LARA Annual Regulatory Plan
2022-2023

Pursuant to PA 306 of 1969

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Prepared by:

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Michigan Department of Licensing and Regulatory Affairs
Executive Summary

The Department of Licensing and Regulatory Affairs (LARA) is responsible for 174 rule sets. The 11 bureaus, commissions, and agencies in LARA will evaluate 93 rule sets for possible revision during the reporting period of July 1, 2022, to June 30, 2023.

During the last reporting period of July 1, 2021, to June 30, 2022, LARA completed the rules promulgation process for 46 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	15
Number of rule sets to be processed from 7.1.22 - 6.30.23	10
Number of rule sets promulgated from 7.1.21 - 6.30.22	0

BCHS Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Community and Health Systems	Nurse Aide, Nurse Aide Trainer and Nurse Aide Training, Registration and Permit Program [2021-81 LR]	New rule set, MOAHR assigned: R. 400.301 – R 400.357
Community and Health Systems	Licensing Rules for Substance Use Disorders Service Program [2021-90 LR]	R. 325.1301 – R 325.1399
Community and Health Systems	Homes for the Aged [2022-21 LR]	R. 325.1901 – R 325.1981
Community and Health Systems	Adult Foster Care Family Homes [MOAHR # not assigned]	R. 400.1401 – R 400.1442
Community and Health Systems	Adult Foster Care Congregate Facilities (21 or more) [MOAHR # not assigned]	R. 400.2401 – R 400.2475
Community and Health Systems	Adult Foster Care Large Group Homes (13-20) [MOAHR # not assigned]	R. 400.15101 – R 400.15411
Community and Health Systems	Adult Foster Care Small Group Homes (12 or less) [MOAHR # not assigned]	R. 400.14101 – R 400.14601
Community and Health Systems	Qualified Interpreter -General Rules [MOAHR # not assigned]	R. 393.5001 – R 393.5095
Community and Health Systems	Licensing of Facilities (Psychiatric Hospital/Unit) [MOAHR # not assigned]	R. 330.1201 – R 330.1299
Community and Health Systems	Children's and Adult Foster Care Camps [MOAHR # not assigned]	R. 400.11101 – R 400.11413

Bureau of Construction Codes (BCC)

Number of rule sets the bureau is responsible for	27
Number of rule sets to be processed from 7.1.22 - 6.30.23	20
Number of rule sets promulgated from 7.1.21 - 6.30.22	2

BCC Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Bureau of Construction Codes	Carnival- Amusement Safety [2021-99 LR]	R 408.801 to R 408.898
Bureau of Construction Codes	Michigan Rehabilitation Code for Existing Buildings [MOAHR # not assigned]	R 408.30551 – R 408.30577
Bureau of Construction Codes	Construction Code- Part 4. Building Code (2021 Code) [MOAHR # not assigned]	R 408.30401 – R 408.30499
Bureau of Construction Codes	Construction Code Part 7. Plumbing Code (2021 Code) [MOAHR # not assigned]	R 408.30701 – R 408.30796
Bureau of Construction Codes	Construction Code- Part 9a. Mechanical Code (2021 Code) [MOAHR # not assigned]	R 408.30901 – R 408.30998
Bureau of Construction Codes	Construction Code- Part 8. Electrical Code [MOAHR # not assigned]	R 408.30801 - R 408.30880
Bureau of Construction Codes	Construction Code- Part 5 Residential Code (2021 Code) [2022-16 LR]	R 408.30500 - R 408.30547g
Bureau of Construction Codes	Construction Code- Part 10 Michigan Uniform Energy Code [2021-48 LR]	R 408.31001 – R 408.31086
Bureau of Construction Codes	Construction Code- Part 10a. Michigan Energy Code Rules [2021-49 LR]	R 408.31087- R 408.31099
Bureau of Construction Codes	Skilled Trades Regulation Rules [2019-101 LR]	R 339.5101 – R 339.5699
Bureau of Construction Codes	State Plumbing Board License [2019-106 LR]	R 338.921 – R 338.932
Bureau of Construction Codes	Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]	R 408.30001 – R 408.30055
Bureau of Construction Codes	Electrical Administrative Board Rules [2019-110 LR]	R 338.1001a – R 338.1099a
Bureau of Construction Codes	Michigan Boiler Rules [2019-115 LR]	R 408.4001 – R 408.5609
Bureau of Construction Codes	Board of Mechanical Rules- License Examination Procedures [2019-126 LR]	R 338.901 – R 338.914
Bureau of Construction Codes	Subdivision of Lands [2020-12 LR]	R 560.101 – R 560.135
Bureau of Construction Codes	Elevator [2019-138 LR]	R 408.7001 – R 408.8695

Bureau of Construction Codes	Construction Code- Part 9a. Mechanical Code (2018 Code) [2019-131 LR]	R 408.30901 – R 408.30998
Bureau of Construction Codes	Construction Code- Part 4. Building Code (2018 Code) [2019-125 LR]	R 408.30401 – R 408.30499
Bureau of Construction Codes	State Boundary Commission [MOAHR # not assigned]	New rule set – MOAHR will assign new rule numbers.

Bureau of Fire Services (BFS)

Number of rule sets the bureau is responsible for	18
Number of rule sets to be processed from 7.1.22 - 6.30.23	2
Number of rule sets promulgated from 7.1.21 - 6.30.22	0

BFS Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Bureau of Fire Services	Fireworks Safety General Rules [MOAHR # not assigned]	R 29.2901 – R 29.2929
Bureau of Fire Services	Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]	R 29.7001 – R 29.7127

Bureau of Professional Licensing (BPL)

Number of rule sets the bureau is responsible for	49
Number of rule sets to be processed from 7.1.22 - 6.30.23	37
Number of rule sets promulgated from 7.1.21 - 6.30.22	28

BPL Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Professional Licensing	Accountancy [2021-46]	R. 338.5101 – R 338.5503
Professional Licensing	Acupuncture [2021-38 LR]	R 338.13001 – R 338.13045
Professional Licensing	Architects [2022-25 LR]	R 339.15101 – R 339.15507
Professional Licensing	Athletic Trainers [2021-78 LR]	R 338.1301 – R 338.1378
Professional Licensing	Audiology [MOAHR # not assigned]	R 338.1 – R 338.12
Professional Licensing	Barbers [MOAHR # not assigned]	R 339.6001 – R 339.6051

Professional Licensing	Chiropractic [MOAHR # not assigned]	R 338.12001 – R 338.12054
Professional Licensing	Counseling [2021-58 LR]	R 338.1751 – R 338.1781
Professional Licensing	Cosmetology [2022-19 LR]	R 338.2101 – R 338.2195
Professional Licensing	Dentistry [2021–40 LR]	R 338.11101 – R 338.11821
Professional Licensing	Genetic Counseling [2021-43 LR]	R 338.2451 – R 338.2481
Professional Licensing	Landscape Architects [2022-23 LR]	R 339.19001 – R 339.19049
Professional Licensing	Licensed Midwifery [2020-129 LR]	R 338.17101 – R 338.17151
Professional Licensing	Marriage and Family Therapy [MOAHR # not assigned]	R 338.7201 – R 338.7219
Professional Licensing	Massage Therapy [2021-70 LR]	R 338.701 – R 338.752
Professional Licensing	Medicine [2021-44 LR]	R 338.2401 – R 338.2443
Professional Licensing	Nursing [MOAHR # not assigned]	R 338.10101- R 338.10705
Professional Licensing	Occupational Therapists [2021-85 LR]	R 338.1191 – R 338.1252
Professional Licensing	Osteopathic Medicine and Surgery [2021-54 LR]	R 338.111 – R 338.143
Professional Licensing	Pharmacy – Centralized Prescription Processing [2021-93 LR]	R 338.3051 – R 3387.3056
Professional Licensing	Pharmacy – Continuing Education [2021-51 LR]	R 338.3501 – R 338.3523
Professional Licensing	Pharmacy – Controlled Substances [2022-6 LR]	R 338.3101 – R 338.3199q
Professional Licensing	Pharmacy – General Rules [2022-8 LR]	R 338.471 – R 338.590
Professional Licensing	Pharmacy – Program for Utilization of Unused Prescription Drugs [MOAHR # not assigned]	R 338.3601 – R 338.3643
Professional Licensing	Pharmacy Technicians [2022-2 LR]	R 338.3651 – R 338.3665
Professional Licensing	Physical Therapy [2022-15 LR]	R 338.7101 – R 338.7163
Professional Licensing	Podiatric Medicine and Surgery [2021-95 LR]	R 338.8101 – R 338.8145
Professional Licensing	Professional Engineers [2022-26 LR]	R 339.16001 – R 339.16044

Professional Licensing	Professional Surveyors [2022-27 LR]	R 339.17101 – R 339.17509
Professional Licensing	Psychology [2022-14 LR]	R 338.2501 – R 338.2585
Professional Licensing	Public Health Code – General Rules [2022-17 LR]	R 338.7001 – R 338.7005
Professional Licensing	Real Estate Appraisers [2021-52 LR]	R 339.23101 – R 339.23405
Professional Licensing	Respiratory Care [2021-96 LR]	R 338.2201 – R 338.2207
Professional Licensing	Sanitarians Registration [2022-22 LR]	R 338.3901 – R 338.3931
Professional Licensing	Speech Language Pathology [2021-73 LR]	R 338.601 – R 338.649
Professional Licensing	Task Force on Physicians Assistants [2022-4 LR]	R 338.6101 – R 338.6401
Professional Licensing	Veterinary Medicine [2021-57 LR]	R 338.4901 – R 338.4933

Cannabis Regulatory Agency (CRA)

Number of rule sets the bureau is responsible for	13
Number of rule sets to be processed from 7.1.22 - 6.30.23	8
Number of rule sets promulgated from 7.1.21 - 6.30.22	10

CRA Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Cannabis Regulatory Agency	Industrial Hemp Rules for Marihuana Businesses [MOAHR # not assigned]	R 420.1001 – R 420.1004
Cannabis Regulatory Agency	Marihuana Licenses [MOAHR # not assigned]	R 420.1 - R 420.29
Cannabis Regulatory Agency	Marihuana Licensees [MOAHR # not assigned]	R 420.101 – R 420.113
Cannabis Regulatory Agency	Marihuana Operations [MOAHR # not assigned]	R 420.201 – R 420.215
Cannabis Regulatory Agency	Marihuana Sampling and Testing [MOAHR # not assigned]	R 420.301 – R 420.308
Cannabis Regulatory Agency	Marihuana Infused Products and Edible Marihuana Product [MOAHR # not assigned]	R 420.401 – R 420.405
Cannabis Regulatory Agency	Marihuana Sale or Transfer [MOAHR # not assigned]	R 420.501 – R 420.511
Cannabis Regulatory Agency	Marihuana Disciplinary Proceedings [MOAHR # not assigned]	R 420.801 – R 420.809

Child Care Licensing Bureau (CCLB)

Number of rule sets the bureau is responsible for	2
Number of rule sets to be processed from 7.1.22 - 6.30.23	1
Number of rule sets promulgated from 7.1.21 - 6.30.22	0

CCLB Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Child Care Licensing Bureau	Licensing Rules for Child Care Centers [MOAHR # not assigned]	R 400.8101 - R 400.8840

Corporations, Securities & Commercial Licensing (CSCL)

Number of rule sets the bureau is responsible for	6
Number of rule sets to be processed from 7.1.22 - 6.30.23	3
Number of rule sets promulgated from 7.1.21 - 6.30.22	1

CSCL Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Corporations, Securities & Commercial Licensing	Mortuary Science [MOAHR # not assigned]	R 339.18901 - R 339.18947
Corporations, Securities & Commercial Licensing	Limousine, Taxicab, and Transportation Companies [MOAHR # not assigned]	New rule set – MOAHR to assign rule numbers
Corporations, Securities & Commercial Licensing	Prepaid Funeral and Cemetery Sales [MOAHR # not assigned]	R 339.11 – R 339.47

Michigan Liquor Control Commission (MLCC)

Number of rule sets the bureau is responsible for	16
Number of rule sets to be processed from 7.1.22 - 6.30.23	5
Number of rule sets promulgated from 7.1.21 - 6.30.22	0

MLCC Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Michigan Liquor Control Commission	Advertising Rules [MOAHR # not assigned]	R 436.1329
Michigan Liquor Control Commission	On-Premises Licenses Rules [MOAHR # not assigned]	R 436.1403 and R 436.1438

Michigan Liquor Control Commission	Off-Premises Licenses Rules [MOAHR # not assigned]	R 436.1503
Michigan Liquor Control Commission	Beer Rules [MOAHR # not assigned]	R 436.1635 and R 436.1633
Michigan Liquor Control Commission	Licensing Qualification Rules [MOAHR # not assigned]	R 436.1129; R 436.1135; R 436.1141; and R 436.1142

Michigan Office of Administrative Hearings and Rules (MOAHR)

Number of rule sets the bureau is responsible for	1
Number of rule sets to be processed from 7.1.22 - 6.30.23	1
Number of rule sets promulgated from 7.1.21 - 6.30.22	1

MOAHR Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
MOAHR	Administrative Hearing Rules [2021-84-LR)	R 792.10101 – R 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 7.1.22 - 6.30.23	5
Number of rule sets promulgated from 7.1.21 - 6.30.22	4

MPSC Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

Bureau	Rule Set Title	Rule Citation or Range
Michigan Public Service Commission	Technical Standards for Electric Service [2021-77 LR]	R 460.3101 – R 460.3703
Michigan Public Service Commission	Electric Interconnection and Net Metering Standards [2020-95 LR]	R 460.601a – R 460.656
Michigan Public Service Commission	Interconnection and Distributed Generation Standards [2020-96 LR]	R 460.901 – R 460.1026
Michigan Public Service Commission	Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR]	R 460.101 – R 460.169
Michigan Public Service Commission	Service Quality and Reliability Standards for Electric Distribution Systems [2021-76 LR]	R 460.701 – R 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 7.1.22 - 6.30.23	1
Number of rule sets promulgated from 7.1.21 - 6.30.22	0

MUCC Rule Sets to Be Processed Between July 1, 2022 and June 30, 2023

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

Michigan Department of Licensing and Regulatory Affairs
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Bureau of Community and Health Systems (BCHS)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training, Registration and Permit Program [2021-81 LR]: 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 [2021-90 LR]: 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 [2022-21 LR]: Current administrative rules have not been revised since 2018. This update will be narrow in scope to focus on incidents reports and resident's medication under R 325.1924 and R 325.1932, respectively, as well as applicable definitions.

Adult Foster Care Family Homes [MOAHR # not assigned]: This update will be narrow in scope to focus on incidents reports under R 400.1416 as well as applicable definitions.

Adult Foster Care Congregate Facilities (21 or more) [MOAHR # not assigned]: This update will be narrow in scope to focus on incidents reports under R 400.2454 as well as applicable definitions.

Adult Foster Care Large Group Homes (13-20) [MOAHR # not assigned]: This update will be narrow in scope to focus on incidents reports under R 400.15311 as well as applicable definitions.

Adult Foster Care Small Group Homes (12 or less) [MOAHR # not assigned]: This update will be narrow in scope to focus on incidents reports under R 325.14311 as well as applicable definitions.

Qualified Interpreter – General Rules [MOAHR # not assigned]: Current administrative rules have not been revised since 2014. The rules will be revised to comport with today's professional standards, department practice, and content as established by MCL 393.508a related to procedures for application, testing, revocation, suspension or limitation of certification, continuing education, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice.

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.

Children's and Adult Foster Care Camps [MOAHR # not assigned]: Current administrative rules have not been revised since 2009. An ad hoc committee will review and recommend changes to modernize the language, rescind rules where appropriate, and update to comport with current industry practice standards as well as department practices.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022 and June 30, 2023. 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.

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.

The proposed revisions to the administrative rules sets for Homes for the Aged and Adult Foster Care Homes (all types) were requested by providers and their applicable associations including LeadingAge of Michigan, Michigan Center for Assisted Living (MCAL), and Michigan Assisted Living Association (MALA).

A. Describe whether there is a continued need for the rules.

Yes, there is continued need for providers to track, assess, and enact corrective action, where applicable, when an incident occurs at the license site.

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

Comments received include the need to clarify what defines an incident and that immediate reporting to the state is time consuming and burdensome.

C. Describe the complexity of complying with the rules.

These incident reports are submitted post-event and the provider has already taken corrective action prior to any state investigation. The proposed change still requires providers to track incidents and take corrective action when appropriate. The state will check to assure a process is in place and actions are being taken during the routine license renewal inspections or during a specific complaint investigation.

D. Describe 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 with federal or local requirements.

E. Provide 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.

These Adult Foster Care rules have been last reviewed at various times between 1929 and 1994. The Homes for the Aged were last reviewed in 2018. No technology changes impact the proposed changes. Staffing shortages are a concern for providers having to use staff to submit these post-incident reports to the department taking time away from direct resident care.

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 2022 ARP that have been completed and those that remain outstanding.

Outstanding:

Nurse Aide, Nurse Aide Trainer, and Nurse Aide Training, Registration and Permit Program [2021-81 LR]: 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. May 26, 2022, proposed rules filed with JCAR.

Licensing Rules for Substance Use Disorders Services Program [2021-90 LR]: 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. As of May 19, 2022, the rules are being reviewed by BCHS after MOAHR has reviewed and suggested edits.

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.

Homes for the Aged [2022-21 LR]: The administrative rules were revised in 2018. The reporting of incidents, accidents, and elopement under R 325.1924 has to be updated. The RFR was approved May 9, 2022 and draft rules submitted May 25, 2022.

Qualified Interpreter – General Rules [2018-70 LR]. This rule set was transferred from the Bureau of Professional Licensing. The proposed rule set changes were withdrawn on May 25, 2022. A new request to open this rule set will be submitted, as listed in the response to Question 1. 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.

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Bureau of Construction Codes (BCC)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Construction Code – Part 5. Residential Code [2022-16 LR]: The rules currently adopt by reference Chapters 1 and 2 of the International Residential Code. The bureau is revising the rules in Part 5. Residential Code to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act (1972 PA 230) and the Skilled Trades Regulation Act (2016 PA 407).

Construction Code – Part 4. Building [2019-125 LR]: The rules governing 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, deletion, 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 [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 2021 edition of the International Mechanical Code with amendments, deletions, and additions deemed necessary for use in Michigan.

Construction Code – Part 10a. Michigan Energy Code [2021-49 LR]: These rules will adopt the 2021 edition of the International Energy Conservation Code with amendments, deletions and additions deemed necessary for use in Michigan. The commercial energy code rules will be reviewed to ensure consumers benefit from the most current technology related to energy conservation.

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

Michigan Rehabilitation Code for Existing Buildings [MOAHR # not assigned]: The proposed rules will adopt the 2021 edition of the International Existing Building Code with amendments, deletions, and additions deemed necessary for use in Michigan. This will provide the latest standards to protect the health, safety, and welfare of the people by regulating the construction, reconstruction, and alteration of existing buildings within the state. Adoption of these standards may provide cost savings for building owners as a result of the use of the latest materials and technology.

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

Michigan Boiler Rules [2019-115 LR]: The rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

State Plumbing Board Licenses [2019-106 LR]: This rule will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

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

Electrical Administrative Board [2019-110 LR]: This rule set will be rescinded as the Skilled Trades Regulation Act has taken effect as of April 4, 2017.

Subdivisions of Land [2020-12-LR]: This rule set removes sections of the 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.

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

Skilled Trades Regulation [2019-101 LR]: This authority will replace the previous rules promulgation authority under the five repealed Acts: Building Officials, Plan Reviewers, and Inspectors; Electrical Administrative Board Rules; Board of Mechanical Rules - License Examination Procedures; State Plumbing Board Licenses; and the Michigan Boiler Rules.

Carnival Amusement Safety [2021-99 LR]: The rules which were established to provide for the inspection, licensing, and regulation of carnival and amusement rides; and, to provide 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.

Construction Code Electrical Code [MOAHR # not assigned]: The rules establish standards for the safe installation of electrical wiring and equipment to provide for the safety of the public and electricians will be updated with amendments, deletions and additions deemed necessary for the use in Michigan.

State Boundary Commission [MOAHR # not assigned]: This rule set will be a new rule set and the bureau will need new rule set numbers. The reason for this rule set is to help streamline the procedures specified in the rules that the State Boundary Commission follows. These 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, 2022, and June 30, 2023. 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]: This 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]: This 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]: This rule set will be rescinded due to the Skilled Trades Regulation Act that took effect on April 4, 2017.

Electrical Administrative Board [2019-110 LR]: This 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]: This rule set will be rescinded due to the Skilled Trades Regulation 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 article #4 of 2016 PA 407, this rule set will be rescinded and will be housed in the new Skilled Trades Regulation rule set when promulgated. The current rule requires 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 R 408.30049 Plan Reviewer; Experience in article #4 of 2016 PA 407. It is unlikely, as the rule is 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 and electrical and mechanical contracting and plumbing and would have to hold a license in each of those individual trades.

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

Applicants have expressed their confusion over what qualifications they need to have

to become a plan reviewer.

C. The complexity of complying with the rules.

The complexity of complying with the rules is that very few applicants will have the skills, education, and experience to qualify as a plan reviewer under the existing rule.

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 duplicated 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 5. Residential Code [2022-16 LR]: The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendment of the rules.

Construction Code – Part 4. Building Code [2019-125 LR]: The rules are currently being evaluated due to an issue that was found at the JCAR stage.

Skilled Trades Regulation [2019-101 LR]: These rules are currently being reviewed because of an issue that was found at the Public Hearing stage.

Electrical Administrative Board [2019-110 LR]: The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments of the rules.

Board of Mechanical Rules – License Examination Procedures [2019-126 LR]: The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments of the rules.

State Plumbing Board Licenses [2019-106 LR]: The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments of the rules.

Michigan Boiler Rules [2019-115 LR]: The rules were last evaluated in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments of the rules.

Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]: The rules were last reviewed in 2021. There have been no technological factors, economic conditions, or other factors that would necessitate amendments of the rules.

Elevators [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 of the rules.

Carnival Amusement Safety [2021-99 LR]: The rules were last evaluated in 2014. There have been no technological factors, economic conditions or other factors that would necessitate amendments of the rules.

Subdivision of Lands [2020-12 LR]: The rules are current being evaluated. There have been no technological factors, economic conditions or other factors that would necessitate amendments of the rules.

Construction Code – Part 10a. Michigan Energy Code [2021-49 LR]: The rules were last evaluated in 2018. There have been no technological factors, economic conditions or other factors that would necessitate amendments of the rules.

Construction Code – Part 10. Michigan Uniform Energy Code Rules [2021-48 LR]: The rules were last evaluated in 2018. There have been no technological factors, economic conditions or other factors that would necessitate amendments of the rules.

Rules not opened yet:

Construction Code – Part 7. Plumbing Code [MOAHR # not assigned]: The rules were last evaluated in 2021 and submitted to the Office of the Great Seal. The department is looking to adopt the 2021 code to help bring the code up to date. There have been no technological factors, economic conditions or other factors that would necessitate amendments of the rules.

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

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

State Boundary Commission General Rules [MOAHR # not assigned]: The rules were last evaluated in 2011. There have been no technological factors, economic conditions or other factors that would necessitate amendments of 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 2022 ARP that have been completed and those that remain outstanding.

Completed:

- Ski Area Safety - General Rules [2019-139 LR]

Outstanding:

- Skilled Trades Regulation Rules – [2019-101 LR]
- Michigan Boiler Rules – [2019-115 LR]
- State Plumbing Board Licenses [2019-106 LR]
- Board of Mechanical Rules – License Examination Procedures [2019-126 LR]
- Electrical Administrative Board Rules [2019-110 LR]
- Building Officials, Plan Reviewers, and Inspectors [2019-109 LR]

Michigan Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2022-2023

Bureau of Fire Services (BFS)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Fireworks Safety General Rules [MOAHR # not assigned]: 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.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

Fireworks Safety General Rules [MOAHR # not assigned]: 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.

A. Describe 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. Provide a summary of any complaints or comments received from the public concerning the rules.

Fireworks Safety General Rules [**MOAHR # not assigned]:** The fireworks industry wants more restrictions on display fireworks.

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.

B. Describe the complexity of complying with the rules.

Fireworks Safety General Rules [MOAHR # not assigned]: 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.

D. Describe 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. Provide 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.

Fireworks Safety General Rules [MOAHR # not assigned]: 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.

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 found at this link: www.michigan.gov/bfs
A link to ORR's administrative rules for Bureau of Fire Services can be found at this link: https://ars.apps.lara.state.mi.us/AdminCode/AdminCode

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Completed:

Fire Fighters Training Council General Rules [2019-021 LR]: These rules were filed with the Office of the Great Seal on November 3, 2021.

Outstanding:

Fireworks Safety General Rules [MOAHR # not assigned]: The bureau anticipates a request for rulemaking will be submitted by October 2022.

Storage and Handling of Gaseous and Liquefied Hydrogen Systems [MOAHR # not assigned]: The bureau anticipates a request for rulemaking will be submitted by October 2022.

Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2022-2023

Bureau of Professional Licensing (BPL)
Public Health Code Professions

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

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.

Athletic Training – General Rules [2021-78 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.

Audiology [2022-32 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Chiropractic [2022-30 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Counseling [2021-58 LR]: A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Dentistry [2021-40 LR]: The proposed rules will update the licensing, delegation, education, anesthesia, continuing education, and specialties provisions of the rules, add telehealth requirements, endorsement for Canadian licensed dentists, and modify any other provisions necessary for consistency with the Public Health Code (1978 PA 368).

Genetic Counseling [2021-43 LR]: 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.

Licensed Midwifery [2020-129 LR]: The proposed rules will delete the English proficiency requirement that is being added to the Public Health – General Rules, require a consult or referral for abnormal metabolic infant screening to an abnormal blood spot infant screening, consider referrals for other abnormal infant screening tests, modify and add to the list of drugs that are available to licensed midwives for treatment, and update rules affected by any other modified public health code provisions.

Massage Therapy [2021-71 LR]: 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 [2021-44 LR]: 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 [2021-85 LR]: The proposed rules will update statutory references, update references to educational program standards, update the licensure verification requirements, place relicensure regulations in a table, update the rules for consistency with modifications to the Public Health Code, and add regulations on the use of telemedicine.

Osteopathic Medicine [2021-54 LR]: The licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Pharmacy – Centralized Prescription Processing [2021-93 LR]: The rules will be updated and revised for consistency with state and federal statutes and other pharmacy rule sets.

Pharmacy – Continuing Education [2021-51 LR]: The proposed rules will clarify the continuing education requirements, including the requirement for 1 hour of continuing education in pharmacy ethics and jurisprudence.

Pharmacy – Controlled Substances [2022-6 LR]: The proposed rules will update the requirements for controlled substance prescriptions, address transferring prescriptions between pharmacies, modify the schedules of controlled substances, clarify the requirements related to investigations of suspected theft or significant loss of a controlled substance, and update provisions pursuant to changes in the Public Health Code.

Pharmacy – General Rules [2022-8 LR]: Implement section 17744f of the Public Health Code, MCL 333.17744f, regarding dispensing emergency supplies of insulin, pursuant to PA 36 of 2021, modify the internship requirements, update the compounding accreditation and inspection provisions, update rules affected by changes to the Code, federal regulations, or other pharmacy rules, review the professional and technical equipment and supply requirements, review the need for the Multistate Pharmacy Jurisprudence Examination and telehealth provisions.

Pharmacy Technicians [2022-2 LR]: The rules will address the shortage of pharmacy technicians, add a minimum examination passing score on employee based examinations; clarify the licensure requirements; clarify the requirements for a temporary license; review the date of program accreditation; add a process for rescinding approval of an examination or program; clarify the requirements for relicensure; clarify the continuing

education requirements; and clarify and broaden the activities and functions that may be delegated to a pharmacy technician.

Physical Therapy [2022-15 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Podiatric Medicine and Surgery [2021 -95 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. The rule pertaining to the examinations required for licensure will be reviewed and revised as needed to reflect changes that have been made to the American Podiatric Medical Licensing Examination. All rules will be reviewed, updated, and revised as needed.

Psychology [2022-14 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Public Health Code – General Rules [2022-17 LR]: The rules will be revised to add the renewal dates for Genetic Counselors. All rules will be reviewed, updated, and revised as needed.

Respiratory Care – General Rules [2021-96 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.

Sanitarians Registration – General Rules [2022-22 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and registration. All rules will be reviewed, updated, and revised as needed.

Speech-Language Pathology [2021-73 LR]: A rule on telehealth will be added and licensure verification requirements will be revised. All rules will be reviewed, updated, and revised as needed.

Task Force on Physician's Assistants [2022-4 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Veterinary Medicine [2021-57 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.

Rule sets that will begin the promulgation process this year:

Marriage and Family Therapy [MOAHR # not assigned]: The rules will be reviewed to supply clarity on definitions, educational standards, human trafficking training, and licensure. All rules will be reviewed, updated, and revised as needed.

Nursing [MOAHR # not assigned]: The rules will be reviewed to supply clarity on educational programs. 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.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

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 professions under Article 15 of the Public Health Code (1978 PA 368) will be in the Public Health Code - General Rules.

Nursing [MOAHR #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 Article 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 Articles 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, also regulate pharmacy practices. Technology relating to pharmacy practice is constantly being upgraded. Further, the regulation of the practice of pharmacy is the related to the opioid epidemic, and regulation and best practices are constantly changing. The rules have not kept up with these changes.

A. Describe 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. Provide a summary of any complaints or comments received from the public concerning the rules.

There have not been any complaints received from the public concerning the rules.

C. Describe the complexity of complying with the rules.

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

D. Describe 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. Provide 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 [2021-038 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.

Athletic Training – General Rules [2021-78 LR]: The rules were last amended on June 4, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Counseling [2021-58 LR]: 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 or economic conditions, or other factors that would

necessitate amendment of the rules.

Genetic Counseling [2021-43 LR]: 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.

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

Massage Therapy [2021-71 LR]: The rules were last amended on April 1, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Medicine [2021-44 LR]: 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 May 24, 2022, when they were filed with the Office of the Great Seal. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Occupational Therapists [2021-85 LR]: 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.

Osteopathic Medicine [2021-54 LR]: 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 – Centralized Prescription Processing [2021-93LR]: The rules were last amended in 2008. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Continuing Education [2021-51 LR]: The rules were last amended on December 22, 2020. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – Controlled Substances [2022-6 LR]: The rules were last amended on January 6, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Pharmacy – General Rules [2022-8 LR]: The rules were last amended on February 22, 2022. There have been no technological factors or economic conditions, or other

factors that would necessitate amendment of the rules.

Pharmacy Technicians [2022-2 LR]: The rules were last amended on October 19, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Physical Therapy [2022-15 LR]: The rules were last amended on February 22, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Podiatric Medicine and Surgery [2021-95 LR]: The rules were last amended on October 28, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Psychology [2022-14 LR]: The rules were last amended on December 10, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Public Health Code – General Rules [2022-17 LR]: The rules were last amended on March 16, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Respiratory Care – General Rules [2021-96 LR]: The rules were last amended on October 28, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Sanitarians Registration – General Rules [2022-22 LR]: The rules were last amended on December 22, 2020. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Speech-Language Pathology [2021-73 LR]: 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 [2022-4 LR]: The rules were last amended on December 7, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Veterinary Medicine [2021-57 LR]: The rules were last amended on April 15, 2021. 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 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.

BPL recognizes the Michigan Office of Administrative Hearings and Rules' website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "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 2022 ARP that have been completed and those that remain outstanding.

Completed:

Audiology [2021-55 LR]: This rule set was filed with the Office of the Great Seal on March 16, 2022.

Behavior Analysts [2020-112 LR]: This rule set was filed with the Office of the Great Seal on December 7, 2021.

Chiropractic [2019-84 LR]: This set was filed with the Office of the Great Seal on February 22, 2022.

Marriage and Family Therapy [2020-125 LR]: This rule set was filed with the Office of the Great Seal on December 16, 2021.

Nursing [2020-70 LR]: This rule was filed with the Office of the Great Seal on May 24, 2022.

Optometry [2020-43 LR]: This rule set was filed with the Office of the Great Seal on December 16, 2021.

Pharmacy – Animal Euthanasia and Sedation [2019 -86 LR]: This rule set was filed with the Office of the Great Seal on October 28, 2021.

Pharmacy – Central Fill Pharmacies [2020-69 LR]: This set was withdrawn on September 1, 2021, due to the priority of the Pharmacy General Rules and the Pharmacy Controlled Substance Rules.

Pharmacy – Controlled Substances [2020-81 LR]: This rule set was filed with the Office of the Great Seal on January 6, 2022.

Pharmacy – General Rules [2020-128 LR]: This rule set was filed with the Office of the Great Seal on February 22, 2022.

Pharmacy Technicians [2020-29 LR]: This rule set was filed with the Office of the Great

Seal on October 19, 2021.

Physical Therapy [2020-111 LR]: This rule set was filed with the Office of the Great Seal on February 22, 2022.

Podiatric Medicine and Surgery [2020-24 LR]: This rule set was filed with the Office of the Great Seal on October 28, 2021.

Psychology [2020-127 LR]: This rule set was filed with the Office of the Great Seal on December 7, 2021.

Public Health Code – Disciplinary Rules [2021-37 LR]: This rule set was filed with the Office of the Great Seal on February 23, 2022.

Public Health Code – General Rules [2021-74 LR]: This rule set was filed with the Office of the Great Seal on March 16, 2022.

Respiratory Care [2020-17 LR]: This rule set was filed with the Office of the Great Seal on October 28, 2021.

Social Work [2021-53 LR]: This rule set was filed with the Office of the Great Seal on April 25, 2022.

Task Force on Physician's Assistants [2020-116 LR]: This rule set was filed with the Office of the Great Seal on December 7, 2021.

Veterinary Technicians [2021-30 LR]: This rule set was filed with the Office of the Great Seal on December 16, 2021.

Outstanding:

Licensed Midwifery [2020-129 LR]: A public hearing was held on May 12, 2022.

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. Other pharmacy sets have taken priority due to legislative changes.

Department of Licensing and Regulatory Affairs
Annual Regulatory Plan 2022-2023

Bureau of Professional Licensing (BPL)
Occupational Code Professions

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Accountancy – General Rules [2021-46 LR]: The rules will 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 – General Rules [2022-25 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, continuing education, and licensure. All rules will be reviewed, updated, and revised as needed.

Barber – General Rules [2022-29 LR]: The rules will be amended to identify the licensure examination adopted by the board in 2021. The rules will also be reviewed considering the recent statutory provision pertaining to barber apprenticeships. All rules will be reviewed, updated, and revised as needed.

Cosmetology – General Rules [2022-19 LR]: The rules will be amended to ensure that sanitation standards are clear and up to date. Amendments will also be made to clarify licensure, apprenticeship, cosmetology schools, and cosmetology establishments requirements. All rules will be reviewed, updated, and revised as needed.

Landscape Architects – General Rules [2022-23 LR]: The rules will be amended to clarify licensure renewal standards and the procedure to request a continuing education waiver. All rules will be reviewed, updated, and revised as needed.

Professional Engineers – General Rules [2022-26 LR]: The rules will be reviewed to supply clarity on definitions, educational standards, continuing education, and licensure. All rules will be reviewed, updated, and revised as needed.

Professional Surveyors – General Rules [2022-27]: The rules will be reviewed to supply clarity on definitions, educational standards, continuing education, and licensure. All rules will be reviewed, updated, and revised as needed.

Real Estate Appraisers [2021-52 LR]: 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, 2022, and June 30, 2023. 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 were no rules that were obsolete or superseded that could be rescinded.

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. Describe whether there is a continued need for the rules.

The Occupational Code-related rules of BPL are required by statute. There is a continued need for the rules.

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

No complaints were received.

C. Describe the complexity of complying with the rules.

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

D. Describe 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. Provide 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 [2021-46 LR]: 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 [2022-25 LR]: The rules were last amended on February 23, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Barber Rules [2022-29 LR]: The rules were last amended on November 4, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Cosmetology – General Rules [2022-19 LR]: The rules were last amended on November 4, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Landscape Architects – General Rules [2022-23 LR]: The rules were last amended on April 26, 2021. There have been no technological factors or economic conditions, or other factors that would necessitate the amendment of the rules.

Professional Engineers – General Rules [2022-26 LR]: The rules were last amended on March 17, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Professional Surveyors – General Rules [2022-27 LR]: The rules were last amended on February 23, 2022. There have been no technological factors or economic conditions, or other factors that would necessitate amendment of the rules.

Real Estate Appraisers – General Rules [2021-52 LR]: The rules were last amended on May 18, 2021. There have been no 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.

BPL recognizes the Michigan Office of Administrative Hearings and Rules' website as the only legal version of the administrative rules. As such, the bureau's rules can be found at this link under "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 2022 ARP that have been completed and those that remain outstanding.

Completed:

Architects [2021-19 LR]: This rule set was filed with the Office of the Great Seal on February 23, 2022.

Barber Examiners [2020-68 LR]: This rule set was filed with the Office of the Great Seal on November 4, 2021.

Cosmetology [2020-50 LR]: This rule set was filed with the Office of the Great Seal on November 4, 2021.

Occupational Code – Renewals [2021-12 LR]: The rules were filed with the Office of the Great Seal on November 1, 2021.

Professional Engineers – General Rules [2021-20 LR]: The rules were filed with the Office of the Great Seal on March 17, 2022.

Professional Surveyors – General Rules [2021-21 LR]: This rule set was filed with the Office of the Great Seal on February 23, 2022.

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

Withdrawn:

Cosmetology – General Rules [2021-97 LR]: The rule set was withdrawn on April 19, 2022, so that additional authority statutes could be added to the Request for Rulemaking.

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Cannabis Regulatory Agency (CRA)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

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

Marihuana Licenses [MOAHR # not assigned]: Rules need to be updated to ensure applicant and licensee requirements and the CRA's legal authority to take specific regulatory actions are clearly established in rule. Application requirements need to be updated, additional notification and reporting requirements need to be established, financial record keeping requirements need to be updated, renewal language needs to be updated, and the process for submission and approval of amendment applications needs to be established.

Marihuana Licensees [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions are clearly established in rule. Education and certification requirements for specific employees of licensees need to be established, the scope of certain licenses needs to be clarified and the agreements licensees are required to submit to the CRA need to be updated.

Marihuana Operations [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions are clearly established in rule. Definitions need to be updated for clarity, the requirement that licensees make marijuana waste unusable before disposing of it will be removed, and standard operating procedure requirements need to be updated.

Marihuana Sampling and Testing [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions is clearly established in rule. The types of failed test results that cannot be remediated need to be specified and time frames for failed product retests and destruction of product must be established.

Marihuana Infused Products and Edible Marihuana Product [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions is clearly established in rule. The type of records processors involved in the production of marijuana infused beverages must maintain need to be specified and the rules must clearly state processors are required to test for homogeneity.

Marihuana Sale or Transfer [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions is clearly established in rule. Requirements regarding licensees' use of metric functions and data input into the system need to be established to ensure accurate data and effective tracking of marijuana product.

Marihuana Disciplinary Proceedings [MOAHR # not assigned]: Rules need to be updated to ensure licensee requirements and the CRA's legal authority to take specific regulatory actions are clearly established in rule. The penalties for failing to notify the agency about certain issues needs to be updated.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

No rules are superseded. The rules listed under Question 1 are amendments to existing rules. There are no rule sets that are candidates for recission.

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

The Cannabis 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 CRA began the process of promulgating rules based upon 2020 PA 31, 2020 PA 32, 2020 PA 207, and 2020 PA 208 but withdrew the request for rulemaking after the public hearing. The CRA will submit a new RFR more limited in scope.

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

No rules have been identified as problematic to the industry. When the rule sets listed under Question 6 were updated in 2022, the CRA reviewed previous comments, conducted workgroups, and considered the implication of the rules on the existing medical market and adult-use market. Rules were reviewed and numerous revisions were made to ensure a simple, efficient, and effective regulatory system that protects the health, safety, and welfare of the public.

A. Describe whether there is a continued need for the rules.

There is continued need for the licensing and regulation of marihuana facilities and establishments as statutory requirements for licensing and for rule promulgation are

still in effect.

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

The rule sets promulgated and enforced by the CRA were updated in 2022 in accordance with the official rulemaking process, which included public comment.

Some of the larger operators of marijuana businesses have claimed that Class A microbusinesses will have a negative impact on their businesses, but no evidence has been provided to support those claims. Others pointed out that Class A microbusinesses give small business owners in Michigan, including social equity participants, an opportunity to participate in the marijuana industry.

The CRA received complaints about proposed updates to the Industrial Hemp Rules for Marijuana Businesses that would have allowed for the conversion of CBD to THC, including multiple comments on the need for more research to ensure the conversion process and products are safe. The RFR for this rule set was subsequently withdrawn.

C. Describe 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. It has been the intent of the CRA to simplify the complexity of complying with the rules by more closely aligning the requirements for adult-use marijuana licensees and medical marijuana licensees.

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

Marijuana remains federally illegal and so there are no federal rules or regulations that allow for commercial growing, processing, selling, testing, or transporting of marijuana. As a result, the rule sets do not conflict with or duplicate federal rules or regulations. The rules do not conflict with local government rules or regulations as MCL 333.27956 prohibits municipalities from adopting ordinances that conflict with rules promulgated under the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018).

E. Provide 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.

2022 - The rules have been updated to reduce adult-use and medical marijuana application fees. The previous fees generated more revenue than was needed to

sustain the regulatory program and so fees were reduced.

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

https://www.michigan.gov/cra/laws-rules-other

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Completed:

Marihuana Disciplinary Proceedings [2020-117 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Hearings [2020-118 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Licensees [2020-120 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Licenses [2020-121 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Operations [2020-122 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Sale or Transfer [2020-123 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Sampling and Testing [2020-124 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Employees [2021-10 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Marihuana Declaratory Rulings [2021-29 LR]: The rules were filed with the Office of the Great Seal on March 7, 2022.

Outstanding:

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

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Child Care Licensing Bureau (CCLB)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

The Child Care Licensing Bureau (CCLB) is reviewing the licensing rules for child care centers and a revision may occur between July 2022 and June 2023. At this time, new rule sets and new sections are under consideration for small centers and centers serving school age children.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

CCLB has not identified obsolete or superseded rules at this time. CCLB may recommend rescinding individual rules as legislative changes progress and as the review of our rule sets continue. 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.

CCLB identified the following rules from the Licensing Rules for Child Care Centers and Licensing Rules for Family and Group Child Care Homes incurred the most violations: Licensing Rules for Child Care Centers: 1) R400.8143(1) 2) R400.8131(5) 3) R400.8131(3) 4) R400.8131(4) 5) R400.8128 6) R400.8131(6) 7) R400.8125(5) 8) R400.8131(10) 9) R400.8380(1) 10) R400.8510(6) Licensing Rules for Family and Group Child Care Homes:

1) R400.1907(1)(a)
2) R400.1907(2)
3) R400.1905(4)(a)
4) R400.1905(4)(d)
5) R400.1905(4)(f)
6) R400.1905(4)(g)
7) R400.1905(4)(e)
8) R400.1934(4)
9) R400.1905(4)(b)
10) R400.1905(4)(c)

A. Describe whether there is a continued need for the rules.

The Child Care Organizations Act (1973 PA 116) requires a rule set for licensed child care centers and licensed child care family and group homes.

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

The public is concerned with the complexity of the rule sets, the cost of compliance, and the limitations some of the rule sets make on hiring employees such as program directors or lead caregivers.

C. Describe the complexity of complying with the rules.

Due to time constraints of federal and state requirements, the administrative rules became complicated. This may cause some licensees and applicants to not have essential licensing requirements, such as qualified staff, necessary to hold a license.

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

To the bureau's knowledge, current rules do not duplicate or conflict with any rules or regulations by the federal government or local units of government.

E. Provide 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 for homes were last revised in December 2019.

An amendment to the child care center rules was made effective on February 22, 2022. This amendment was made to R 400.8182. Group sizes were established for preschool and school age children.

The administrative rules are in the process of an internal evaluation.

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

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

Home rules: 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 2022 ARP that have been completed and those that remain outstanding.

CCLB did not have any items identified for action in the 2022 ARP.

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Corporations, Securities & Commercial Licensing Bureau (CSCL)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Limousine, Taxicab, and Transportation Companies [MOAHR # not assigned]: The Corporations, Securities & Commercial Licensing Bureau (CSCL) is currently drafting a new rule set that will administer portions of the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). The new rules will add detail necessary for CSCL to implement and assist registrants in complying with the insurance and zero-tolerance policy requirements in the act while also establishing auditing and complaint procedures. Furthermore, the rule set will require registrants to update their contact information and name should it change. CSCL continues to review the Act and how other states and jurisdictions regulate transportation companies to develop rules that better protect the health, safety, and welfare of consumers and facilitate registrants' knowledge of and compliance with the requirements of the Act.

Mortuary Science [MOAHR # not assigned]: The proposed revision of this rule set will add standards for administering the new continuing education program as well as adding a rule to prohibit the use of arrangement centers; establish funeral establishment standards of practice; update license requirements, particularly as they relate to resident trainees; and remove irrelevant or outdated language. These proposed revisions reflect needed health, safety, and welfare reforms consistent with 2020 PA 265 and 2020 PA 138, which amended Article 18 of the Occupational Code, effective March 24, 2021, and October 6, 2020, respectively. CSCL is drafting this proposed rule set in consultation with the Board of Examiners in Mortuary Science.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: CSCL determined that certain rules rescinded during the last revision of the Prepaid Funeral and Cemetery Sales rules resulted in the removal of rules necessary to protect consumers who have purchased prepaid contracts. Rescinded R 339.32 required Prepaid Funeral and Cemetery Sales Act (1995 PA 255) registrants to submit an annual report of prepaid contract sales for the previous year to CSCL on a date certain every year. However, section 8 of the Act, MCL 328.218, requires only that an annual report be submitted to CSCL upon the renewal of a registration every three years "on a form prescribed by" CSCL. It is necessary to review this information more often than every three years to ensure that customers' money is not being misappropriated and is timely deposited with an authorized escrow agent. In practice, the form prescribed by CSCL requires this report to be submitted to it on a date certain every year, but CSCL would like to have a rule that affirms this practice and eliminates the perceived conflict between the form's language and the statutory language. Rescinded R 339.22 required registrants to maintain numbered, preprinted contracts in sequential order. Since the elimination of R 339.22, several registrants' books and records fell into disarray, which makes CSCL audits more time-consuming and more difficult for

CSCL to allocate already limited resources to audit the books and records of funeral establishments, cemeteries, and crematories under the Act. It also makes the cost of the audits, which may be borne by the registrant under the Act up to $1,000.00 higher. Restoration of R 339.22 would require registrants to organize prepaid contracts in sequential order. This allows CSCL's auditors to efficiently and accurately audit a registrant's prepaid contract books and records while preventing future violations of the Act. Furthermore, CSCL plans to add to R 339.23 mandatory prepaid contract language requiring that payments associated with an executed prepaid contract be payable to the name of the authorized escrow agent rather than to the registrant. This would prevent registrants from commingling money belonging to a contract buyer with a registrant's general business account.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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 339.18927, R 339.18930, R 339.18933, and would be rescinded under a draft proposed rule set. R 339.18937 would be rescinded, consistent with 2020 PA 138.

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. CSCL determined that no rules are necessary to implement the Michigan Professional Employer Organization Regulatory Act (2020 PA 370), consistent with section 25 of that Act, MCL 338.3745. The following statutes administered by CSCL without associated rule sets do not require the promulgation of rules: Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345), Professional Investigator Licensure Act (1965 PA 285), Private Security Business and Security Alarm Act (1968 PA 330), and the Vehicle Protection Product Act (2005 PA 263).

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 339.18921 and R 339.18922 would be revised in a proposed rule set to reflect national and industry-wide standards of practice for mortuary science. Rule 339.18937 would be rescinded to eliminate the absolute prohibition against a designated manager managing more than one funeral establishment, consistent with 2020 PA 138, which amended section 1809, MCL 339.1809, of the Occupational Code (1980 PA 299).

A. Describe whether there is a continued need for the rules.

Limousine, Taxicab, and Transportation Network Company [MOAHRA # not assigned]: CSCL determined there is a need for rules to clarify the zero-tolerance and insurance requirements under the Limousine, Taxicab, and Transportation Network Company Act and to protect the health, safety, and welfare of drivers and passengers who engage with companies that transport eight or fewer passengers for a fee while also promoting registrants' understanding of and compliance with the Act.

Mortuary Science [MOAHR # not assigned]: There is a continued need for the rules to protect the health, safety, and welfare of the public, often in particularly vulnerable and time-sensitive circumstances, who purchase preneed or at-need funeral and cemetery goods and services from mortuary science practitioners regulated under the Occupational Code (1980 PA 299). The rules also protect the health and safety of the employees and guests of these establishments.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: There is a continued need for the rules to protect the welfare of persons having purchased or who benefit from prepaid contracts sold by registrants who may misappropriate or be tempted to misappropriate funds belonging to prepaid contract buyers under the Act (1996 PA 255). These registrants are also providers of the services and merchandise and are typically either funeral establishments separately licensed under the Occupational Code or cemeteries separately registered under the Cemetery Regulation Act (1968 PA 251).

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

Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]: Currently, there is no rule set under the Limousine, Taxicab, and Transportation Network Company Act (2016 PA 345). Thus, CSCL received no public complaints or comments.

Mortuary Science [MOAHR # not assigned]: CSCL is actively revising rules in consultation with the Board of Examiners in Mortuary Science. CSCL received no public complaints or comments.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: Discussion regarding proposed rule revisions continues internally within CSCL, and draft rules have not yet been submitted to relevant consumer and industry groups. CSCL received no public complaints or comments regarding this rule set.

C. Describe the complexity of complying with the rules.

Limousine, Taxicab, and Transportation Network Company. [MOAHR # not assigned]: The rules CSCL is considering would make it easier for registrants to determine how to comply with the Limousine, Taxicab, and Transportation Network

Company Act's zero-tolerance policy and insurance requirements.

Mortuary Science [MOAHR # not assigned]: Compliance with the education, training, and standard of practice requirements within the rules can be complex. Licensed individuals must adhere to best practices developed by the mortuary science industry alongside public health and safety requirements and many other federal, state, and local laws separately administered by a variety of governmental agencies affecting the care, custody, and transportation of dead human bodies. The rules CSCL is drafting would help it more effectively assist licensed individuals in navigating these complexities and ensuring the health, safety, and welfare of the employees of a funeral establishment and the public.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: Compliance with the Prepaid Act is complex due to the need to protect consumers that purchase prepaid contracts while also balancing the interests of the sellers and providers of prepaid funeral and cemetery services and merchandise to efficiently operate their businesses, particularly where profit margins have decreased due to customers increasingly choosing direct cremation over more costly burials, viewings, and elaborate funeral services.

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

Limousine, Taxicab, and Transportation Network Company [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.

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

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

E. Provide 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.

Limousine, Taxicab, and Transportation Network Company [MOAHR # not assigned]: A potential rule set was last evaluated in February 2020. Limousine carriers, taxicab carriers, and transportation network companies have seen a reduction in demand for their services due to COVID-19. With the advent of vaccination drives, the increased need for transportation to testing sites and to seek medical treatment, the lifting of COVID-19 restrictions, and proposed changes to the

Insurance Code of 1956, it warrants taking a fresh look at this rule set.

Mortuary Science [MOAHR # not assigned]: CSCL began drafting a rule set in consultation with the Michigan Board of Examiners in Mortuary Science in November 2018. However, following the passage of 2020 PA 138 and 2020 PA 265, additional revisions became necessary. In addition, over the last several years, CSCL has increased inspections, audits, and enforcement of Article 18 of the Occupational Code and the Mortuary Science rules due to several notable complaints involving egregious violations of health and safety requirements and the misappropriation of prepaid contract funds.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: The Prepaid Funeral & Cemetery Sales rules were last evaluated in April of 2021. COVID-19 has had an economic and occupational health impact on the deathcare industry. While designated as essential businesses and experiencing an influx of requests for their services during the pandemic, funeral homes, crematories, and cemeteries had to adjust their business practices to protect their employees and their customers alike from exposure to COVID-19. Before the COVID-19 pandemic, cremations were already on the rise while burials, visitations, and elaborate funeral services declined, making it difficult for smaller cemeteries to sustain their businesses due to a lack of or appreciably less prepaid contract sales.

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

https://www.michigan.gov/lara/bureau-list/cscl/licensing/prof (links embedded in each licensed professional's page)

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Completed:

Securities [2021-17 LR]: The rules took effect February 16, 2022.

Outstanding:

Limousine, Taxicab, and Transportation Companies [MOAHR # not assigned]: CSCL anticipates filing an RFR between July 1, 2022, and June 30, 2023.

Mortuary Science Rules [MOAHR # not assigned}: CSCL anticipates filing an RFR between July 1, 2022, and June 30, 2023.

Prepaid Funeral & Cemetery Sales [MOAHR # not assigned]: CSCL anticipates filing an RFR between July 1, 2022, and June 30, 2023.

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Michigan Liquor Control Commission (MLCC)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

On-Premises Licenses Rules – Hours and Days of Operation [MOAHR # not assigned]: Current administrative rule R 436.1403 needs to be updated based upon statutory changes to MCL 436.2111 and MCL 436.2113 in the Michigan Liquor Control Code of 1998 (1998 PA 58) regarding hours of sale and Sunday sales permits.

Off-Premises Licenses Rules – Hours and Days of Operation [MOAHR # not assigned]: Current administrative rule R 436.1503 needs to be updated based upon certain statutory changes to MCL 436.2111 and MCL 436.2113 in the Michigan Liquor Control Code of 1998 regarding Sunday sales permits.

Beer Rules – Sale or Delivery Restrictions [MOAHR # not assigned]: Current administrative 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 references Saturday deliveries as written.

Licensing Qualifications Rules [2021-47 LR]: Current administrative rule R 436.1141 needs to be rescinded as the quota requirements are superseded by statutory changes in the Michigan Liquor Control Code of 1998 to include specially designated distributor quota requirements in MCL 436.1533. Additionally, the references to R 436.1141 in R 436.1142 should be changed to reference MCL 436.1533(4) in the Michigan Liquor Control Code of 1998. Furthermore, since the latest updates of R 436.1129 and R 436.1135 in 2005, various statutory changes in the Michigan Liquor Control Code of 1998 supersede the approved type businesses and motor vehicle fuel pumps prohibitions contained in these administrative rules. In addition to these revisions, the prohibition of the issuance of a specially designated distributor (SDD) license within 2,640 feet of an existing SDD should be reestablished. This can be accomplished with the amendments to the existing administrative rule R 436.1135.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

Advertising Rules – Displays [MOAHR # not assigned]: Current administrative rule R 436.1329 should be rescinded due to the enactment of statutory changes to the Michigan Liquor Control Code of 1998 in 2017 and 2020 that include temporary bin display requirements in MCL 436.1610b that supersedes the administrative rule and renders it obsolete. This administrative rule is no longer necessary and is a strong candidate for rescission.

On-Premises Licenses – Sale of Unlimited Quantity [MOAHR # not assigned]: Current administrative rule R 436.1438 should be rescinded due to the enactment of statutory changes in 2020 to the Michigan Liquor Control Code of 1998 to include restrictions on the sale of an unlimited quantity of alcoholic liquor for one price and the sale of three or more drinks for one price in MCL 436.2014 that supersedes the administrative rule and renders it obsolete. In one instance, statute conflicts with the administrative rule. This administrative rule is no longer necessary and is a strong candidate for rescission.

Beer Rules – Damage Refunds [MOAHR # not assigned]: Current administrative rule R 436.1633 should be rescinded due to the enactment of statutory changes in the Michigan Liquor Control Code of 1998 in 2018 and 2020 to include the reasons for refund or replacement of beer in MCL 436.1609c that supersedes the administrative rule and renders it obsolete. This administrative 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 Michigan 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. Describe 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 administrative 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 administrative rule sets are important to the mission and function of the agency.

B. Provide 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. The Michigan Liquor Control Commission is processing this in the Licensing Qualifications Rules [2021-47 LR].

C. Describe the complexity of complying with the rules.

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

D. Describe 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. Provide 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 administrative 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 link is on the main page of the MLCC website and is titled Code and Rule Book.

The second link is titled Administrative Rules (MOAHR Website) in the Commission Documents Library under Commission Codes and Rules. This link takes you to the MOAHR page search for the Michigan Administrative Code.

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Outstanding:

General Rules – Dispensing Equipment [MOAHR # not assigned]: Current administrative rule R 436.1045 contains references to another rule that was rescinded in 2017 and needs to be corrected to remove these references. This rule may be rescinded by SB 656/HB 5304 (2021-22 Legislative Session).

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

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

Spirits Rules – Industrial Manufacturer [MOAHR # not assigned]: Current administrative 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 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 for any manufacturer license.

Beer Rules – Sale or Delivery Restrictions [MOAHR # not assigned]: Current administrative 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 Qualifications Rules [2021-47 LR]: Current administrative rule R 436.1141 needs

to be rescinded as the quota requirements are superseded by statutory changes in the Michigan Liquor Control Code of 1998 to include SDD quota requirements in MCL 436.1533. Additionally, the references to R 436.1141 in R 436.1142 should be changed to reference MCL 436.1533(4) in the Michigan Liquor Control Code of 1998. Furthermore, since the latest updates of R 436.1129 and R 436.1135 in 2005, various statutory changes in the Michigan Liquor Control Code of 1998 supersede the approved type businesses and motor vehicle fuel pumps prohibitions contained in these rules. In addition to these revisions, 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 amendments to existing rule R 436.1135.

Michigan Department of Licensing and Regulatory Affairs
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Michigan Office of Administrative Hearings and Rules (MOAHR)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Administrative Hearing Rules [2021-84 LR]: The general purpose of the rule set is to govern the practice and procedures for all administrative hearings conducted by the Michigan Office of Administrative Hearings and Rules (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, 2022, and June 30, 2023. 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.

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. Describe 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. Provide 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. Describe 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. Describe 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. Provide 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 2021. 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.

ARS Public - MI Admin Code for Licensing and Regulatory Affairs - Michigan Office Of Administrative Hearings and Rules (state.mi.us)

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

R 792.10601 – R 792.10609, R 792.11301 – R 792.11321 and R 792.11417 – R 792.11433 have been rescinded during the rules process. All proposed revisions to the Administrative Hearing Rules identified in the 2022 ARP remain outstanding, as indicated above.

Michigan Department of Licensing and Regulatory Affairs
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Michigan Public Service Commission (MPSC)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

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, 2020-96. The rules have received a public hearing. No one testified and no written comments were filed. On March 17, 2022, the MPSC approved the final version of the rules. They will be submitted to MOAHR when 2020-96 is ready for submittal, because they must proceed together.

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 of the Electric Interconnection and Net Metering Standards rules [2020-95 LR]. The rules have received a public hearing. No one testified but several written comments were received. On May 12, 2022, the MPSC decided to offer a second public hearing and comment period. The MPSC intends to hold a public hearing on June 22, 2022, and to accept comments until June 27, 2022.

Service Quality and Reliability Standards for Electric Distribution Systems [2021-76 LR]: 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 submitted an RFR 8/25/21, and the JCAR package was submitted April 25, 2022 and are awaiting legal certification.

Technical Standards for Electric Service [2021-77 LR]: These rules are intended to promote safe and adequate electric service to the public, to provide standards for uniform and reasonable electric practices by utilities, and to encourage efficiency and safety.

Consumer Standards and Billing Practices for Electric and Natural Gas Service [2021-3 LR]: The billing rules set forth the rules and standards with which electric and natural gas utilities that are regulated by the Public Service Commission must comply related to service connection, service disconnection, billing and disconnection notices, and related actions. The changes to the billing rules include additional definitions, added language to clarify the meaning of specific rules, and codifying procedures that are in general practice.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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 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 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: (Authority: MCL 460.9(8)). The Commission 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: (Authority: MCL 460.574). The Commission 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: (Authority: MCL 460.6(2)). The Commission 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: (Authority: MCL 460.1191(2)). Implementation of 2008 PA 295 was carried out through the temporary order provided for under 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 Commission 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. Describe whether there is a continued need for the rules.

Not applicable. Please see answer to Question 4.

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

Not applicable. Please see answer to Question 4.

C. Describe the complexity of complying with the rules.

Not applicable. Please see answer to Question 4.

D. Describe 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 answer to Question 4.

E. Provide 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 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 2022 ARP that have been completed and those that remain outstanding.

Outstanding:

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

Technical Standards for Electric Service [2021-77 LR].

Electric Interconnection and Net Metering Standards [2019-87 LR].

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

Service Quality and Reliability Standards for Electric Distribution Systems [2021-76 LR].

Completed:

Michigan Gas Safety Standards [2019-059 LR].

Unbundled Network Element and Local Interconnection Services [2021-41 LR].

Basic Local Exchange Service Customer Migration [2021-56 LR].

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

Michigan Department of Licensing and Regulatory Affairs
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Michigan Unarmed Combat Commission (MUCC)

1. Rule(s) to be **processed** between July 1, 2022, and June 30, 2023.

Unarmed Combat [2020-131 LR]: This rule set will provide a regulatory structure that would allow the sanctioning of kickboxing and muay thai events in Michigan. It will also improve the reliability and competency of event officials and the safety and integrity of unarmed combat events.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022, and June 30, 2023. 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.

Unarmed Combat [2020-131 LR]: The proposed rule set does not rescind rules that are obsolete or superseded, but the rule set adds rules that further the mission and function of the MUCC and the intent of the Unarmed Combat Regulatory Act (2004 PA 403) to better protect the health, safety, and welfare of unarmed combat contestants and event participants, to increase the competitiveness and integrity of unarmed combat sports, and to safely sanction new and emerging types of unarmed combat sporting events.

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. However, the MUCC aims to more fully develop R 339.269 related to drug and alcohol testing, as required by Section 47(2) of the Act, MCL 338.3647(2), in the future. More specifically, the statute requires the promulgation of rules that provide for "specific summary suspension procedures for contestants who fail to submit to" a test or who test positive for certain drugs, alcohol, or other prohibited substances. The MUCC may also promulgate rules prohibiting or defining specific types of prohibited drugs or substances beyond those included in section 48(5)(a) of the Act, MCL 338.3648(5)(a), and R 339.101(d).

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

Unarmed Combat [2020-131 LR]: For the last few years, the MUCC heard complaints about the inflexibility of minimum experience requirements for unarmed combat professionals and indicating that the rules governing mixed martial arts events were inconsistent with the Association of Boxing Commission and Combative Sports' unified rules. It also received complaints from gym owners within Michigan and out-of-state promoters wishing to conduct kickboxing and muay thai events in Michigan. Both are

nationally emerging unarmed combat sports. R 339.101 to R 339.265 seek to add rules of engagement to allow the MUCC to sanction kickboxing and muay thai events for the first time in Michigan, as well as rules requiring the impartiality of event officials, and rendering Michigan's unarmed combat rules more consistent with the unified rules of the Association of Boxing Commissions and Combative Sports.

A. Describe whether there is a continued need for the rules.

There is a continued need for the unarmed combat rules to protect the health, safety, and welfare of unarmed combat contestants and event participants. The proposed rules are needed to add specific rules of engagement for emerging unarmed combat sports and to increase the competitiveness and integrity of all unarmed combat sporting events held in Michigan.

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

Unarmed Combat [2020-131 LR]: During the public hearing for this ruleset on December 16, 2021, and immediately following it, this rule set prompted a number of public comments. They included comments of opposition, recommendation, and support. Those opposed indicated a desire to abandon the rule set and to separate the MUCC from LARA altogether. Others recommended adding more rules concerning the technical elements of kickboxing and muay thai left out of the proposed rule set. For example, there were recommendations to alter R 339.226(b) and make uniform match decisions and federal identification requirements across all the unarmed combat sports, to change the proposed rules to adhere to the sport's current practice, such as switching "unintentional" throughout the rule set to "accidental," and removing or revising rules adding requirements that were not adhered to in any other state, like R 339.246b(7). The comments of support overlapped with the comments recommending that the rule set go through as-is with the recommendations passed along to the MUCC to consider in promulgating additional rules in the future.

C. Describe the complexity of complying with the rules.

Unarmed Combat [2020-131 LR]: Complying with the unarmed combat rules is complex because of the need for promoters and their hired event officials 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. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Unarmed Combat [2020-131 LR]: This rule set does not conflict with similar rules or regulations adopted by federal or local units of government. But, it derives much of its content from the Association of Boxing Commissions and Combative Sports' unified rules, the national consortium of unarmed combat regulators, consistent with requirements of section 22(2) of the Act, MCL 338.3622(2). In addition, as to professional boxing, the rules are consistent with the federal Muhammad Ali Boxing Reform Act, 15 (USC §6301 et seq.), which was enacted in 2000. That Act brought about positive nationwide reforms to the boxing industry to reign in the financial exploitation of boxers and to better ensure their safety. It was a result of this law that the Association of Boxing Commissions and Combative Sports was compelled to develop unified rules for jurisdictions to adopt and customize.

E. Provide 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.

Unarmed Combat [2020-131 LR]: The MUCC worked on this rule set in conjunction with CSCL over the course of many months beginning in late 2020. The rules were last reviewed in their entirety in March 2021 around the time Michigan reached a critical COVID-19 vaccination milestone leading to the easing of pandemic health and safety requirements and guidelines applicable to contact sports. In doing so, the rules were evaluated by carefully weighing economic conditions and regulatory shortfalls. As a result, 2020-131 LR seeks to elevate the integrity and competitiveness of all unarmed combat sports and add rules of engagement that will allow the nationally emerging unarmed combat sports of muay thai and kickboxing to safely be promoted in Michigan for the first time.

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

https://www.michigan.gov/lara/bureau-list/ucc

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Outstanding:

Unarmed Combat [2020-131 LR]: The MUCC and the Corporations, Securities, and Commercial Licensing Bureau (CSCL) anticipate the finalization of this rule set between July 1, 2022, and June 30, 2023.