-2022**

Pursuant to PA 306 of 1969

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Prepared by:

**Office of Policy and Legislative Affairs
Michigan Department of Licensing
and Regulatory Affairs**



**GRETCHEN WHITMER
GOVERNOR**



**ORLENE HAWKS
DIRECTOR**

Table of Contents

Executive Summary	3
Bureau of Community and Health Systems	11
Bureau of Construction Codes	14
Bureau of Fire Services	21
Bureau of Professional Licensing	26
<i>Public Health Code Professions</i>	26
<i>Occupational Code and Deaf Person’s Interpreters Act Professions</i>	39
Child Care Licensing Bureau	45
Corporations, Securities & Commercial Licensing Bureau	47
Marijuana Regulatory Agency	53
Michigan Liquor Control Commission	57
Michigan Office of Administrative Hearings and Rules	62
Michigan Public Service Commission	64
Michigan Unarmed Combat Commission	68

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Executive Summary

The Department of Licensing and Regulatory Affairs (LARA) is responsible for 177 rule sets. The 11 bureaus, commissions, and agencies in LARA will evaluate 106 rule sets for possible revision during the reporting period of July 1, 2021 to June 30, 2022.

During the last reporting period of July 1, 2020 to June 30, 2021, LARA completed the rule promulgation process for 36 rule sets.

A detailed Executive Summary for each LARA bureau, commission, and agency follows.

Bureau of Community and Health Systems (BCHS)

Number of rule sets the bureau is responsible for	13
Number of rule sets to be processed from 7.1.21 - 6.30.22	4
Number of rule sets promulgated from 7.1.20 - 6.30.21	1

BCHS Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Community and Health Systems	Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]	R. 330.1201 - 330.1299
Community and Health Systems	Nurse Aide, Nurse Aide Trainer and Nurse Aide Training, Registration and Permit Program [MOAHR # not assigned]	New Rule Set (assigned R. 400.301 - 400.399)
Community and Health Systems	Licensing Rules for Substance Use Disorders Service Program	R. 325.1301 - 325.1399
Community and Health Systems	Homes for the Aged [MOAHR # not assigned]	R. 325.1901 - 325.1981

Bureau of Construction Codes (BCC)

Number of rule sets the bureau is responsible for	27
Number of rule sets to be processed from 7.1.21 - 6.30.22	21
Number of rule sets promulgated from 7.1.20 - 6.30.21	3

BCC Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Construction Codes	Construction Code - Part 10a. Michigan Energy Code Rules [2021-49 LR]	R 408.31087 - 408.31090



Construction Codes	Construction Code - Part 10. Michigan Uniform Energy Code [2021-48 LR]	R 408.31001 - 408.31086
Construction Codes	Michigan Rehabilitation Code for Existing Buildings [MOAHR # not assigned]	R 408.30551 - 408.30577
Construction Codes	Construction Code - Part 8. Electrical Code [MOAHR # not assigned]	R 408.30801 - 408.30880
Construction Codes	Construction Code - Part 5. Residential Code (2021 Code) [MOAHR # not assigned]	R 408.30500 - 408.30547g
Construction Codes	Construction Code - Part 4. Building Code (2018 Code) [2019-125 LR]	R 408.30401 - 408.30499
Construction Codes	Construction Code- Part 4. Building Code (2021 Code) [MOAHR # not assigned]	R 408.30401 - 408.30499
Construction Codes	Construction Code - Part 7. Plumbing Code (2021 Code) [MOAHR # not assigned]	R 408.30701 - 408.30796
Construction Codes	Construction Code - Part 9a. Mechanical Code (2018 Code) [2019-131 LR]	R 408.30901 - 408.30998
Construction Codes	Construction Code - Part 9a. Mechanical Code (2021 Code) [MOAHR # not assigned]	R 408.30901 - 408.30998
Construction Codes	Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]	R 408.30001 - 408.30055
Construction Codes	Skilled Trades Regulation Rules [2019-101 LR]	R 339.5101 - 339.5699
Construction Codes	Electrical Administrative Board Rules [2019-110 LR]	R 338.1001a - 338.1099
Construction Codes	Board of Mechanical Rules - License Examination Procedures [2019-126 LR]	R 338.901 - 338.914
Construction Codes	State Plumbing Board License [2019-106 LR]	R 338.921 - 338.932
Construction Codes	Michigan Boiler Rules [2019-115 LR]	R 408.4001 - 408.5609
Construction Codes	Manufactured Housing Rules [MOAHR # not assigned]	R 125.1101 - 125.3069
Construction Codes	Elevator [2019-138 LR]	R 408.7001 - 408.8695
Construction Codes	Carnival Amusement [MOAHR # not assigned]	R 408.801 - 408.898
Construction Codes	Subdivision of Lands [2020-12 LR]	R 560.101 - 560.135
Construction Codes	State Boundary Commission [MOAHR # not assigned]	New rule set

Bureau of Fire Services (BFS)

Number of rule sets the bureau is responsible for	18
Number of rule sets to be processed from 7.1.21 - 6.30.22	5
Number of rule sets promulgated from 7.1.20 - 6.30.21	0

BFS Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Fire Services	Fire Fighters Training Council - General Rules [2019-21 LR]	R 29.401 - 29.415
Fire Services	Fireworks Safety - General Rules [MOAHR # not assigned]	R 29.2901 - 29.2929
Fire Services	Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]	R 29.7201 - 29.7299
Fire Services	Underground Storage Tanks Regulations [MOAHR # not assigned]	R 29.2101 - 29.2192
Fire Services	Fire Inspector Certification [MOAHR # not assigned]	R 29.501 - 29.508

Bureau of Professional Licensing (BPL)

Number of rule sets the bureau is responsible for	49
Number of rule sets to be processed from 7.1.21 - 6.30.22	43
Number of rule sets promulgated from 7.1.20 - 6.30.21	28

BPL Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Professional Licensing	Accountancy [MOAHR # not assigned]	R. 338.5101 - 338.5503
Professional Licensing	Acupuncture [2021-38 LR]	R 338.13001 - 338.13045
Professional Licensing	Architects [2021-19 LR]	R 339.15101 - 339.15507
Professional Licensing	Athletic Trainers [2020-16 LR]	R 338.1301 - 338.1378
Professional Licensing	Audiology [MOAHR # not assigned]	R 338.1 - 338.12
Professional Licensing	Barber Examiners [2020-68 LR]	R 339.6001 - 339.6051
Professional Licensing	Behavior Analysts [2020-112 LR]	R 338.1801 - 338.1835
Professional Licensing	Chiropractic [2019-84 LR]	R 338.12001 - 338.12054
Professional Licensing	Counseling [MOAHR # not assigned]	R 338.1751 - 338.1781
Professional Licensing	Cosmetology [2020-50 LR]	R 338.2101 - 338.2195
Professional Licensing	Dentistry [2021-40 LR]	R 338.11101 - 338.11821
Professional Licensing	Genetic Counseling [MOAHR # not assigned]	R 338.2451 - 338.2481

Professional Licensing	Licensed Midwifery [2020-129 LR]	R 338.17101 - 338.17151
Professional Licensing	Marriage and Family Therapy [2020-125 LR]	R 338.7201 - 338.7219
Professional Licensing	Massage Therapy [MOAHR # not assigned]	R 338.701 - 338.752
Professional Licensing	Medicine [MOAHR # not assigned]	R 338.2401 - 338.2443
Professional Licensing	Nursing [2020-70 LR]	R 338.10101 - 338.10705
Professional Licensing	Occupational Code Renewals [2021-12 LR]	R 339.1001 - 339.1005
Professional Licensing	Occupational Therapists [MOAHR # not assigned]	R 338.1191 - 338.1252
Professional Licensing	Optometry [2020-43 LR]	R 338.301 - 338.323
Professional Licensing	Osteopathic Medicine and Surgery [MOAHR # not assigned]	R 338.111 - 338.143
Professional Licensing	Pharmacy - Animal Euthanasia and Sedation Rules [2019-86 LR]	R 338.3501 - 338.3523
Professional Licensing	Pharmacy - Centralized Prescription Processing [2020-69 LR]	R 338.3051 - 3387.3056
Professional Licensing	Pharmacy - Controlled Substances [2020-81 LR]	R 338.3101 - 338.3199q
Professional Licensing	Pharmacy - General Rules [2020-128 LR]	R 338.471 - 338.590
Professional Licensing	Pharmacy - Program for Utilization of Unused Prescription Drugs [MOAHR # not assigned]	R 338.3601 - 338.3643
Professional Licensing	Pharmacy Technicians [2020-29 LR]	R 338.3651 - 338.3665
Professional Licensing	Physical Therapy [2020-111 LR]	R 338.7101 - 338.7163
Professional Licensing	Podiatric Medicine and Surgery [2020-24 LR]	R 338.8101 - 338.8145
Professional Licensing	Podiatric Medicine and Surgery [MOAHR # not assigned]	R 338.8101 - 338.8145
Professional Licensing	Professional Engineers [2021-20 LR]	R 339.16001 - 339.16044
Professional Licensing	Professional Surveyors [2021-21 LR]	R 339.17101 - 339.17509
Professional Licensing	Psychology [2020-127 LR]	R 338.2501 - 338.2585
Professional Licensing	Public Health Code - Disciplinary Rules [2021-037 LR]	R 338.1601 - 338.1637
Professional Licensing	Public Health Code - General Rules [2020-109 LR]	R 338.7001 - 338.7005
Professional Licensing and Community and Health Systems	Qualified Interpreters [2018-70 LR]	R 393.5001 - 393.5095
Professional Licensing	Real Estate Appraisers [MOAHR # not assigned]	R 339.23101 - 339.23405
Professional Licensing	Respiratory Care [2020-17 LR]	R 338.2201 - 338.2207

Professional Licensing	Social Work [MOAHR # not assigned]	R 338.2921 - 338.2965
Professional Licensing	Speech Language Pathology [MOAHR # not assigned]	R 338.601 - 338.649
Professional Licensing	Task Force on Physicians Assistants [2020-116 LR]	R 338.6101 - 338.6401
Professional Licensing	Veterinary Medicine [MOAHR # not assigned]	R 338.4901 - 338.4933
Professional Licensing	Veterinary Technicians [2021-30 LR]	R 338.4971 - 338.4993

Child Care Licensing Bureau (CCLB)

Number of rule sets the bureau is responsible for	2
Number of rule sets to be processed from 7.1.21 - 6.30.22	0
Number of rule sets promulgated from 7.1.20 - 6.30.21	0

CCLB Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Child Care Licensing	None	None

Corporations, Securities & Commercial Licensing Bureau (CSCL)

Number of rule sets the bureau is responsible for	6
Number of rule sets to be processed from 7.1.21 - 6.30.22	4
Number of rule sets promulgated from 7.1.20 - 6.30.21	1

CSCL Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Corporations, Securities & Commercial Licensing	Securities [2021-17 LR]	R 451.1.1 - 451.6.2
Corporations, Securities & Commercial Licensing	Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]	R 339.11 - 339.47
Corporations, Securities & Commercial Licensing	Mortuary Science [MOAHR # not assigned]	R 339.18901 - 339.18947
Corporations, Securities & Commercial Licensing	Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]	New rule set

Marijuana Regulatory Agency (MRA)

Number of rule sets the bureau is responsible for	12
Number of rule sets to be processed from 7.1.21 - 6.30.22	12
Number of rule sets promulgated from 7.1.20 - 6.30.21	1

MRA Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Marijuana Regulatory Agency	Marihuana Licenses [2020-121 LR]	R 420.1 - 420.31
Marijuana Regulatory Agency	Marihuana Licensees [2020-120 LR]	R 420.101 - 420.115
Marijuana Regulatory Agency	Marihuana Operations [2020-122 LR]	R 420.201 - 420.220
Marijuana Regulatory Agency	Marihuana Sampling & Testing [2020-124 LR]	R 420.301 - 420.311
Marijuana Regulatory Agency	Marihuana Infused Products & Edible Marihuana Products [2020-119 LR]	R 420.401 - 420.405
Marijuana Regulatory Agency	Marihuana Sale or Transfer [2020-123 LR]	R 420.501 - 420.511
Marijuana Regulatory Agency	Marihuana Employees [2021-10 LR]	R 420.601 - 420.604
Marijuana Regulatory Agency	Marihuana Hearings [2020-118 LR]	R 420.701 - 420.710
Marijuana Regulatory Agency	Marihuana Disciplinary Proceedings [2020-117 LR]	R 420.801 - 420.810
Marijuana Regulatory Agency	Marihuana Declaratory Rulings [2021-29 LR]	R 420.821 - 420.823
Marijuana Regulatory Agency	Industrial Hemp Rules for Marihuana Businesses [MOAHR # not assigned]	R 420.1001 - 420.1004
Marijuana Regulatory Agency	Michigan Medical Marihuana [MOAHR # not assigned]	R 333.101 - 333.133

Michigan Liquor Control Commission (MLCC)

Number of rule sets the bureau is responsible for	16
Number of rule sets to be processed from 7.1.21 - 6.30.22	6
Number of rule sets promulgated from 7.1.20 - 6.30.21	0

MLCC Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Liquor Control Commission	General Rules [MOAHR # not assigned]	R. 436.1001 - 436.1063
Liquor Control Commission	On-Premises Licenses Rules [MOAHR # not assigned]	R 436.1401 - 436.1438
Liquor Control Commission	Off-Premises Licenses [MOAHR # not assigned]	R 436.1501 - 436.1533
Liquor Control Commission	Spirits [MOAHR # not assigned]	R 436.1801 - 436.1829
Liquor Control Commission	Beer [MOAHR # not assigned]	R 436.1601 - 436.1659
Liquor Control Commission	Licensing Qualifications [MOAHR # not assigned]	R 436.1101 - 436.1151

Michigan Office of Administrative Hearings and Rules (MOAHR)

Number of rule sets the bureau is responsible for	7
Number of rule sets to be processed from 7.1.21 - 6.30.22	1
Number of rule sets promulgated from 7.1.20 - 6.30.21	0

MOAHR Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Administrative Hearings and Rules	Administrative Hearing Rules [2021-50 LR]	R. 792.10101 - 792.11903

Michigan Public Service Commission (MPSC)

Number of rule sets the bureau is responsible for	26
Number of rule sets to be processed from 7.1.21 - 6.30.22	9
Number of rule sets promulgated from 7.1.20 - 6.30.21	2

MPSC Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Public Service Commission	Technical Standards for Electric Service [MOAHR # not assigned]	R 460.3101 - 460.3703
Public Service Commission	Preservation of Records for Electric, Gas, and Steam Utilities [2019-137 LR]	R 460.2501 - 460.2572
Public Service Commission	Electric Interconnection and Net Metering Standards [2020-95 LR]	R 460.601a - 460.656
Public Service Commission	Interconnection and Distributed Generation Standards [2020-96 LR]	R 460.901- 460.1026
Public Service Commission	Unbundled Network Element and Local Interconnection Service [MOAHR # not assigned]	R 484.71 - 484.75
Public Service Commission	Basic Local Exchange Service Customer Migration [MOAHR # not assigned]	R 484.81 - 484.90
Public Service Commission	Gas Safety Standards [2019-59 LR]	R 460.20101-460.20606
Public Service Commission	Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR]	R 460.101 - 460.169
Public Service Commission	Service Quality and Reliability Standards for Electric Distribution Systems [MOAHR # not assigned]	R 460.701 - 460.752

Michigan Unarmed Combat Commission (MUCC)

Number of rule sets the bureau is responsible for	1
Number of rule sets to be processed from 7.1.21 - 6.30.22	1
Number of rule sets promulgated from 7.1.20 - 6.30.21	0

MUCC Rule Sets to Be Processed Between July 1, 2021 and June 30, 2022

Bureau	Rule Set Title	Rule Citation or Range
Unarmed Combat Commission	Unarmed Combat [2020-131 LR]	R 339.101 - 339.403

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Bureau of Community and Health Systems (BCHS)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]: Current administrative rules have not been revised since 1990. They need to be revised to comply with current statutory requirements and best practices.

Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training, Registration and Permit Program [MOAHR # not assigned]: A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by 2017 PA 172.

Licensing Rules for Substance Use Disorders Services Program [MOAHR # not assigned]: The administrative rules were revised in 2018. Additional requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process.

Homes for the Aged (MOAHR # not assigned): The administrative rules were revised in 2018. The reporting of incidents, accidents, and elopement under R 325.1924 must be updated.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Bureau of Community and Health Systems (BCHS) will recommend rescinding individual rules within the above referenced rule sets but cannot identify these rules until the rule sets are reviewed as a package. All rule sets are important to the licensing function of the bureau.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

BCHS has not identified any rules that are particularly problematic to the industry.

A. Whether there is a continued need for the rules.

BCHS rules are required by statute.

B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments concerning the rules set have been received.

C. The complexity of complying with the rules.

No rules have been identified for which compliance is considered particularly difficult.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

BCHS rules are continually reviewed and revised to protect the health, safety, and welfare of Michigan residents.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Licensing%20and%20Regulatory%20Affairs&Bureau=Bureau%20of%20Community%20and%20Health%20Systems>

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed:

Licensing Rules for Substance Use Disorders Services Program [2020-59 LR]: R
325.1301(r) was amended as the legal basis for existing rule was in error. This item was not listed in the 2021 Annual Regulatory Plan and was promulgated under Sec. 44 of the Administrative Procedures Act.

Outstanding:

Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]: The rules were last amended in 1990. The rules need to be revised to comply with current statutory requirements and best practices.

Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training, Registration and Permit Program [MOAHR # not assigned]: A new rule set needs to be promulgated for the training and registration of a certified nurse aide, the permitting of a nurse aide training program, and the permitting of a nurse aide trainer, as required by 2017 PA 172.

Licensing Rules for Substance Use Disorders Services Program [MOAHR # not assigned]: The rules were last revised in 2018. Additional requirements have been identified that need further clarification or corrections that were not addressed during the 2018 revision process.

Certification of Specialized Programs [MOAHR # not assigned]: The current rule set contains additional requirements that an adult foster care facility must meet for the local Community Mental Health agency (CMH), or a placing agency acting on behalf of the local CMH, to place CMH clients in its adult foster care facility. An adult foster care facility that applies for and is granted certification of specialized programs can accept CMH clients and is eligible for enhanced reimbursement for those services. The Adult Foster Care Advisory Committee will review and recommend changes to modernize the language, rescind rules where appropriate and update to comport with current industry/practice standards.

The 2021 ARP stated that new rules need to be promulgated for the workforce background check requirements for covered facilities, as required by 1978 PA 368, specifically MCL 333.20173a and 333.20173b. Update: The workforce background check program, however, is no longer a part of Bureau of Community and Health Systems.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Bureau of Construction Codes (BCC)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Construction Code - Part 4. Building Code [2019-125 LR]: The rules govern the construction, reconstruction, and alteration of existing building within the state and are being updated by adopting the 2018 edition of the International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 9a. Mechanical Code [2019-131 LR]: The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the 2018 edition of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Skilled Trades Regulation Rules [2019-101 LR]: The Skilled Trades Regulation Act (2016 PA 407) repealed the Boiler Act (1965 PA 290), the State Plumbing Act (2002 PA 733), the Forbes Mechanical Contractors Act (1984 PA 192), the Electrical Administrative Act (1956 PA 217), and the Building Officials and Inspectors Registration Act (1986 PA 54). While the Skilled Trades Regulation Act repealed the five Acts that regulated certain skilled trades, this Act includes provisions to regulate those same skilled trades. Consequently, the bureau is promulgating a new rule set to regulate these skilled trades, as provided under the new Act. In addition, the bureau has submitted separate Requests for Rulemaking to rescind the current rules that were promulgated under the authority of the five Acts that have been repealed.

Electrical Administrative Board Rules [2019-110 LR]: This rule set will be rescinded because the Skilled Trades Regulation Act took effect on April 4, 2017.

Board of Mechanical Rules - License Examination Procedures [2019-126 LR]: This rule set will be rescinded because the Skilled Trades Regulation Act took effect on April 4, 2017.

State Plumbing Board Licenses [2019-106 LR]: This rule will be rescinded because the Skilled Trades Regulation Act took effect on April 4, 2017.

Michigan Boiler Rules [2019-115 LR]: This rule set will be rescinded because the Skilled Trades Act took effect on April 4, 2017.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: This rule set will be rescinded because the Skilled Trades Regulation Act took effect on April 4, 2017.

Elevator [2019-138 LR]: The rules which establish administrative and operational procedures for implementation of the Elevator Safety Board Act (1967 PA 227) are being updated by adopting certain national standards.

Subdivision of Lands [2020-12 LR]: This proposed rule set will remove sections of the current rule set that overreach the authority of the state, clarifying the approval path for a specific platting situation, and updating language and procedure to accept new technologies.

Construction Code - Part 10a. Michigan Energy Code Rules [2021-49 LR]: The rules will adopt the 2018 edition of the International Energy Conservation Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 10. Michigan Uniform Energy Code Rules [2021-48 LR]: The rules will adopt the 2018 edition of the International Energy Conservation Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 5. Residential Code [MOAHR # not assigned]: The rules govern the construction, reconstruction, and alteration of existing buildings within the state are being updated by adopting the 2021 edition of the International Residential Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 4. Building [MOAHR # not assigned]: The rules govern the construction, reconstruction, and alteration of existing building within the state are being updated by adopting the 2021 edition of the International Building Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 7. Plumbing Code [MOAHR # not assigned]: The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the 2021 edition of the International Plumbing Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code - Part 9a. Mechanical Code [MOAHR # not assigned]: The rules are being updated to ensure that the latest methods and technologies are in use in Michigan. These rules will adopt the 2021 edition of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Manufactured Housing Rules [MOAHR # not assigned]: Rules that exceed statutory authority will be rescinded.

Carnival Amusement [MOAHR # not assigned]: The rules which provide for the inspection, licensing, and regulation of carnival and amusement rides and for the safety of the public using carnival and amusement rides will be updated with amendments, deletions, and additions deemed necessary for the use in Michigan.

State Boundary Commission General Rules [MOAHR # not assigned]: This new rule set will help streamline the procedures that the State Boundary Commission follows. The rules are being created to ensure that the latest methods and technologies are being used in Michigan.

2. **Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.**

State Plumbing Board Licenses [2019-106 LR]: R 338.921 to R 338.932 of the rule set will be rescinded due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Michigan Boiler Rules [2019-115 LR]: R 408.4001 to R 408.5609 of the rule set will be rescinded due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Board of Mechanical Rules- License Examination Procedures [2019-126 LR]: R 338.901 to R 338.914 of the rule set will be rescinded due to the Skilled Trades Act that took effect on April 4, 2017.

Electrical Administrative Board Rules [2019-110 LR]: R 338.11001a to R 338.1099 of the rule set will be rescinded due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: R 408.30001 to R 408.30055 of the rule set will be rescinded due to the Skilled Trades Act that took effect on April 4, 2017.

3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: In Art. 4 of the Skilled Trades Regulation Act (407 PA 2016), this rule set will be rescinded and will be housed in the new Skilled Trades Regulation rule set when it is promulgated. The current rule set would require an applicant to qualify for all disciplines within the trades act to be eligible to be a plan reviewer.

A. Whether there is a continued need for the rules.

There is need for clarification for plan reviewer experience (R 408.30049) in Art. 4 of the Skilled Trades Regulation Act (407 PA 2016). It is unlikely, as currently written, that any applicant would qualify as a plan reviewer. The current rule if enforced as written, would require an applicant to have not less than 3 years of experience in building construction, electrical, mechanical contracting, and plumbing and would have to hold a license in each of those trades.

B. A summary of any complaints or comments received from the public concerning the rules.

Concern has been expressed regarding confusion about the qualifications to become a plan reviewer.

C. The complexity of complying with the rules.

The complexity of complying with the rules is that not many applicants will have the skills, education, and experience to qualify as a plan reviewer under the existing rules.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets regulated by the Bureau of Construction Codes are not in conflict or duplicative of any federal or local government rules or regulations. All rules that are duplicative are normally rescinded from the rule set.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Construction Code - Part 4. Building Code [2019-125 LR]: The rules are currently being reevaluated due to an issue that was identified during the JCAR review period.

Construction Code - Part 9a. Mechanical Code [2019-131 LR]: The rules are currently being reevaluated due to an issue that was identified during the JCAR review period.

Skilled Trades Regulation Rules [2019-101 LR]: These rules are currently being reviewed because of an issue that was identified during the public hearing.

Electrical Administrative Board Rules [2019-110 LR]: The rules were last evaluated on September 9, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Board of Mechanical Rules - License Examination Procedures [2019-126 LR]: The rules were last evaluated on September 9, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

State Plumbing Board Licenses [2019-106 LR]: The rules were last evaluated on September 9, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Michigan Boiler Rules [2019-115 LR]: The rules were last evaluated on September 9, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: The rules were last reviewed on September 9, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Elevator [2019-138 LR]: The rules were last evaluated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Subdivision of Lands [2020-012 LR]: The rules are current being evaluated. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code - Part 10a. Michigan Energy Code Rules [2021-49 LR]: The rules were last evaluated in 2015. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code - Part 10. Michigan Uniform Energy Code Rules [2021-48 LR]: The rules were last evaluated in 2015. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code - Part 5. Residential Code [MOAHR # not assigned]: The rules were last evaluated on February 26, 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code - Part 4. Building [MOAHR # not assigned]: The rules are currently being evaluated. The Bureau of Construction Codes will adopt the 2021 edition of the International Building Code to help bring the building code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code- Part 7. Plumbing Code [MOAHR # not assigned]: The rules were last evaluated in 2021. The Bureau of Construction Codes will adopt the 2021 edition of the International Plumbing Code to help bring the plumbing code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Construction Code- Part 9a. Mechanical Code [MOAHR # not assigned]: The rules are currently being reviewed. The Bureau of Construction Codes will adopt the 2021 edition of the International Mechanical Code to help bring the code up to date. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Manufactured Housing [MOAHR # not assigned]: The rules were last evaluated in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

Carnival Amusement [MOAHR # not assigned]: The rules were last evaluated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendments to the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/lara/0,4601,7-154-89334_10575_17550_17583_85703---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed:

Ski Area Safety - General Rules [2019-139 LR]: This rule set was filed with the Office of Great Seal on December 10, 2020.

Part 7. Plumbing Code [2019-125 LR]: This rule set was filed with the Office of Great Seal on May 18, 2021.

Construction Code Part 5. Residential Code [2019-118 LR]: The rule set was filed with the Office of the Great Seal on June 4, 2021 and will take effect on October 4, 2021.

Outstanding:

Skilled Trades Regulation Rules [2019-101 LR]: A public hearing was held on this rule set, but issues were identified, and the Bureau of Construction Codes requested to have the rule set brought back to correct the Regulatory Impact Statement.

Michigan Boiler Rules [2019-115 LR]: This rule set is pending the promulgation of the Skilled Trades Regulation Rules.

State Plumbing Board Rules [2019-106 LR]: This rule set is pending the promulgation of the Skilled Trades Regulation Rules.

Board of Mechanical Rules - License Examination Procedures [2019-126 LR]: This rule set is pending the promulgation of the Skilled Trades Regulation Rules.

Electrical Administrative Board Rules [2019-110 LR]: This rule set is pending the promulgation of the Skilled Trades Regulation Rules.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: This rule set is pending the promulgation of the Skilled Trades Regulation Rules.

Part 4. Building Code [2019-125 LR]: The rule set was sent to JCAR on March 30, 2021; however, an issue was identified, and the rules were withdrawn from JCAR and are under review.

Part 9a. Mechanical Code [2019-131 LR]: The rule set was sent to JCAR on February 17, 2021; however, an issue was identified, and the rules were withdrawn from JCAR and are under review.

Subdivision of Lands [2020-12 LR]: There was a public hearing on October 2, 2020. After the public hearing, an issue was identified, and the rules are currently under review.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Bureau of Fire Services (BFS)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Fire Fighters Training Council General Rules [2019-21 LR]: The proposed rules will provide the guidance from members of the Michigan Fire Service to receive fire certification that minimally meets the standards for each fire level certification by the National Fire Protection Association (NFPA). Further the Fire Training Rules provide clarification to processes that affect the initial and ongoing continuing education for all members and leadership of fire departments related to fire training.

Fireworks Safety General Rules [2019-23 LR]: The Fireworks Safety Act (2011 PA 256) was amended by 2018 PA 634, which took effect on December 28, 2018. Because the current rule set does not reflect the requirements in the current statute, as amended, the Fireworks Safety General Rules are being revised to implement the provisions added by 2018 PA 634.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

Underground Storage Tank Regulations [MOAHR # not assigned]: Rules regulating underground storage tank (UST) systems. These rules will be amended to reflect proposed Environmental Protection Agency (EPA) regulation updates and to streamline previous rule editions to improve public interpretation.

Fire Inspector Certification Rules [MOAHR # not assigned]: These rules were last updated 2009. The current rule set does not align with some of the requirements in the amended law.

Office of State Fire Safety Board Organization, Operation and Procedure [MOAHR # not assigned]: This rule set pertains to boards, member's, and staff's duties for the boards, and is outdated.

State-Owned and Leased Buildings Fire Safety Rules [MOAHR # not assigned]: This rule deals with state-owned and leased buildings fire safety and have not been updated since 2001.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: Rules regulating the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Fire Fighters Training Council General Rules [2019-21 LR]: The current rule set does not reflect some of the requirements in the current statute, as amended.

Fireworks Safety General Rules [2019-23 LR]: The current rule set does not reflect some of the requirements in the current statute, as amended.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: This rule set regulates the storage and handling of hydrogen. These rules will be rescinded in whole and replaced by the adoption of a national standard for the regulation of these systems.

Underground Storage Tank Regulations [MOAHR # not assigned]: This rule set regulates underground storage tank (UST) systems. These rules will be amended to reflect proposed Environmental Protection Agency (EPA) regulation updates and to streamline previous rule editions to improve public interpretation.

Fire Inspector Certification Rules [MOAHR # not assigned]: This rule set was last updated 2009. The current rule set does not align with some of the requirements in the amended law.

- A. Whether there is a continued need for the rules.

The Bureau of Fire Services has determined that there is a need for these rules to protect public health, safety, and welfare.

B. A summary of any complaints or comments received from the public concerning the rules.

Fire Fighters Training Council General Rules [2019-21 LR]: The fire industry has requested clarification on the process to meet the professional qualification standards as established in 1966 PA 291, as amended. A rules revision is needed to clarify the standard to be compliant with statute.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: There has been a request to update a specific portion of the rules pertaining to testing.

C. The complexity of complying with the rules.

Fire Fighters Training Council General Rules [2019-21 LR]: It is difficult to maintain compliance with the current rule set and amended law.

Fireworks Safety General Rules [2019-23 LR]: The current rule set does not align with some of the requirements in the amended law.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: The current rules do not adopt by reference a recognized national standard.

Underground Storage Tank Regulations [MOAHR # not assigned]: The current rules reference previous rule sets and has created confusion in the industry as to when parts of the rule are applicable.

Fire Inspector Certification Rules [MOAHR # not assigned]: This rule set was last updated 2009. It is difficult to maintain compliance with the current rule set and amended law.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

There is no conflict or duplication of similar rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Fire Fighters Training Council General Rules [2019-21 LR]: This rule set was last updated in 2016; however, it must be updated again to reflect the current statute. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Fireworks Safety General Rules [2019-23 LR]: Rule updates began in 2019 and a request for rulemaking was submitted and subsequently withdrawn. The current rule set does not align with some of the requirements in the amended law. A revised request for rulemaking will be resubmitted this year. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: The rules were updated in 2008 and references 1999 codes contained within pamphlets available at the time. The National Fire Protection Association (NFPA) has developed and issued a new, comprehensive standard accounting for updates to technology and understanding of the industry. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Underground Storage Tank Regulations [MOAHR # not assigned]: The rules were updated in 2018 in response to a 2015 regulatory update by the EPA. The EPA has proposed updates to 40 CFR Part 280, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, including a change to system compatibility requirements for alcohol-based fuels. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Fire Inspector Certification Rules [MOAHR # not assigned]: These rules were last updated 2009. The current rule set does not align with some of the requirements in the amended law. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Office of State Fire Safety Board Organization, Operation and Procedure [MOAHR # not assigned]: This rule set pertains to boards, members, and staff's duties for the boards, and is outdated. The rules were last updated in 2001. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

State-Owned and Leased Buildings Fire Safety Rules [MOAHR # not assigned]: This rule set deals with state-owned and leased buildings fire safety and have not been updated since 2001. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

Bureau of Fire Services main website can be accessed at www.michigan.gov/bfs. The administrative rules for Bureau of Fire Services can be found at the following URL: http://www.michigan.gov/lara/0,4601,7-154-35299_42271_42370---,00.html.

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Outstanding:

Fire Fighters Training Council General Rules [2019-21 LR]: The bureau anticipates this rule set will be completed by October 2021.

Fireworks Safety General Rules [2019-23 LR]: The bureau anticipates a request for rulemaking will be submitted by October 2021.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: The bureau anticipates a request for rulemaking will be submitted by October 2021.

Office of State Fire Safety Board Organization, Operation and Procedure [MOAHR # not assigned]: This rule set is outdated and has not been updated since the Fire Marshal Division was moved from the Department of State Police.

State-Owned and Leased Buildings Fire Safety Rules [MOAHR # not assigned]: This rule deals with state-owned and leased buildings fire safety and have not been updated since 2001.

**Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Bureau of Professional Licensing (BPL) - Public Health Code Professions

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Acupuncture [2021-38 LR]: The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. All rules will be reviewed, updated, and revised as needed.

Behavior Analysts [2020-112 LR]: The rules will be revised to include dates for completion of human trafficking training, revised requirements for license verification, revised licensure by endorsement requirements, a rule on telehealth, and revised ethical standards.

Chiropractic [2019-84 LR]: The rules will be revised to include updated continuing education requirements and continuing education sponsor requirements.

Dentistry [2021-40 LR]: The proposed rules will modify the current requirements for licensure as a dental therapist consistent with 2020 PA 298 and will modify any other provisions necessary for consistency with the Public Health Code (1978 PA 368).

Licensed Midwifery [2020-129 LR]: The proposed rules will delete the English proficiency requirement that is being added to the Public Health - General Rules, consider broadening a referral for abnormal metabolic infant screening to an abnormal blood spot infant screening, consider referrals for other abnormal infant screening tests, and update rules affected by any other modified public health code provisions.

Marriage and Family Therapy [2020-125 LR]: The rules will be revised to provide clarity on definitions, human trafficking training, licensure, examinations, educational standards, and telehealth.

Nursing [2020-70 LR]: The proposed rules will add telenursing provisions; clarify the number of years an examination score is valid; clarify who can sit for the examinations; update the requirements for licensure by reciprocity from Canada; clarify the requirements and process for nursing program approval; clarify the verification of other licenses and disciplinary action; add organizations to the list of continuing education approved providers; and clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on the requirement in the Public Health Code - General Rules.

Optometry [2020-43 LR]: The rules will be revised to rescind the minimum English language standard. The rule pertaining to the accumulation of continuing education will

be revised to clarify that the credits must be earned before the applicant applies for license renewal. The rule related to licensure by endorsement will be clarified. Further rule revisions may be made for clarity.

Pharmacy - Animal Euthanasia and Sedation Rules [2019-86 LR]: The rules will be revised to modify the regulatory mechanism for animal control shelters, animal protection shelters, and Class B dealers who administer tranquilizers and euthanize animals to minimize pain and distress of the animals; require employees of these shelters and dealers who acquire, store, and administer tranquilizing or euthanizing drugs to receive additional training; and, require record keeping of these drugs which are controlled substances.

Pharmacy - Centralized Fill Pharmacies [2020-69 LR]: The rules will be revised to be consistency with state and federal statutes, updated terms, and consistency with other pharmacy rule sets.

Pharmacy - Controlled Substances [2020-81 LR]: The rules will be updated to clarify R 338.3135 regarding the opioid training requirements that apply to controlled substances licensees; clarify that R 338.3162b requires additional information to be submitted to the Prescription Drug Monitoring Program (MAPS) database; clarify rules regarding electronic transmission of prescriptions pursuant to MCL 333.17754a of the Public Health Code (1978 PA 368); update the controlled substances schedules; update rules related to the opioid crisis; clarify licensing provisions; evaluate the need for a separate license to treat a drug-dependent person; clarify when inventories and records are required; update prescription requirements; clarify dispensing and distribution requirements; and clarify refilling of prescriptions.

Pharmacy - General Rules [2020-128 LR]: The rules will be updated to establish any additional licensure requirements for a remote pharmacy and provide a procedure to request a waiver from the 10-mile rule for a remote pharmacy, pursuant to 2020 PA 4; require mandatory electronic transmission of a prescription and add the criteria for a waiver from electronic transmission, pursuant to 2020 PA 134; establish licensure requirements for a wholesale distributor-broker and modify the activities allowed by an out-of-state pharmacy that is not licensed as a pharmacy in this state, pursuant to 2020 PA 142; update rules affected by any other modified Public Health Code (1978 PA 368) provisions; review practical experience requirements and limited licensure; review pharmacy ownership and licensure requirements; review the need for telehealth regulations and sanitation regulations; update licensure reciprocity; and, update definitions.

Pharmacy Technicians [2020-29 LR]: The proposed rules will establish a minimum passing score on examinations; clarify when and how an applicant must meet an English proficiency requirement by deleting the current rule and relying on a requirement in the Public Health Code - General Rules; establish a review process for examinations; require additional pharmacy technician program requirements; require good moral character and finger prints for relicensure; add a pharmacy ethics and jurisprudence continuing

education requirement; add requirements to the standards for approval of continuing education courses and programs; and, allow a pharmacist to delegate certain activities and functions to a pharmacy technician.

Physical Therapy [2020-111 LR]: A rule on telehealth will be added, requirements for consideration of a National Physical Therapy Examination appeal will be added, requirements pertaining to a minimum English language standard will be rescinded, the requirements for licensure by endorsement will be revised, licensure verification requirements will be revised, and updates will be provided to continuing education requirements.

Podiatric Medicine and Surgery [2020-24 LR]: The minimum English language standard will be rescinded. The licensure by endorsement rule will be revised to clarify requirements. Additional rule revisions may be made for clarity of the language.

Psychology [2020-127 LR]: The minimum English language standard will be rescinded. Amendment of the rules will take place to provide clarity on definitions, human trafficking training, educational standards, licensure, examinations, continuing education, and telehealth.

Public Health Code - Disciplinary Rules [2021-37 LR]: The rules pertaining to disciplinary matters for all professions regulated under the Public Health Code (1978 PA 368) and licensed by the Bureau of Professional Licensing (BPL) will be reviewed, updated, and revised as needed.

Respiratory Care [2020-17]: The proposed rules will be amended to provide clarity pertaining to education, licensure, relicensure, and telehealth services. The rule requiring an applicant to demonstrate a working knowledge of the English language will be rescinded.

Task Force on Physician's Assistants [2020-116 LR]: The rules will be amended to include revised educational standards, revised licensure by endorsement requirements, and revised licensure verification requirements.

Veterinary Technicians [2021-30 LR]: The rules will be amended to clarify the requirements for licensure, licensure by endorsement, relicensure, license renewal, and continuing education. Accreditation standards will be updated. All rules will be reviewed and may be revised for clarity or to provide up-to-date information.

Rule sets that will begin the promulgation process this year:

Audiology [MOAHR # not assigned]: A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Counseling [MOAHR # not assigned]: A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Genetic Counseling [MOAHR # not assigned]: Amendment of the rules will take place to provide clarity on dates of completion for human trafficking training and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Massage Therapy [MOAHR # not assigned]: The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186. All rules will be reviewed, updated, and revised as needed.

Medicine [MOAHR # not assigned]: The requirements for licensure by endorsement and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Occupational Therapists [MOAHR # not assigned]: The licensure verification requirements will be revised. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186.

Osteopathic Medicine [MOAHR # not assigned]: The licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Pharmacy - Program for Utilization of Unused Prescription Drugs [MOAHR # not assigned]: The rules will be reviewed, updated, and revised as needed.

Podiatric Medicine and Surgery [MOAHR # not assigned]: The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186. All rules will be reviewed, updated, and revised as needed.

Respiratory Care [MOAHR # not assigned]: Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186.

Social Work [MOAHR # not assigned]: The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. All rules will be reviewed, updated, and revised as needed.

Speech-Language Pathology [MOAHR # not assigned]: A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Veterinary Medicine [MOAHR # not assigned]: The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. All rules will be reviewed, updated, and revised as needed.

- 2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.**

Optometry [2020-43 LR]: R 338.304, which pertains to the minimum English language standard for licensure, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

Licensed Midwifery [2020-129 LR]: R 338.17127, which pertains to the minimum English language standard for licensure, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

Nursing [2020-70 LR]: R 338.10208(2) and R 338.10212(3), which pertain to the minimum English language standard for licensure, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

Podiatric Medicine and Surgery [2020-24 LR]: R 338.8102a, which pertains to the minimum English language standard for licensure, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

Psychology [2020-127 LR]: R 338.2523, which contains a minimum English language requirement, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

Respiratory Care [2020-17 LR]: R 338.2202b, which pertains to the minimum English language standard for licensure, will be rescinded because the standard for all Art. 15 professions will be in the Public Health Code - General Rules.

- 3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Board of Pharmacy: The Board of Pharmacy has seven different rule sets and is the board with the bureau's most extensive set of regulations. This is due in part to the nature of the profession. State of Michigan requirements are found in both Arts. 7 and 15 of the Public Health Code (1978 PA 368). Additionally, two different federal agencies, the Food and Drug Administration and the Drug Enforcement Administration, regulate pharmacy practices. Technology relating to pharmacy practice is constantly being upgraded. Further, the regulation of the practice of pharmacy is related to the opioid epidemic, and regulation and best practices are constantly changing. The rules have not kept up with these changes.

A. Whether there is a continued need for the rules.

Administrative rules are required if the profession is required to be licensed or registered by the Public Health Code (1978 PA 368) as amended. The administrative rules ensure a board's ability to require the appropriate education and training to competently practice in the state and to effectively discipline licensees who violate the Public Health Code (1978 PA 368).

B. A summary of any complaints or comments received from the public concerning the rules.

Chiropractic [2019-84 LR]: BPL received many comments saying that the plan to make the Michigan Association of Chiropractors (MAC) a sole approver of continuing education would result in limited checks and balances, create a conflict of interest, limit competition, would not maintain the distinction between a trade association versus a regulatory body, create a monopoly, result in no oversight, is a restraint of trade, would place sole authority in one entity, would be undemocratic, and would be unethical.

C. The complexity of complying with the rules.

BPL has not identified any rules to which compliance is considered particularly difficult.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets regulated by BPL are not in conflict or duplicative of federal or local government rules or regulations. Any rule that is duplicative of recent statutory changes will be rescinded.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Acupuncture [2021-38 LR]: The rules were last amended on April 1, 2021. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Audiology: [MOAHR # not assigned]: The rules were last amended on April 26, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Behavior Analysts [2020-112 LR]: The rules were first promulgated in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Chiropractic [2019-84 LR]: The rules were last amended on January 6, 2019. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Counseling [MOAHR # not assigned]: The rules were last amended on May 5, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Dentistry [2021-40 LR]: The rules were last amended on April 26, 2021. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

Genetic Counseling [MOAHR # not assigned]: The rules were first promulgated on April 15, 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Licensed Midwifery [2020-129 LR]: The rules were promulgated on August 1, 2019. There have been no technological factors, economic conditions or other factors that would necessitate amendment of the rules.

Marriage and Family Therapy [2020-125]: The rules were last amended on May 21, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Massage Therapy [MOAHR # not assigned]: The rules were last amended on April 1,

2021. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Medicine [MOAHR # not assigned]: The rules were last amended on April 26, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Nursing [2020-70 LR]: The rules were last amended on April 6, 2020. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Occupational Therapists [MOAHR # not assigned]: The rules were last amended on May 3, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Optometry [2020-43 LR]: The rules were last amended on November 19, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules. Statutory changes effective March 24, 2021 necessitate rule revisions.

Osteopathic Medicine and Surgery [MOAHR # not assigned]: The rules were last amended on April 26, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Animal Euthanasia and Sedation Rules [2019-86 LR]: The rules were last amended on December 12, 2013. The enactment of 2018 PA 34 requires the rules to be amended to comply with the statutory changes enacted after the rules were promulgated. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Central Fill Pharmacies [2020-69 LR]: The rules were last amended in 2008. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Controlled Substances [2020-82 LR]: The rules were last amended on January 3, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - General Rules [2020-128 LR]: The rules were last amended on December 22, 2020. Various statutory amendments require the rules to be amended. There have been no technological factors, economic conditions, or other factors that would

necessitate amendment of the rules.

Pharmacy - Pharmacy Technicians [2020-29 LR]: The rules were promulgated on March 16, 2016. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy - Program for Utilization of Unused Prescription Drugs [MOAHR # not assigned]: The rules were promulgated in 2014. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Physical Therapy [2020-111 LR]: The rules were last amended on December 20, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Podiatric Medicine and Surgery [MOAHR # not assigned]: The rules were last amended on September 4, 2019. The rules are currently open under MOAHR #2020-24 LR. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Psychology [2020-127 LR]: The rules were last amended on December 6, 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code - Disciplinary Rules [2021-37 LR]: The rules were last amended on April 15, 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code - General Rules [2020-109 LR]: The rules were last amended on December 22, 2020. BPL has begun implementing new licensing software. This rule set is updated as new health professions are added to the system. There have been no economic conditions or other factors that would necessitate amendment of rules. Governor Gretchen Whitmer issued an Executive Directive on July 9, 2020 that rules should be implemented to require public health code licensees and registrants, other than veterinary medicine providers, to complete implicit bias training for licensure, registration, and renewals. This required that a new rule be added to this rule set.

Respiratory Care [MOAHR # not assigned]: The rules were last amended on May 20, 2019. The rules are currently open under MOAHR #2020-17 LR. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made

as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Social Work [MOAHR # not assigned]: The rules were last amended on March 31, 2021. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement considering the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Speech Language Pathology [MOAHR # not assigned]: The rules were last amended on April 15, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Task Force on Physician’s Assistants [2020-116 LR]: The rules were last amended in 2019. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Veterinary Medicine [MOAHR # not assigned]: The rules were last amended on April 15, 2021. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Veterinary Technician [2021-30 LR]: The rules were last amended on January 4, 2019. Statutory changes were made effective March 24, 2021 pertaining to licensure by endorsement for Canadian-licensed applicants. The rules will be reviewed, and revisions may be made as needed concerning Canadian-licensed applicants applying for licensure by endorsement due to the statutory changes made to MCL 333.16186. There have been no other technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The rules for this bureau can be found at the following URL “Licensing and Regulatory Affairs” and “Professional Licensing”:
<https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>.

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed:

Acupuncture [2020-8 LR]: This rule set was filed with the Office of the Great Seal on April 1, 2021.

Athletic Trainers [2020-16 LR] This set was filed with the Office of the Great Seal on June 4, 2021.

Audiology [2020-35 LR]: This rule set was filed with the Office of the Great Seal on April 26, 2021.

Counseling [2020-33 LR]: This rule set was filed with the Office of the Great Seal on May 5, 2021.

Dentistry [2020-27 LR]: This rule set was filed with the Office of the Great Seal on April 26, 2021.

Genetic Counseling [2020-37 LR]: This rule set was filed with the Office of the Great Seal on April 15, 2021.

Massage Therapy [2020-5 LR]: This rule set was filed with the Office of the Great Seal on April 26, 2021.

Medicine [2020-36 LR]: This rule set was filed with the Office of the Great Seal on April 1, 2021.

Nursing Home Administrators [2019-140 LR]: This rule set was filed with the Office of the Great Seal on April 15, 2021.

Occupational Therapists [2020-28 LR]: The rules were submitted to JCAR on November 20, 2020, withdrawn on December 29, 2020 pursuant to MCL 24.245a(12), and resubmitted on January 14, 2021. This rule set was filed with the Office of the Great Seal on May 3, 2021.

Osteopathic Medicine and Surgery [2020-42 LR]: This rule set was filed with the Office of the Great Seal on April 26, 2021.

Pharmacy - Continuing Education [2019-22 LR]: This rule set was filed with the Office of the Great Seal on December 22, 2020.

Pharmacy - General Rules [2018-39 LR]: This rule set was filed with the Office of the Great Seal on December 22, 2020.

Public Health Code - Disciplinary Rules [2019-104 LR]: This rule set was filed with the Office of the Great Seal on April 15, 2021.

Public Health Code - General Rules [2019-135 LR]: This rule set was filed with the Office of the Great Seal on December 22, 2020.

Public Health Code - General Rules [2020-109 LR]: This rule set was filed with the Office of the Great Seal on June 1, 2021.

Sanitarians [2019-103 LR]: This set was filed with the Office of the Great Seal on December 22, 2020.

Social Work [2019-81 LR]: This set was filed with the Office of the Great Seal on March 31, 2021.

Speech-Language Pathology [2020-78 LR]: The set was filed with the Office of the Great Seal on April 15, 2021.

Veterinary Medicine [2019-108 LR]: This rule set was filed with the Office of the Great Seal on April 15, 2021.

Outstanding:

Behavior Analysts [2020-112 LR]: Draft rules have been submitted to MOAHR for review and approval.

Chiropractic [2019-84 LR]: A public hearing for this set was held on January 19, 2021.

Licensed Midwifery [2020-129 LR]: The Request for Rulemaking was approved on January 6, 2021.

Marriage and Family Therapy [2020-125 LR]: The Request for Rulemaking was approved on December 21, 2020.

Nursing [2020-70]: The Request for Rulemaking was approved on September 8, 2020.

Pharmacy - Animal Euthanasia and Sedation Rules [2019-86 LR]: The public hearing was held on May 17, 2021.

Pharmacy - Central Fill Pharmacies [2020-69 LR]: The Request for Rulemaking was approved on September 6, 2020.

Pharmacy - Controlled Substances [2019-57 LR]: The rules were withdrawn from JCAR with permission on October 16, 2019. The Bureau is revising the draft rules to address

JCAR's concerns.

Pharmacy - General Rules [2020-128 LR]: The Request for Rulemaking was approved on January 6, 2021.

Pharmacy Technicians [2020-29 LR]: MOAHR submitted the JCAR Report and rules to JCAR for review and approval on May 20, 2021.

Pharmacy - Centralized Prescription Processing Pharmacies [2020-69 LR]: The Request for Rulemaking was approved on September 3, 2020.

Physical Therapy [2020-111 LR]: The Request for Rulemaking was approved on November 12, 2020.

Podiatric Medicine and Surgery [2020-24 LR]: The public hearing for this rule set was held on May 17, 2021.

Psychology [2020-127 LR]: The Request for Rulemaking was approved on January 6, 2021.

Respiratory Care [2020-17 LR]: MOAHR submitted the JCAR Report and the draft rules to JCAR for review and approval on May 20, 2021.

Task Force on Physician's Assistants [2020-116 LR]: The Request for Rulemaking was approved on December 16, 2020.

Pharmacy - Program for Utilization of Unused Prescription Drugs [MOAHR # not assigned]: The rules were opened by the board on June 12, 2019. The bureau is reviewing the set to determine if changes are needed.

**Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

**Bureau of Professional Licensing (BPL) - Occupational Code
and Deaf Person's Interpreters Act Professions**

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Accountancy - General Rules [2021-46 LR]: The rules be amended to supply clarity on definitions, standards, document retention, examination, education, experience, privileges, permits, continuing education, renewal, relicensure, conduct, independence, competence, fees, commissions, and peer review for certified professional accountants.

Architects [2021-19 LR]: The rules will be amended to clarify on definitions, education, experience, examination, relicensure, standards of conduct, the seal, license renewal, and continuing education requirements for architects.

Barber Examiners [2020-68 LR]: The rules will be amended to be consistent with the statutory changes to Art. 11 of the Occupational Code (1980 PA 299), effective May 4, 2020. Further revisions may be made for clarity.

Cosmetology [2020-50 LR]: The rules will be amended to be consistent with the statutory changes to Art. 12 of the Occupational Code (1980 PA 299) effective April 26, 2020, and May 4, 2020. Further revisions may be made for clarity.

Occupational Code - Renewals [2021-12 LR]: BPL has begun implementing new licensing software. This rule set will be updated to amend the renewal dates for professions added to the system.

Professional Engineers [2021-20 LR]: The rules will be revised to provide clarity on definitions, education, experience, licensure, relicensure, examination, standards of conduct, the seal, license renewal, and continuing education requirements for professional engineers.

Professional Surveyors [2021-21 LR]: The rules will be revised to provide clarity on definitions, education, experience, examination, licensure, relicensure, standards of conduct, the seal, license renewal, and continuing education requirements for professional surveyors.

Qualified Interpreters [2018-70 LR]: The proposed rules will clarify the following: the scope of the rules; definitions; credential requirements; standard levels; special endorsements; procedures for application; certification; listing as a qualified interpreter; renewals and testing; minimum standards of practice; grievance and complaint procedures; procedures for discipline; exceptions, waivers, and exemptions to the rules; educational standards for licensure; use of video remote interpreting; renewals and

continuing education requirements. The proposed rules will add an interpreter training permit and supervisor requirements, and the requirements for qualified deaf interpreter certification. A public hearing will be held when we are able to hold an in-person hearing so members of the deaf community can make comments without barriers.

NOTE: This profession and rule set are being transferred to the Bureau of Community and Health Systems.

Real Estate Appraisers [2019-114 LR]: The proposed rules will add an exemption from the Uniform Standards of Professional Appraisal Practice standards; add a rule clarifying the requirements for a supervisory certified appraiser; add a rule regarding a nonresident temporary permit; and clarify the requirements for appraiser prelicensure education and continuing education approval.

Rule sets that will begin the promulgation process this year:

Real Estate Appraisers [MOAHR # not assigned]: The proposed rules will be updated for consistency with changes from the Appraisal Foundation.

- 2. Rules that are obsolete or superseded and can be rescinded between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.**

Cosmetology - General Rules [2020-50 LR]: R 338.2131, which pertains to the definition of “equivalent,” will be rescinded because the definition will be moved to R 338.2101, which pertains to definitions. R 338.2133, which pertains to credit of school and apprenticeship hours, will be rescinded because the revised requirements will be moved to R 338.2138, which pertains to school and apprenticeship program requirements. R 338.2134, which pertains to enrollment, will be rescinded because it is duplicative of MCL 339.1214(1) and the proposed changes under R 338.2136 and R 338.2138. R 338.2137, which pertains to student and apprenticeship supplies, will be rescinded because it is duplicative of the proposed changes under R 338.2132 and R 338.2162. R 338.2139, which pertains to the state board examination, will be rescinded because revised requirements will be moved to R 338.2138 and R 338.2121a. R 338.2151, which pertains to the application to become an apprentice, will be rescinded because the Occupational Code (1980 PA 299) does not require apprentices to seek authorization to become an apprentice. R 338.2153, which pertains to apprenticeship program examinations and grades, will be rescinded because the Occupational Code (1980 PA 299) does not require rules pertaining to apprenticeship training exams for apprentices. R 338.2161a, R 338.2161b, and R 338.2162a, which pertain to crossover training hours for cosmetology, will be rescinded because they conflict with revisions proposed under R 338.2133. R 338.2173, R 338.2176, R 338.2178, R 338.2179, R 338.2179a, R 338.2179b, R 338.2179c, R 338.2179d, and R 338.2179f, which pertain to health, safety, and sanitation requirements, will be rescinded because they are duplicative of, and conflict with, revisions proposed under R 338.2171 and R 338.2171a. R 338.2179h, which pertains to false, confusing, or misleading statements in advertising, will

be rescinded because it is duplicative of MCL 338.604.

Qualified Interpreters [2018-70 LR]: R 393.5005, which pertains to verification of interpreter qualifications, will be rescinded because the subject of the rule is in the Public Health Code. R 393.5023 to R 393.5026, which pertain to types of interpreters, will be rescinded because the types of interpreters have been reorganized and renamed. R 393.5027, which pertains to exceptions from the rules, will be rescinded as the rule is being moved and modified. R 393.5032, which pertains to reciprocity for an applicant for certification, will be rescinded because all qualified interpreters must meet the certifications requirements to practice in Michigan. R 393.5058, which pertains to waivers, will be rescinded because waivers are contained in statute. R 393.5075, which pertains to hearings, will be rescinded because it is being moved to R 393.5072a. R 393.5083, which pertains to continuing education requirements for endorsements, will be rescinded because the continuing education requirements have been included in R 393.5081. R 393.5086, which pertains to independent study for continuing education, will be rescinded, as all continuing education will be included in R 393.5081.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

BPL has not identified any rules that are problematic to the industry or need to be revised to determine a more business-friendly approach.

A. Whether there is a continued need for the rules.

The rules that are related to the Occupational Code are required by statute. As such, there is a continued need for the rules.

B. A summary of any complaints or comments received from the public concerning the rules.

No complaints were received.

C. The complexity of complying with the rules.

BPL has not identified any rules for which compliance is considered particularly difficult.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Accountancy [MOAHR # not assigned]: The rules were last amended on May 5, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Architects [2021-19 LR]: The rules were last amended on February 20, 2020. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

Barber Examiners [2020-68 LR]: The rules were last amended November 4, 2019. Statutory changes effective May 4, 2020 require rule revisions. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

Cosmetology [2020-50 LR]: The rules were last amended in January 2017. There have been no technological factors or economic conditions that would necessitate amendment of the rules. Statutory changes effective April 26, 2020 and May 4, 2020 require rule revisions.

Professional Engineers [2021-20 LR]: The rules were last amended on December 10, 2020. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

Professional Surveyors [2021-21 LR]: The rules were last amended on July 23, 2020. There have been no other technological factors or economic conditions that would necessitate amendment of the rules.

Qualified Interpreters [2018-70 LR]: The rules were promulgated in 2014. There have been no technological factors or economic conditions that would necessitate amendment of the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The rules for this bureau can be found at the following URL “Licensing and Regulatory Affairs” and “Professional Licensing”: <https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>.

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

Completed:

Accountancy [2020-30 LR]: The rules were filed with the Office of the Great Seal on May 5, 2021.

Landscape Architects [2020-6 LR]: The rules were filed with the Office of the Great Seal on April 26, 2021.

Occupational Code Disciplinary Proceedings [2020-23 LR]: The rules were filed with the Office of the Great Seal on May 3, 2021.

Occupational Code Renewals [2019-141 LR]: The rules were filed with the Office of the Great Seal on December 22, 2020.

Professional Engineers [2019-31 LR]: The rules were filed with the Office of the Great Seal on December 10, 2020.

Professional Surveyors [2019-44 LR]: The rules were filed with the Office of the Great Seal on July 23, 2020.

Real Estate Appraisers [2019-114 LR]: The rules were filed with the Office of the Great Seal on May 18, 2021.

Real Estate Brokers and Salespersons [2019-80 LR]: The rules were filed with the Office of the Great Seal on March 31, 2021.

Outstanding:

Architects [2021-19 LR]: The Request for Rulemaking was approved on March 12, 2021.

Cosmetology [2020-50 LR]: The public hearing for this rule set was held on May 17, 2021.

Professional Engineers [2021-20 LR]: The Request for Rulemaking was approved on March 12, 2021.

Professional Surveyors [2021 -21 LR]: The Request for Rulemaking was approved on March 12, 2021.

Qualified Interpreters [2018-70 LR]: This rule set is ready for hearing; however, the department is waiting until an in-person hearing can be held so that members of the deaf community can participate without barriers.

Withdrawn:

Cosmetology [2019-28 LR]: This rule set was withdrawn so that the rules could incorporate crossover hours between barbers and cosmetology education. This was mandated by statutory changes that became effective April 26, 2020 and May 4, 2020.

Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022

Child Care Licensing Bureau (CCLB)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

The licensing rules for family and group child care homes, and licensing rules for child care centers were revised in 2019. The bureau does not anticipate any revisions between July 1, 2021 and June 30, 2022.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Not applicable.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The bureau has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The Child Care Licensing Bureau has not identified any rules that are particularly problematic to the industry.

A. Whether there is a continued need for the rules.

The Child Care Licensing Bureau rules are required by statute.

B. A summary of any complaints or comments received from the public concerning the rules.

No specific complaints or comments concerning the rule sets have been received.

C. The complexity of complying with the rules.

No rules have been identified for which compliance is considered particularly difficult.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.**

The current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.**

The child care licensing rules are continually reviewed to protect the health, safety, and welfare of Michigan residents.

- 5. Please provide the URL link the department or bureau is currently using to display their administrative rules.**

https://www.michigan.gov/documents/lara/BCAL_PUB_8_3_16_523999_7.pdf

https://www.michigan.gov/documents/lara/lara_BCAL_PUB-724_0715_494800_7.pdf

- 6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.**

The Child Care Licensing Bureau did not have any items identified for action in the 2021 ARP.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Corporations, Securities & Commercial Licensing Bureau (CSCL)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Securities [2021-17 LR]: The Corporations, Securities & Commercial Licensing Bureau (CSCL) will add the North American Securities Administrators Association (NASAA) model rule requiring continuing education for investment adviser representatives registered under the Michigan Uniform Securities Act, (2008 PA 551). Also, CSCL will add NASAA's model rule requiring investment advisers to establish, maintain, and enforce written policies and procedures tailored to a registrant's business model.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: CSCL will add a rule requiring registrants to submit a report of prepaid contract sales for the previous calendar year annually. In addition, CSCL will add a rule that requires registrants to maintain numbered, preprinted contracts in sequential order. Lastly, CSCL plans to add a new rule requiring that all executed prepaid contracts include language indicating that all payments made by the contract holder must be made payable directly to the authorized escrow agent, rather than to the registrant.

Mortuary Science [MOAHR # not assigned]: CSCL will update the entire rule set to render it consistent with changes to Art. 18 of the Occupational Code made during the last legislative session. These revisions will more effectively protect employees, customers, and guests interacting with a funeral establishment from the health and safety concerns identified during high profile investigations and disciplinary actions taken by CSCL against funeral establishments and their designated managers between 2017 and 2019.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: CSCL is working on a new rule set implementing the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). The rule set will assist registrants in complying with the insurance and zero-tolerance policy requirements of that act and establish auditing and complaint procedures.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Mortuary Science [MOAHR # not assigned]: R 339.18937 is superseded by a change in statute, and R 339.18927, R 339.18930, and R 339.18933 are obsolete, making these rules candidates for rescission.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

Sec. 25 of the Michigan Professional Employer Organization Regulatory Act (2010 PA 370) requires the department to promulgate rules the department considers necessary to implement the act. The bureau determined that rules are not necessary to administer the act.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Mortuary Science [MOAHR # not assigned]: R 339.18937 prohibits a designated manager from managing more than one funeral establishment. A recent change to the Occupational Code (1980 PA 299) codifies this requirement but adds a waiver process, necessitating the rescission of R 339.18937. R 339.18921 and R 339.18922 will be revised to reflect current national and industry-wide standards of practice for mortuary science.

A. Whether there is a continued need for the rules.

Securities [2021-17 LR]: There is a continued need for the rules to protect investors, particularly vulnerable investors, from becoming the victims of fraud or financial exploitation and to ensure that investors and prospective investors are fully informed of the risks and benefits of purchasing a particular securities product. The rules also ensure a uniform playing field for members of the securities industry.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: There is a continued need for the rules to protect the financial welfare of consumers purchasing pre-need funeral or cemetery goods or services from funeral establishments, cemeteries, and crematories for the benefit of themselves or others.

Mortuary Science [MOAHR # not assigned]: There is a continued need for the mortuary science rules to protect the health, safety, and financial welfare of consumers, often in particularly vulnerable and time-sensitive circumstances, who purchase pre-need or at-need funeral or cemetery goods and services from funeral establishments. The rules also protect the health and safety of the employees and guests of these establishments.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: CSCL determined there is a need for a rule set to implement the Limousine, Taxicab, and Transportation Network Company Act and ensure the health, safety, and welfare of drivers and passengers who engage with companies that transport eight or fewer passengers for a fee.

B. A summary of any complaints or comments received from the public concerning the rules.

Securities [2021-17 LR]: CSCL staff has not received complaints or comments concerning the securities rules.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: CSCL has not received complaints or comments regarding this rule set.

Mortuary Science [MOAHR # not assigned]: Complaints and comments received resulted in legislation passed during the 2019-2020 legislative session. CSCL has not received complaints or comments from the public concerning the mortuary science rules.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: This is not applicable, as there is no rule set implementing the Limousine, Taxicab, and Transportation Network Company Act.

C. The complexity of complying with the rules.

Securities [2021-17 LR]: Compliance with state and federal securities laws is complex in some circumstances because of the need to protect investors while simultaneously creating an environment of efficient capital formation both statewide and nationally. Most firms, individuals, and securities products or exempt offerings are registered in or made across several states.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: Compliance with these rules is complex because of the need to protect consumers against the unscrupulous practices of some funeral establishments, cemeteries, or crematories while balancing the interests of those registered under the Prepaid Funeral and Cemetery Sales Act (1986 PA 255). Cemeteries and funeral establishments are experiencing a decrease in demand for their services because of consumers increasingly choosing less expensive cremation services over elaborate funeral services and merchandise typically involved when the final disposition results in a burial.

Mortuary Science [MOAHR # not assigned]: Compliance with the education, training, and standard of practice requirements within these rules can be complex. The rules primarily govern the specific education and training requirements for mortuary science practitioners, standards of practice for funeral establishments, and standards of conduct. Licensed individuals must adhere to best practices developed by the mortuary science industry and public health and safety requirements that are reflected in the rules along with many other federal, state, and local laws separately administered by a variety of governmental agencies.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: The rules CSCL is considering promulgating would make it easier for

limousine carriers, taxicab carriers, and transportation network companies to determine how to comply with the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). Many transportation network companies hold similar registrations in multiple states and countries and must ensure adherence to the laws specific to each jurisdiction.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Securities [2021-17 LR]: These rules will not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government. The model rules were developed to ensure that requirements remain consistent in every state and with the regulations administered by the U.S. Securities and Exchange Commission (SEC) to minimize the compliance burden on members of the securities industry. In addition, investment adviser firms that do not meet a specified threshold for assets under management are only regulated by the states they are registered with and not by the SEC.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: The rules will not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Mortuary Science [MOAHR # not assigned]: The rules will not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: The rules would not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Securities [2021-17 LR]: Revisions to the rules are currently pending. Since the filing of the request for rulemaking, no technological, economic conditions, or other factors have changed the regulatory activity covered by the rules.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: The Prepaid Funeral & Cemetery Sales rules were last evaluated in April of 2021. While COVID-19 continues to impact the death care industry, there has not been a notable change in technology or economic conditions since then.

Mortuary Science [MOAHR # not assigned]: These rules were last evaluated in November of 2018. The funeral services industry saw an influx of requests for its services and merchandise due to the pandemic and had to adjust their business practices to protect their employees, customers, and guests. A few key pieces of legislation were passed during the 2019-2020 legislative session that necessitate revisions to the mortuary science rules to render them consistent with the statutory changes.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]: A potential rule set was last evaluated in February of 2020. The eight or fewer passenger vehicle-for-hire industry saw a reduction in demand and shift away from passenger to food and other goods delivery services during the pandemic.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

CSCL provides links to the administrative rules for mortuary science and prepaid funeral & cemetery sales on each profession's webpage.

The rules may also be accessed at the following URL:

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Licensing%20and%20Regulatory%20Affairs&Bureau=Corporations%2C%20Securities%2C%20%26%20Commercial%20Licensing>.

For the securities rules, the following URL contains administrative rules effective 7.3.19:

https://www.michigan.gov/lara/0,4601,7-154-89334_61343_32915---,00.html.

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed:

Securities Procedural [2020-14 LR]: This rule set was rescinded in July of 2020.

Outstanding:

Securities [2021-17 LR]: CSCL submitted a Request for Rulemaking (RFR) and anticipates the completion of the rulemaking process between July 1, 2021 and June 30, 2022.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: CSCL anticipates filing an RFR between July 1, 2021 and June 30, 2022.

Mortuary Science [MOAHR # not assigned]: CSCL anticipates filing an RFR between July 1, 2021 and June 30, 2022.

Limousine, Taxicab, and Transportation Network Companies [MOAHR # not assigned]:
CSCL anticipates filing an RFR between July 1, 2021 and June 30, 2022.

Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022

Marijuana Regulatory Agency (MRA)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Marihuana Disciplinary Proceedings [2020-117 LR]: This rule set is being updated to include provisions regarding the exclusion of individuals from a marihuana business, and to clarify the procedures when discipline is taken against a marihuana license.

Marihuana Hearings [2020-118 LR]: This rule set is being updated to include provisions for hearings based upon the exclusion of an individual from a marihuana business.

Marihuana Infused Products and Edible Marihuana Products [2020-119 LR]: This rule set is being updated to adopt new standards and requirements for the production, labeling, and sale of these types of products.

Marihuana Licensees [2020-120 LR]: This rule set is being updated to modify certain provisions regarding the authority of marihuana businesses to engage in specified conduct.

Marihuana Licenses [2020-121 LR]: This rule set is being updated to modify the fee structure for application for a marihuana license, the inclusion of additional license types under the Michigan Regulation and Taxation of Marihuana Act (2018 IL 1), and to clarify some points around application for licensure.

Marihuana Operations [2020-122 LR]: This rule set is being updated to include the ability to have contactless or limited contact transactions, and to include clarity on other general operation requirements for marihuana business.

Marihuana Sale or Transfer [2020-123 LR]: This rule set is being updated to clarify standards for the sale or transfer of marihuana.

Marihuana Sampling and Testing [2020-124 LR]: This rule set is being updated to bring the rules in line with updated scientific information that has become available about the standards for testing marihuana.

Marihuana Employees [2021-10 LR]: This rule set is being updated to modify requirements for employees of marihuana businesses.

Marihuana Declaratory Rulings [2021-29 LR]: This rule set is being drafted to provide a clear process to submit a declaratory ruling to the Marijuana Regulatory Agency (MRA) and the MRA procedure upon receipt.

Industrial Hemp Rules for Marijuana Businesses [MOAHR # not assigned]: Rules were promulgated June 22, 2020 and have been identified as needed updates based upon changes from the Michigan Department of Agricultural Development.

2. **Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.**

There are no rules that are superseded. The rules listed in the response to Question 1 are amendments to existing rules. There are no rule sets promulgated that are candidates for rescission.

3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

The Marijuana Regulatory Agency has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking. However, there is a need to promulgate rules to establish clarity and consistency regarding marijuana, industrial hemp, cannabidiol (CBD) and other cannabinoid isomers in the industry. The MRA is in the process of promulgating rules based upon 2020 PA 31, 2020 PA 32, 2020 PA 207, and 2020 PA 208.

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

There are no rules identified as problematic to the industry. When the rules were promulgated in 2020, the MRA reviewed previous comments, conducted workgroups, and considered the implication of the rules on the existing medical market and now infant adult-use market. Rules were reviewed and numerous rules revised with considerations in mind such as being a business-friendly method of regulation. This is partly why the rules are being revised.

- A. Whether there is a continued need for the rules.

There is continued need for the licensing and regulation of marijuana facilities and establishments as statutory requirements for licensing are still in effect.

- B. A summary of any complaints or comments received from the public concerning the rules.

The rule sets listed in the response to Question 1 went through the official rulemaking process, which included public comment. No additional comments have been received.

C. The complexity of complying with the rules.

The complexity of complying with the rules sets is average as the regulated industry is familiar and generally compliant with the rule requirements as to some extent these rules were in place prior to their recent filing. Any complexity in complying with the administrative rules is related to the newness of the industry.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rule sets are not in conflict nor do they duplicate federal or local government rules or regulations.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

2020 - The rules have been updated to account for changes related to the COVID-19 pandemic and the general shift to contactless and limited contact transactions, etc. which is a regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://www.michigan.gov/mra/0,9306,7-386-82631---,00.html>

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed:

Marihuana Licenses [2019-67 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Licensees [2019-68 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Operations [2019-69 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Sampling and Testing [2019-70 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Infused Products and Edible Marihuana Product [2019-71 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Sale or Transfer [2019-72 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Employees [2019-73 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Hearings [2019-74 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Marihuana Disciplinary Proceedings [2019-75 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Industrial Hemp Rules for Marihuana Businesses [2019-88 LR]: The rules were filed with the Office of the Great Seal on June 22, 2020.

Outstanding:

None.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Michigan Liquor Control Commission (MLCC)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

General Rules - Dispensing Equipment [MOAHR # not assigned]: Current rule (R 436.1045) contains references to another rule that was rescinded in 2017 and needs to be corrected to remove these references.

On-Premises License Rules - Hours and Days of Operation [MOAHR # not assigned]: Current rule (R 436.1403) needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58).

Off-Premises License Rules - Hours and Days of Operation [MOAHR # not assigned]: Current rule (R 436.1503) needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58).

Spirits Rules - Industrial Manufacturer [MOAHR # not assigned]: Current rule (R 436.1811) needs to be updated as the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) no longer issues basic permits under the Federal Alcohol Administration Act (27 U.S. Code Title 27) for a manufacturer that secures alcohol and alcoholic liquor for non-beverage purposes and bonds are no longer required in the Michigan Liquor Control Code of 1998 (1998 PA 58) for any manufacturer license.

Beer Rules - Sale or Delivery Restrictions [MOAHR # not assigned]: Current rule (R 436.1635) needs to be corrected to clearly indicate that deliveries are not allowed on Sunday, as opposed to the current language that has been interpreted as not allowing Sunday deliveries, but actually references Saturday deliveries as written.

Licensing Requirements Rules [MOAHR # not assigned]: Current rule (R 436.1141) needs to be rescinded as the quota requirements are superseded in statute (MCL 436.1533). However, there are several other references to this rule in other rules (R 436.1129, R 436.1135, and R 436.1142) that would need to be deleted or amended with the rescission of R 436.1141. Additionally, the prohibition of the issuance of a SDD license within 2,640 feet of an existing SDD should be reestablished. This can be accomplished with the above referenced amendments to the existing rule (R 436.1135).

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Beer Rules - Damage Refunds: Current rule (R 436.1633) may be rescinded due to the enactment of statutory changes to the Michigan Liquor Control Code of 1998 (1998 PA 58)

in 2018 and 2020 under MCL 436.1609c that supersede the rule and render it obsolete. This rule is no longer necessary and is a strong candidate for rescission.

Advertising Rules - Displays: Current rule (R 436.1329) may be rescinded due to the enactment of statutory changes to the Michigan Liquor Control Code of 1998 (1998 PA 58) in 2017 and 2020 under MCL 436.1610b that supersede the rule and render it obsolete. This rule is no longer necessary and is a strong candidate for rescission.

On-Premises Licenses - Sale of Unlimited Quantity: Current rule (R 436.1438) may be rescinded due to the enactment of statutory changes to the Michigan Liquor Control Code of 1998 (1998 PA 58) in 2020 under MCL 436.2014 that supersede the rule and render it obsolete and, in one instance, conflicts with the rule. This rule is no longer necessary and is a strong candidate for rescission.

Special License Rules - Definition: Current rule (R 436.572) needs to be rescinded as the term “special license” is defined in the Michigan Liquor Control Code of 1998 (1998 PA 58) in MCL 436.1111 and MCL 436.1537. This rule is no longer necessary and is a strong candidate for rescission.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The Liquor Control Commission has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The alcoholic beverage industry interests are not only divided into a three-tier system (manufacturers, wholesalers, and retailers) but interests are also divided into applicants for alcoholic beverage licenses and those who hold alcoholic beverage licenses. Therefore, what may be problematic to an applicant may be advantageous to a current license holder. Likewise, what may be sought after by the retail licensed tier may be objectionable to the manufacturer or wholesaler licensed tier. Consequently, it is complicated to identify what is problematic to the industry as a whole.

A. Whether there is a continued need for the rules.

The General Rules, Licensing Qualification Rules, Advertising Rules, Hearings and Appeals Practice Rules, Church or School Hearings, Declaratory Rulings, and Financial Responsibility Rules overall apply to persons licensed in all tiers of the alcoholic beverage industry (manufacturers, wholesalers, and retailers). The remaining rule sets apply to specific subsets of licensees as follows: Special License Rules (pertains to non-profit organizations for lawful fundraising events); Special Permit Rules (pertains to hospitals, charitable institutions, and military establishments located in the state

for the purchase of spirits for their own use); On-Premises Rules (pertains to licensees that sell alcoholic liquor for on premises consumption such as restaurants, bars, nightclubs, etc.); Off-Premises Rules (pertains to licensee that sell alcoholic liquor for consumption off the premises such as grocery stores, drug stores, convenience food stores, etc.); Beer Rules (pertains to outstate sellers, wholesalers and brewers); Wine Rules (pertains to manufacturers, wholesalers, and outstate sellers); Spirit Rules (pertain to authorized distribution agents, sellers of alcohol, industrial manufacturers, and limited alcohol buyers); and Vendor Representative and Salesperson Rules (pertains to persons employed by manufacturers, outstate sellers, and wholesalers to assist in the sale, delivery, and promotion of alcoholic beverages). These rule sets are important to the mission and function of the agency.

B. A summary of any complaints or comments received from the public concerning the rules.

The Michigan Independent Retailers Association and various independent retailers have made comments at public hearings that the prohibition of the issuance of SDD licenses within 2,640 feet of an existing SDD license should be reestablished.

C. The complexity of complying with the rules.

Complying with the above-referenced rule sets is somewhat complex based upon the multifaceted nature of the industry. However, the regulated businesses are generally familiar with the rules and typically compliant with the various requirements.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Beer, Wine, and Spirits rule sets incorporate federal statutes relative to obtaining basic permits and/or labeling requirements as a condition for obtaining manufacturing licenses and label approval for alcoholic liquor products sold in Michigan.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The General Rules were updated in 2016; the Beer Rules were updated in 2017; and the Wine Rules were updated in 2017.

R 436.1117 of the Licensing Qualifications Rules was rescinded effective May 12, 2017.

R 436.1133 of the Licensing Qualifications Rules was rescinded effective April 17, 2018.

R 436.1319 of the Advertising Rules was rescinded effective March 1, 2021.

The last major revisions of the remaining rule sets were completed in 2000 and 2004.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Michigan Liquor Control Commission has two primary links to the existing administrative rules. The first is the Code and Rule Book which can be accessed at the following URL:

https://www.michigan.gov/documents/dleg/MLCC_Code_and_Rules_343265_7.pdf.

Administrative rules are also accessible via the MOAHR website:

<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Licensing%20and%20Regulatory%20Affairs&Bureau=Liquor%20Control%20Commission>.

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Completed:

Advertising Rules - Cooperative Advertising: R 436.1319 was rescinded due to enactment of 2020 PA 112.

Outstanding:

General Rules - Prohibited Conduct of Licensees: Current rule (R 436.1011): needs to be updated to supply parameters, guidance, standards, criteria, or quantifiers to identify narcotics paraphernalia.

On-Premises License Rules - Hours and Days of Operation: Current rule (R 436.1403) needs to be updated based upon certain statutory changes in the Michigan Liquor Control Code of 1998 (1998 PA 58).

Spirits Rules - Industrial Manufacturer: Current rule (R 436.1811) needs to be updated as the TTB no longer issues basic permits under the Federal Alcohol Administration Act (27 U.S. Code Title 27) for a manufacturer that secures alcohol and alcoholic liquor for non-beverage purposes and bonds are no longer required in the Michigan Liquor Control Code of 1998 (1998 PA 58) for any manufacturer license.

Licensing Requirements Rules - Several Rules: Current rule (R 436.1141) needs to be rescinded as the quota requirements are superseded in Michigan Liquor Control Code of 1998 (1998 PA 58) in MCL 436.1533. However, there are several other references to this rule in other rules (R 436.1129, R 436.1135, and R 436.1142) that would need to be deleted or amended with the rescission of R 436.1141.

Advertising Rules - Displays: Current rule (R 436.1329) may be rescinded due to the enactment of changes to the Michigan Liquor Control Code of 1998 (1998 PA 58) in 2017 and 2020 under MCL 436.1610b that supersede the rule and render it obsolete.

Special License Rules - Definition: Current rule (R 436.572) needs to be rescinded as the term “special license” is defined in the Michigan Liquor Control Code of 1998 (1998 PA 58) under MCL 436.1111 and MCL 436.1537.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Michigan Office of Administrative Hearings and Rules (MOAHR)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Administrative Hearing Rules [2021-50 LR]: The general purpose of the rule set is to govern the practice and procedures for all administrative hearings conducted by MOAHR, allowing for different procedures in specific types of hearings. The purpose of the proposed changes is to refine certain rules to clarify current practices, reflect statutory changes and department reorganizations, eliminate duplicative or unnecessary rules, and promote greater efficiency and fairness.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R 792.10414 is being rescinded during the rules process.

R 792.10601 – R 792.10609 are being rescinded during the rules process.

R 792.11301 – R 792.11321 are being rescinded during the rules process.

R 792.11417 – R 792.11433 are being rescinded during the rules process.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

MOAHR has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MOAHR rules are procedural rather than substantive, and MOAHR is not aware that any of the rules are problematic to any industries.

A. Whether there is a continued need for the rules.

There is a continued need for the rules to address the practice and procedure for the different case types handled by MOAHR.

B. A summary of any complaints or comments received from the public concerning the rules.

MOAHR is not aware of any complaints from the public concerning the rules, although some comments have been received that have prompted a review of certain rules to promote greater efficiency.

C. The complexity of complying with the rules.

Because the Administrative Hearing Rules provide procedural safeguards for the parties to administrative hearings before MOAHR, and because the parties who practice before the agency regularly are generally familiar with the applicable rules, the complexity of complying with the rules is minimal.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The Administrative Hearing Rules did not conflict with applicable federal requirements when they were adopted, and proposed rule revisions will ensure continued compliance with any applicable federal procedural requirements. Rules adopted by local units of government would not apply to MOAHR administrative proceedings.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

This rules set was last reviewed in 2018. The administrative hearings process (the regulatory activity covered by this rule set) has improved from a technological standpoint with electronic filing and remote video and telephone hearing capabilities but otherwise remains unchanged. The process has also changed due to the transfer of certain aspects of the process from MOAHR to other agencies by executive reorganization order(s).

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/1799_2018-018LR_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

All proposed revisions to the Administrative Hearing Rules identified in the 2021 ARP remain outstanding, as indicated above.

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Michigan Public Service Commission (MPSC)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Gas Safety Standards [2019-59 LR]: The rules are being revised to adopt by reference current federal regulations governing gas safety, to update certain other technical standards, and to add record retention periods. An order from the Public Service Commission (MPSC) addressing the public comments is expected to issue in May or June of 2021.

Preservation of Records for Electric, Gas, and Steam Utilities [2019-137 LR]: The rules are being revised to provide for electronic storage rather than brick and mortar storage, and to delete obsolete content. A public hearing was held on March 24, 2021, comments have been received. An order from the MPSC addressing the public comments was expected to issue in the spring of 2021.

Electric Interconnection and Net Metering Standards [2020-95 LR]: The rules will be rescinded, in tandem with the promulgation of the Interconnection and Distributed Generation Standards. The Request for Rulemaking (RFR) is approved, and the rules have received informal approvals. The Regulatory Impact Statement (RIS) is pending approval.

Interconnection and Distributed Generation Standards [2020-96 LR]: The rules update the interconnection standards and add rules addressing distributed generation as authorized by Sec. 173 (MCL 460.1173) of the Clean and Renewable Energy and Energy Waste Reduction Act (2008 PA 295). The rules are being promulgated in tandem with the rescission in the Electric Interconnection and Net Metering Standards rules (MOAHR # 2020-95). The RFR is approved, the rules are pending informal approval, and the RIS is also pending approval.

Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR]: The rules are being revised to reflect changes to the Technical Standards for Electric Service. Metering inaccuracies and billing adjustment provisions may also be moved to this rule set.

Unbundled Network Element and Local Interconnection Services [MOAHR # not assigned]: The rules require repromulgation every three years because they sunset per Sec. 202 (MCL 484.2202) of the Michigan Telecommunications Act (1991 PA 179).

Basic Local Exchange Service Customer Migration [MOAHR # not assigned]: The rules require repromulgation every three years because they sunset per Sec. 202 (MCL 484.2202) of the Michigan Telecommunications Act (1991 PA 179).

Service Quality and Reliability Standards for Electric Distribution Systems [MOAHR # not assigned]: The rules may be revised, based on the findings and recommendations of the Statewide Energy Assessment Report and as part of the MI Power Grid initiative. The bureau may submit an RFR in mid-2021.

Technical Standards for Electric Service [MOAHR # not assigned]: The rules promote safe, reliable, and adequate electric service for the public and provide standards for uniform and reasonable practices by utilities. The rules are revised on a regular basis to reflect updated national standards that are adopted by reference.

2. **Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.**

The Public Service Commission is not aware of any rules that are obsolete or superseded, or that are candidates for rescission at this time, other than those that are identified in the rulemaking processes listed in the answer to Question 1.

3. **Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.**

Alternative Gas Suppliers: The MPSC may adopt rules regarding the regulation of alternative gas suppliers and natural gas utilities with regard to customer choice issues, including the unauthorized switching of customers, billing for unauthorized services, and the licensing of alternative gas suppliers. The commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Siting Transmission Lines: The MPSC may adopt rules regarding the siting of major transmission lines. The commission has been successful in dealing with these matters on a case-by-case basis and does not currently contemplate any rulemaking.

Wastewater: The MPSC may regulate the rates, fares, fees, and charges of private, investor-owned wastewater utilities. The commission has not yet been approached by a wastewater project to be regulated under this statutory provision.

Clean, Renewable, and Efficient Energy Rules: Implementation of the Clean and Renewable Energy and Energy Waste Reduction Act (2008 PA 295) was carried out through the temporary order provided for under Sec. 191(1) (MCL 460.1191(1)). The commission does not contemplate any rulemaking.

4. **Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.**

The MPSC is currently unaware of any rules that are particularly problematic to industry.

All rules are promulgated after extensive stakeholder involvement. The electric and gas safety and technical standards require regular updates to keep up with mandated federal standards and changes in communications and technology; and certain telecommunications rules require regular re-promulgation because they will otherwise sunset.

A. Whether there is a continued need for the rules.

Not applicable. Please see the answer to Question 4.

B. A summary of any complaints or comments received from the public concerning the rules.

Not applicable. Please see the answer to Question 4.

C. The complexity of complying with the rules.

Not applicable. Please see the answer to Question 4.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable. Please see the answer to Question 4.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable. Please see the answer to Question 4.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://www.michigan.gov/mpsc/0,9535,7-395-93309_93437_93467---,00.html

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Outstanding:

Technical Standards for Electric Service [MOAHR # not assigned].

Preservation of Records for Electric, Gas, and Steam Utilities [2019-137 LR].

Electric Interconnection and Net Metering Standards [2020-95 LR].

Interconnection and Distributed Generation Standards [2020-96 LR].

Michigan Gas Safety Standards [2019-059 LR].

Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR].

Service Quality and Reliability Standards for Electric Distribution Systems [MOAHR # not assigned].

Unbundled Network Element and Local Interconnection Services [MOAHR # not assigned].

Basic Local Exchange Service Customer Migration [MOAHR # not assigned].

Completed:

Responsibilities of Providers of Basic Local Exchange Service that Cease to Provide the Service [2019-124 LR].

Technical Standards for Gas Service [2019-61 LR].

**Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2021-2022**

Michigan Unarmed Combat Commission (MUCC)

1. Rule(s) to be processed between July 1, 2021 and June 30, 2022.

Unarmed Combat [2020-131 LR]: The proposed rule set will provide a regulatory structure that would allow the Michigan Unarmed Combat Commission (MUCC) to approve kickboxing and Muay Thai events in Michigan. The proposed rule set will improve the reliability and competency of event officials and the safety and the integrity of unarmed combat events. It would also establish a minimum purse amount in contracts between promoters and professional unarmed combat contestants in Michigan.

2. Rules that are obsolete or superseded and can be rescinded between July 1, 2021 and June 30, 2022. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

There are no obsolete or superseded unarmed combat rules in the current rule set. All current unarmed combat rules further the mission and function of the Michigan Unarmed Combat Regulatory Act (2004 PA 403) and the MUCC. Rules that were the least important to the mission and function of the MUCC were rescinded by 2018-105 LR.

3. Has the agency failed to promulgate any statutorily required rules or failed to utilize any statutorily required rules? Please explain.

The MUCC has not failed to promulgate any statutorily required rules or exercise its mandatory and statutory rulemaking.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The MUCC received complaints about the inflexibility of the minimum experience requirements specified by rule for professional contestants and that the unarmed combat rules for mixed martial arts are not consistent with the Association of Boxing Commission and Combative Sports' Unified Rules of Mixed Martial Arts. Current R 339.203 will be revised to provide the MUCC the discretion to approve a professional contestant's license based on the contestant's proven competence. R 339.205a, R 339.226, R 339.230, and R 339.232 will be updated to further align the overall rule set with the Association of Boxing Commissions and Combative Sports' Unified Rules of Mixed Martial Arts.

A. Whether there is a continued need for the rules.

There is a continued need for the rules to protect the health, safety, and welfare of

the contestants competing in and other participants involved in unarmed combat events.

B. A summary of any complaints or comments received from the public concerning the rules.

Over the years, members of the kickboxing community complained to the MUCC about their inability to compete in or promote kickboxing events in Michigan due to a lack of rules of engagement in the unarmed combat rule set. Furthermore, members of the unarmed combat community and members of the MUCC who attend unarmed combat events complained repeatedly about event officials and their apparent lack of experience and professionalism at unarmed combat events.

C. The complexity of complying with the rules.

Complying with the unarmed combat rules is complex because of the need to ensure the health, safety, and welfare of contestants while balancing the interest of promoters in increasing the amount and expanding the types of unarmed combat events in Michigan.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last reviewed in their entirety in March 2021. Michigan reached the Governor's first "Vacc to Normal" vaccination milestone (55% of Michiganders age 16+ to have received their first COVID-19 vaccination) leading to the easing of pandemic health and safety requirements and guidelines, including revisions to the Interim Guidance for Contact Sports. The MUCC anticipates that promoters will request its approval to schedule more unarmed combat events once additional capacity and testing restrictions are loosened or lifted. The Kansas boxing commission experimented with "real-time" scoring of unarmed combat contests by using technology to display the score of the contest after each round instead of at the end of the contest. The MUCC is researching the use of technology and how it can offer this as an option to promoters during unarmed combat events.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

Administrative rules for the MUCC are accessible at the following URL:
<https://ars.apps.lara.state.mi.us/AdminCode/DeptBureauAdminCode?Department=Licensing%20and%20Regulatory%20Affairs&Bureau=Corporations%2C%20Securities%2C%20%26%20Commercial%20Licensing>.

In addition, the MUCC provides links to the administrative rules at the bottom of its webpage: https://www.michigan.gov/lara/0,4601,7-154-89334_92458---,00.html.

6. Please provide a list of the items identified for action in the 2021 ARP that have been completed and those that remain outstanding.

Outstanding:

Unarmed Combat [2020-131 LR]: A Request for Rulemaking was approved in January 2021, and the MUCC anticipates completing rulemaking for this rule set between July 1, 2021, and June 30, 2022.