

Michigan Register

Issue No. 15 – 2023 (Published September 1, 2023)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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The Michigan Compiled Laws



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(This issue, published September 1, 2023, contains
documents filed from July 15, 2023 to August 15, 2023)

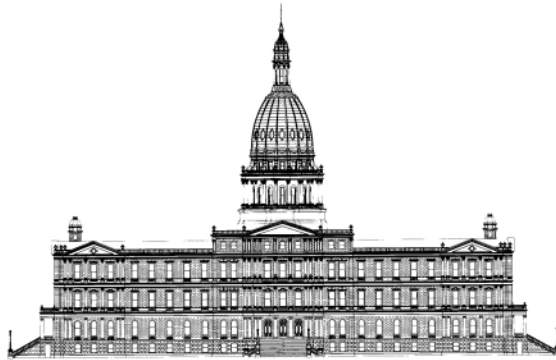
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Katie Wienczewski, Administrative Rules Division Director, Michigan Office of Administrative Hearings and Rules; Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2023 MR 1 refers to the year of issue (2023) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2023 PUBLICATION SCHEDULE

| Issue No. | Closing Date for Filing or Submission Of Documents (5 p.m.) | Publication Date |
|-----------|---|------------------|
| 1 | January 1 | February 1 |
| 2 | January 15 | February 15 |
| 3 | February 1 | March 1 |
| 4 | February 15 | March 15 |
| 5 | March 1 | April 1 |
| 6 | March 15 | April 15 |
| 7 | April 1 | May 1 |
| 8 | April 15 | May 15 |
| 9 | May 1 | June 1 |
| 10 | May 15 | June 15 |
| 11 | June 1 | July 1 |
| 12 | June 15 | July 15 |
| 13 | July 1 | August 1 |
| 14 | July 15 | August 15 |
| 15 | August 1 | September 1 |
| 16 | August 15 | September 15 |
| 17 | September 1 | October 1 |
| 18 | September 15 | October 15 |
| 19 | October 1 | November 1 |
| 20 | October 15 | November 15 |
| 21 | November 1 | December 1 |
| 22 | November 15 | December 15 |
| 23 | December 1 | January 1 |
| 24 | December 15 | January 15 |

CONTENTS

ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

Treasury

| | |
|-------------------------------|------|
| Bureau of Tax Policy (2022-9) | |
| Sales and Use Tax Rules..... | 2-19 |

Natural Resources

| | |
|-------------------------------|-------|
| Law Enforcement (2023-22) | |
| Placement of ORV License..... | 20-20 |

Licensing & Regulatory Affairs

| | |
|--|-------|
| Bureau of Construction Codes (2023-38) | |
| Electrical Administrative Board General Rules..... | 21-21 |

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

Licensing & Regulatory Affairs

| | |
|--|-------|
| Bureau of Professional Licensing (2022-37) | |
| Marriage and Family Therapy – General Rules..... | 23-28 |
| Public Hearing Notice..... | 29-29 |

Licensing & Regulatory Affairs

| | |
|---|-------|
| Bureau of Construction Codes (2022-56) | |
| Construction Codes - Part 7. Plumbing Code..... | 30-47 |
| Public Hearing Notice..... | 48-48 |

CUMULATIVE INDEX

| | |
|-------------------------------|-------|
| Cumulative Index (2023) | 49-52 |
|-------------------------------|-------|

BILLS SIGNED INTO LAW OR VETOED

| | |
|--|-------|
| Appendix Table 1 (2023 Session) (Legislative Service Bureau Pages (1-13))..... | 53-53 |
|--|-------|

**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF TREASURY

STATE TREASURER

GENERAL SALES AND USE TAX RULES

SPECIFIC SALES AND USE TAX RULES

Filed with the secretary of state on August 11, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of treasury by section 3 of 1941 PA 122, MCL 205.3)

R 205.1, R 205.13, R 205.15, R 205.16, R 205.20, R 205.22, R 205.26, R 205.54, R 205.55, R 205.62, R 205.67, R 205.68, R 205.70, R 205.71, R 205.76, R 205.77, R 205.79, R 205.80, R 205.88, R 205.93, R 205.94, R 205.98, R 205.104, R 205.108, R 205.109, R 205.111, R 205.112, R 205.132, and R 205.137 of the Michigan Administrative Code are amended, R 205.29 and R 205.142 are added, and R 205.8, R 205.52, R 205.56, R 205.57, R 205.58, R 205.60, R 205.63, R 205.64, R 205.66, R 205.72, R 205.73, R 205.75, R 205.78, R 205.81, R 205.83, R 205.84, R 205.89, R 205.90, R 205.91, R 205.92, R 205.97, R 205.99, R 205.100, R 205.101, R 205.102, R 205.106, R 205.107, R 205.110, R 205.113, R 205.114, R 205.115, R 205.116, R 205.117, R 205.118, R 205.119, R 205.124, R 205.126, R 205.130, R 205.131, R 205.133, R 205.134, R 205.135, and R 205.139 are rescinded, as follows:

GENERAL SALES AND USE TAX RULES

R 205.1 Sales tax licenses.

Rule 1. (1) Except as provided in subrules (7) and (8) of this rule, a Michigan sales tax license must be obtained by every person engaged in the business of selling tangible personal property at retail in this state. A person shall not engage or continue in the business of making sales at retail in this state without securing a license, regardless of the amount of sales or the manner of obtaining goods for sale. An application for a license, before or at the time of beginning business, must be made to the department of treasury on a form or in a manner prescribed by the department of treasury. All licenses must be displayed on the licensed premises.

(2) Every sales tax license expires on September 30 of each year, regardless of the date the license is issued, and must be renewed by furnishing the information as the department of treasury may require. A person selling at retail at more than 1 location or place of business shall display a copy of the license at each location. If a valid license is lost or destroyed, it may be replaced without charge by notifying the department of treasury.

(3) A license is not transferable and a new license must be secured immediately if there is a change of ownership of the business. For example, if a partner is added or dropped, or if a corporation is formed or

dissolved, this constitutes a change of ownership necessitating application in the name of the new ownership for a sales tax license to sell at retail. If the new owner fails to apply for a license, the new owner may be subjected to penalty for operating without a valid sales tax license.

(4) The fact that a person is licensed by the department of treasury to sell at retail does not automatically mean that sales to the licensed person are exempt from sales tax as sales for resale.

(5) The department of treasury may deny a license to an applicant if the department of treasury considers the applicant to be the agent or representative of a principal required to be licensed and responsible for filing the sales tax returns.

(6) The department of treasury may require an applicant for a sales tax license to submit a surety bond as provided by statute.

(7) A person making retail sales at 2 or fewer events per calendar year is not required to obtain a license, but instead shall file a per event tax return as follows

(a) If the 2 or fewer events are for purposes of fundraising, a special events sales tax return must be filed.

(b) If the 2 or fewer sales events are not for fundraising purposes, a concessionaire's sales tax return must be filed.

(8) A person only making casual and isolated sales as described in R 205.13 is not required to obtain a Michigan sales tax license.

R 205.8 Rescinded.

R 205.13 Casual or isolated sales.

Rule 13. (1) Sales at retail must not include an isolated transaction made other than in the ordinary course of repeated and successive transactions of a like character, which includes, but is not limited to, a situation where an individual sells personal household furniture, a farmer sells farm machinery or other farm equipment, or a merchant sells a cash register, counters or other store fixtures at auction or otherwise. These sales are casual or isolated transactions and are not subject to tax. However, any individual who in any manner or at any time advertises, solicits, or offers tangible personal property for sale for the purpose of repeated sales is determined to be regularly engaged in business and those sales are not considered casual or isolated, even though they may be few or infrequent.

(2) Vehicles, aircraft other than a qualified aircraft under section 11 of the streamlined sales and use tax revenue equalization act, 2004 PA 175, MCL 205.181, ORVs, manufactured housing, snowmobiles, and watercraft acquired in an isolated transaction from a person that is not a retailer are subject to an equalization tax. The equalization tax on vehicles, snowmobiles, and watercraft must be paid to the secretary of state before the transfer of a vehicle title, snowmobile registration, or watercraft registration. The equalization tax on the transactions is imposed at a rate of 6% of the retail dollar value of the item at the time of acquisition. The equalization tax on the transfer of aircraft, other than a qualified aircraft under section 11 of the streamlined sales and use tax revenue equalization act, 2004 PA 175, MCL 205.181, must be paid directly to the department of treasury by the purchaser. The equalization tax on manufactured housing must be collected by the secretary of state before the transfer of the certificate of title. All use tax exemptions also apply to the equalization tax. Credit is given for any use tax paid against equalization tax that is due on the same transaction.

(3) A person that is not licensed as an automobile dealer by the secretary of state is presumed to be in the business of making retail sales when selling or offering for sale 3 or more used vehicles in the previous 12 months.

(4) A person that holds a single sales event per calendar year, such as a garage or yard sale to sell personal household items, that lasts no longer than 3 consecutive days, is not making sales at retail and is not liable for tax on the transactions.

(5) The tax base under the streamlined sales and use tax revenue equalization act, 2004 PA 175, MCL 205.179, is the retail dollar value of the property as listed in an industry accepted pricing guide applicable to the property. It is solely within the department of treasury's discretion to determine if a pricing guide is industry accepted.

R 205.15 Trade-in deduction and core charges.

Rule 15. (1) Except as provided in subrules (2) and (3) of this rule, no deduction from the sales price of a retail sale is allowed for any credit given by the seller for a trade-in taken in exchange or as partial payment for tangible personal property and the tax applies to the full selling price.

Example: A customer purchases an LP tank filled with propane gas for the sales price of \$49.95. Tax is due on the sales price of \$49.95. Months later, the customer returns for more propane gas, trades in an empty LP tank, and receives an LP tank full of propane gas. The customer is charged \$24.95, and the seller credits \$25.00 for the empty LP tank traded in. No deduction is allowed for the empty LP tank taken in trade on the transaction. Tax is due on the total amount of \$49.95, \$24.95 plus \$25.00, without a reduction for the trade-in amount.

(2) Credit given by a seller, except for rentals and leases, is not part of the sales price and is not subject to tax if the agreed-upon value is separately stated on the invoice, bill of sale, or similar document given to the purchaser, in the following circumstances:

(a) Credit for the agreed-upon value of a titled watercraft used as part payment of the purchase price of a new titled watercraft or used titled watercraft purchased from a watercraft dealer.

(b) Credit for the agreed-upon value of a motor vehicle used as part payment of the purchase price of a new or used motor vehicle or new or used recreational vehicle purchased from a dealer. This deduction does not apply to a recreational vehicle used as part payment for a motor vehicle. This deduction is limited, as follows:

(i) Beginning January 1, 2019, the lesser of the following:

(A) \$5,000.00. Beginning January 1, 2020, and each January 1 after that, this limit is increased by \$1,000.00.

(B) The agreed-upon value of the motor vehicle used as part payment.

(ii) Beginning January 1, 2029, the full agreed-upon value of the traded-in motor vehicle is eligible for the deduction.

(iii) Beginning January 1, 2018, credit for the full agreed-upon value of a recreational vehicle used as part payment for a new or used recreational vehicle purchased from a dealer.

Example: A customer purchases a new motor vehicle on February 1, 2019 from a dealer for \$25,000.00. The dealer agrees to take the customer's used motor vehicle in on trade and agrees to credit the customer \$10,000.00 for the traded in vehicle. The customer pays the remaining \$15,000.00 through a financing agreement. Only up to \$5,000.00 of the trade-in vehicle is eligible for the deduction, therefore, the taxable sales price of the vehicle is \$20,000.00.

(3) Beginning January 1, 2017, credit for the core charge attributable to a recycling fee, deposit, or disposal fee for a motor vehicle or recreational vehicle part or battery is deductible from the sales price if the recycling fee, deposit, or disposal fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

Example: A retailer sells a customer a car battery for \$100.00. The invoice given to the customer separately itemizes a \$20.00 charge for a recycling fee for the battery. The taxable sales price of the battery is \$80.00.

(4) Tangible personal property acquired by the seller through a trade-in that is later sold at retail is subject to sales tax on the full sales price.

R 205.16 Returned goods.

Rule 16. (1) The term “returned goods” does not include repossession or recapture of merchandise by legal process, abandonment of contract, voluntary surrender of goods without a refund or credit being given for the amount paid, or goods accepted in trade or barter.

(2) If the seller provides a full or partial refund or credit on returned goods within the time period for returns stated in the seller’s refund policy or 180 days after the initial sale, whichever is sooner, the seller shall refund tax on the full amount or that portion of the purchase price that was refunded or credited. If the seller allows for a full or partial refund or credit on returned goods after the time period for returns stated in the seller’s refund policy or 180 days after the initial sale, the seller may refund tax on the full amount or that portion of the purchase price that was refunded or credited. The seller may claim a refund or credit of the tax paid to the department of treasury on all or that portion of the purchase price that was refunded or credited to the seller’s customer. The seller’s claim for refund must be submitted to the department of treasury within 4 years after the date set for the filing of the original return for the period in which the tax was due.

(3) A refund or credit of tax must not be given on goods returned to the seller for a refund or exchange without proof that Michigan tax was paid on the original sale.

(4) A rehandling or restocking charge by the seller in connection with returned goods is not a reduction of the sales or purchase price for refund purposes. Charges attributable to use of the returned goods by the purchaser are taxable.

(5) A credit or refund of tax is allowed for a motor vehicle returned to a manufacturer under 1986 PA 87, MCL 257.1401 to 257.1410, less allowances for use certified by the manufacturer on a form provided by the department of treasury.

R 205.20 Interpretation of rules.

Rule 20. These rules must be read and interpreted in their entirety, taking into account the effect of all pertinent legislation, rules, and court decisions.

R 205.22 Discounts, coupons, and rebates generally; discounts on certain motor vehicle sales.

Rule 22. (1) Except as provided in subrule (2) of this rule, trade, quantity, or other discounts given directly by a seller to a purchaser are deductible in arriving at the net sales price subject to tax. These discounts are not deductible until the actual discount has been given to the purchaser. For discounts offered directly by a seller after the time of sale, through the mail or other means, the purchaser may seek a refund of the sales tax paid on the discount or rebate amount from the seller if the seller collected the tax from the purchaser. The seller may request a refund from the department of treasury after the seller has refunded the tax to its customer. The discounts must appear on the invoices, records, and accounts of the seller and be substantiated to the satisfaction of the department of treasury.

Example 1: ABC is a retailer that sells widgets for a sales price of \$10.00 each. ABC offers a quantity discount of \$2.00 per widget if the customer purchases 10 widgets. Customer purchases 10 widgets at a sales price of \$80.00. The taxable sales price of the widgets is \$80.00.

Example 2: ABC is a retailer that sells musical instruments. ABC sells a baby grand piano to a customer for a sales price of \$25,000.00. ABC’s contract with the customer provides that if the customer pays \$20,000.00 within 60 days, ABC must reduce the price of the piano to \$20,000.00. The customer pays in 59 days. The taxable sales price of the property is \$20,000.00. However, when the sale is first reported by ABC it must include gross proceeds of \$25,000.00 on its return and remit the appropriate tax. If ABC collected tax from the customer on the \$5,000.00 discount, ABC shall refund its customer before taking a credit or seeking a refund.

(2) A discount or rebate does not reduce the taxable sales price of a sale at retail and is subject to tax, if all the following conditions are met:

(a) The seller receives consideration from a person other than the purchaser, for example, from a manufacturer, and the consideration is directly related to the price reduction or discount.

(b) The seller is obligated to pass the price reduction or discount through to the purchaser.

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser.

(d) One of the following criteria are met:

(i) The purchaser presents documentation to the seller to claim a price reduction or discount granted by a third-party with the understanding that the third-party will reimburse any seller to whom the documentation is presented.

(ii) The purchaser identifies himself or herself as a member of a group or organization entitled to a reduction or discount. Preferred customer cards that are available to any patron do not constitute membership in a group or organization.

(iii) The price reduction or discount is identified as a third-party reduction or discount on the invoice received by the purchaser or on other documentation presented by the purchaser.

Example 3: ABC is a retailer that sells widgets manufactured by XYZ for a sales price of \$10.00. XYZ mails manufacturer coupons to the public for \$2.00 off per widget. ABC and XYZ have an agreement that XYZ will reimburse ABC \$2.00 per widget sold when the coupon is presented. The agreement requires ABC to pass this discount on to its customers. A customer presents XYZ's coupon to ABC and ABC sells the customer a widget for \$8.00. The taxable sales price of the widget for purposes of the seller's liability is \$10.00. Even though the retailer only charged the purchaser a sales price of \$8.00, the seller may collect the full 60 cents from the purchaser to reimburse itself for the sales tax due on the transaction in accordance with section 23(1) of the General Sales Tax Act, 1933 PA 167, MCL 205.73.

Example 4: XYZ, a non-profit member association and service organization, has agreements with various merchants and service providers under which XYZ's members are entitled to discounts. Membership in XYZ is based on a fee and is not available to the public free of charge. ACME Hotel Group is a merchant that provides its accommodations throughout this state to XYZ members at a discount under such an agreement. Depending on the location within this state, XYZ reimburses ACME Hotel Group in an amount equal to or less than the amount of the discount. At one of ACME Hotel Group's locations, a \$100.00 hotel room is rented at a 10% discount to a XYZ member who pays \$90.00 with the remaining \$10.00 paid to ACME Hotel Group by XYZ. At another ACME Hotel Group location, a \$100.00 hotel room is rented at a 10% discount to a XYZ member who pays \$90.00 with only \$6.00 of the remaining \$10.00 paid by XYZ to ACME Hotel Group. ACME Hotel Group absorbs the remaining \$4.00 to have the hotel room rented out. Use tax is due on the full consideration paid to ACME Hotel Group by the XYZ member and XYZ. In the first transaction, use tax of \$6.00 is due on the consideration received by ACME Hotel Group of the \$100.00 purchase price, while in the second transaction, use tax of \$5.76 is due on the consideration of \$96.00 received by ACME Hotel Group.

(3) For the sale of a motor vehicle, a discount given to a purchaser because of the purchaser's status as a current employee, where the amount of the discount is reimbursed to the seller by a third-party, is not included in sales price and is not subject to tax. Retired employees and relatives of an employee are not considered current employees.

(4) An automobile dealer may reduce the taxable sales price, calculate a credit, or seek a refund for consideration received from an automobile manufacturer to reimburse the dealer for a discount or price reduction given on the sale of a motor vehicle, to a member of a group designated by the manufacturer as entitled to a price identified on the manufacturer's invoice to the automobile dealer that the manufacturer requires the dealer to charge the purchaser of that vehicle, if all of the following conditions are met:

(a) The purchaser is not employed by the manufacturer when the discount or price reduction is given.

(b) The dealer did not reimburse itself tax on the portion of the sales price it receives from the manufacturer.

(c) The amount of the credit or refund does not exceed the actual amount of sales tax paid on the portion of the sales price received from the manufacturer.

R 205.26 Use tax registration.

Rule 26. (1) Except as provided in subrules (5) and (6) of this rule, activities that require a registration under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111, include, but are not limited to, the following:

(a) An out-of-state seller making sales into this state that has nexus with this state if the transfer of ownership of the tangible personal property occurs outside of this state.

(b) An out-of-state seller making sales into this state that voluntarily collects and remits use tax that does not have nexus with this state.

(c) A business in this state that purchases tangible personal property from a seller that does not provide proof that sales or use tax was due and paid on the transaction.

(d) A lessor of tangible personal property that elects to collect and remit use tax on its rental receipts.

(e) A provider of intrastate or interstate telecommunications services.

(f) A provider of rental accommodations for a continuous period of 1 month or less.

(g) A provider of laundering or textile cleaning service under a sale, rental, or service agreement with a term of not less than 5 days.

(h) A provider of mobile wireless services.

(i) A person holding a direct payment authorization.

(2) A use tax registration must be obtained as prescribed by the department of treasury.

(3) A use tax registration is not transferable.

(4) Registration under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111, requires the filing of returns on forms and at a frequency required by the department of treasury. Filing by electronic means, by accelerated filing, or by other methods approved by the department of treasury may be required. Failure to register and file returns may subject the taxpayer to penalties.

(5) A seller holding a sales tax license under the General Sales Tax Act, 1933 PA 167, MCL 205.51 to MCL 205.78, is not required to register for use tax.

(6) A seller registered under the Streamlined Sales and Use Tax Agreement who is not otherwise subject to use tax under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111, is not required to register for use tax because of the registration under the Streamlined Sales and Use Tax Agreement.

R 205.29 Exemption for use tax already paid on tangible personal property or services.

Rule 29. (1) A person in this state that purchases or otherwise acquires from a seller located in another state tangible personal property that is used, stored, or consumed in this state is not liable for the tax levied under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111, if the use tax was already paid to the seller by that person for the tangible personal property. In addition, a person who uses or consumes a service in this state that is taxable to that person under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111, is not liable for the use tax if the seller or provider of the service collected the use tax from that person in connection with the sale or provision of the service or the person otherwise paid the use tax that was billed by the provider of the service.

(2) For purposes of subrule (1) of this rule, it is the responsibility of the person using, storing, or consuming the tangible personal property in this state, or using or consuming the service in this state, to retain proof that the use tax was paid by that person for the purchase or acquisition of the tangible personal property or service, or was otherwise collected from that person by the seller or provider of the tangible personal property or service.

SPECIFIC SALES AND USE TAX RULES

R 205.52 Rescinded.

R 205.54 Automobile and other vehicle sales.

Rule 4. (1) Sales of new and used automobiles, buses, trucks, tractors, trailers, housetrailer, motorcycles, motor scooters, and other vehicles for consumption or use are subject to the tax on the full retail sales price. The sales price includes the total amount of consideration, including cash, credit, property, and services, for which the vehicle is sold, whether received in money or otherwise, and without any deductions for federal taxes, freight, handling, delivery, commissions, repossession, advertising, future free service, or any expense incurred as part of the cost of doing business. The sales tax must be paid to the secretary of state when the application of title is submitted by the dealer.

(2) In calculating the retail sales price of a motor vehicle subject to tax, if separately stated on the invoice, bill of sale, or similar document given to the purchaser, the following may be excluded:

(a) The agreed-upon value of a vehicle used as partial payment to a dealer, subject to the limitations set forth in R 205.15.

(b) Interest, financing, or carrying charges from credit extended on the sale of the vehicle.

(c) Taxes legally imposed directly on the consumer.

(3) Unless otherwise exempt, vehicle transfers between individuals are subject to use tax on the purchase price of the vehicle. In addition, equalization tax as computed under section 9 of the streamlined sales and use tax revenue equalization act, 2004 PA 175, MCL 205.179, is imposed to the extent that the retail dollar value at the time of acquisition exceeds the purchase price of the vehicle. The use tax and equalization tax due in a vehicle transfer between individuals is payable to the secretary of state when the application for title is submitted by the purchaser.

(4) When a vehicle is sold by a dealer, the sales price, together with the amount of sales tax to be paid to the secretary of state, must be indicated on the invoice, sales order, the statement of this state's retail sales tax paid as provided by the secretary of state, and on the records of the dealer. Authorized discounts are deductible only when given to the purchaser by the dealer at the time of sale and shown on the invoice, sales order, the statement of sales tax paid as provided by the secretary of state, and on the records of the dealer. See R 205.22.

(5) The sale of a vehicle for delivery and use outside this state is not subject to tax if all the following conditions exist:

(a) The dealer delivers and assumes all responsibility for delivery without knowledge that the vehicle will be returned to this state, except for a temporary use in this state.

(b) Title to the vehicle passes to the purchaser at a point outside this state.

(c) A vehicle registration for this state is not required.

(d) The dealer's records substantiate subdivisions (a) to (c) of this subrule.

(6) For a vehicle sold and delivered in this state to a person securing special registration under section 226 of the Michigan vehicle code, 1949 PA 300, MCL 257.226, to register and use that vehicle in a state that does not impose use tax upon registration in that state or that does not have a sales tax reciprocity agreement with this state, no tax is collected upon the sale and delivery of that vehicle in this state.

(7) Unless otherwise exempt, tax is levied on any vehicle sold and delivered in this state if the purchaser intends to register and use that vehicle in another country or does not qualify for special registration issued by the secretary of state. (See MCL 257.226.) A vehicle purchased and remaining in this state for a period of more than 30 days is subject to sales tax even if the purchaser is not a legal

resident of this state or the vehicle will be registered in another state. If the purchaser is not a resident and is actively serving in the Armed Forces of the United States, the sale may be exempt from tax if that purchaser provides a sworn statement of nonresidency from that purchaser's commanding officer and registers the vehicle in the purchaser's state of residency or domicile.

(8) For a vehicle sold and delivered in this state to a person securing special registration under section 226 of the Michigan vehicle code, 1949 PA 300, MCL 257.226, to register and use that vehicle in a state having a sales tax reciprocity agreement with this state, tax is imposed on the lesser of the tax to be imposed on the vehicle by the state in which the vehicle will be registered and the amount of Michigan sales tax due on the sale of the vehicle. In computing the tax due in each state under this provision, the value of any trade-in should be deducted in accordance with the respective law of each state. See R 205.15.

(9) When a vehicle that has been sold is returned to the dealer voluntarily by the purchaser and the dealer refunds money or other consideration given by the purchaser, the dealer may receive a refund or credit for the amount of sales tax paid to the state on the portion of the original price that was refunded. When a vehicle that has been sold is returned to the manufacturer under 1986 PA 87, MCL 257.1401 to 257.1410, and the manufacturer certifies the amount of money or consideration paid by the purchaser that has been refunded, less an allowance for the purchaser's use of the vehicle, a refund for the amount of sales tax paid to the state may be issued to the manufacturer.

(10) Each new vehicle dealer is allowed a maximum number of tax-free demonstrators in a calendar year in accordance with the total number of new cars and trucks sold in the current calendar year or the immediately preceding calendar year as follows:

- (a) Zero to 25 2 tax-free demonstrators
- (b) 26-100 7 tax-free demonstrators
- (c) 101-500 20 tax-free demonstrators
- (d) 501 or more 25 tax-free demonstrators

(11) To qualify as a demonstrator the vehicle must be registered in the name of a dealer as provided on an affidavit prescribed the department of treasury.

(12) A vehicle dealer that is engaged in the business of renting or leasing vehicles shall pay tax on the vehicle at the time of purchase, unless that dealer elects to pay use tax on rental receipts. See R 205.132(5).

(13) The annual surety bond required of each new and used vehicle dealer under this state's vehicle code must provide for indemnification or reimbursement to the state for sales or use tax deficiencies for the year in which the bond was in effect upon the entry of a final judgment in a court of record against the dealer.

R 205.55 Sale of Automotive Parts.

Rule 5. (1) Sales at retail of automotive parts for consumption or use are taxable. Every retailer of automotive parts, such as a garage, car dealer, or service station, shall have a sales tax license. Sales for resale by a wholesaler to a licensed retailer are exempt. A wholesaler is liable for the tax for retail sales to the consumer or user, including a person with a sales tax license who purchases automotive parts or tools, equipment, and supplies for consumption or use. For instance, the sale of piston rings to a duly licensed garage operator is exempt if the rings are to be resold over the counter to a person that will install them, sold in connection with repair work for a customer, or installed in a used car that the retailer has purchased or taken as trade-in, which is being reconditioned for sale. However, the sale of the rings to the retailer is taxable if the retailer installs them in a vehicle maintained for the retailer's own use, such as a wrecker used in the retailer's business or a car maintained for use by the retailer's family.

(2) Any amount allowed or allowable as a trade-in, exchange, or deposit is part of the gross proceeds subject to tax. Beginning January 1, 2017, any core charges attributable to a recycling fee, deposit, or disposal fee for a motor vehicle or recreational vehicle part or battery are excluded if the core charge is separately stated on the invoice, bill of sale, or similar document given to the purchaser. See R 205.15.

R 205.56 Rescinded.

R 205.57 Rescinded.

R 205.58 Rescinded.

R 205.60 Rescinded.

R 205.62 Aircraft.

Rule 12. (1) Except for exempt sales under section 4x of the General Sales Tax Act, 1933 PA 167, MCL 205.54x, and sales to a purchaser that has made a valid lessor election under section 5(4) of the Use Tax Act, 1937 PA 94, MCL 205.95, sales of new and used aircraft are subject to sales tax on the full selling price without deductions for expenses incurred as part of the cost of doing business or trade-in credit given to a purchaser. To make a valid election under section 5(4) of the Use Tax Act, 1937 PA 94, MCL 204.95, a lessor of an aircraft must register for use tax by the earlier of the date set for the first payment of use tax under the lease or rental agreement or 90 days after the lessor first brings the aircraft into this state.

(2) Unless exempt under section 4x of the General Sales Tax Act, 1933 PA 167, MCL 205.54x, gasoline, jet fuel, oil, repair parts, and other tangible personal property sold and delivered in this state for operation of aircraft are subject to sales tax regardless of where the plane will be flown or used.

(3) A seller in the ordinary course of business, including an aircraft dealer engaged in the purchasing, selling, brokering, exchanging, or dealing in aircraft parts or in aircraft of a type required to be registered under the Aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, shall remit sales tax on the full sales price of an aircraft, regardless of whether the sales are on its own behalf or on behalf of the aircraft owner.

(4) Aircraft purchased for consumption or use in this state from sellers outside this state are subject to use tax.

(5) A dealer, as that term is defined in section 3 of the Aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.3, that uses the property solely for demonstration and for which no charge is made while holding it for sale is exempt from tax on account of such use.

(6) When an aircraft used for demonstration is converted to a taxable use, such as for personal use, use tax is owed on the dealer's original purchase price, if the aircraft was converted to a purpose other than selling, brokering, exchanging, or dealing in aircraft parts or in sales of aircraft.

(7) Sales tax applies to the retail sale of the aircraft following its use for demonstration without deduction for use tax previously paid under subrule (6) of this rule.

(8) A specific tax under the streamlined sales and use tax revenue equalization act, 2004 PA 175, MCL 205.171 to 205.191, of 6% is owed, less an amount equal to the use tax paid, on the retail value of a qualified aircraft for the privilege of storing, registering, or transferring ownership in this state, unless exempt from sales or use tax, including for purposes of resale. The retail value is determined at the time the aircraft first enters this state and is to be based on an industry accepted pricing guide applicable to the aircraft. It is solely within the department of treasury's discretion to determine if a pricing guide is industry accepted. As used in this subrule, "qualified aircraft" means an aircraft purchased outside of this state, used solely for personal, non-business purposes, and either brought into this state more than

90 days after the date of purchase by a nonresident or brought into this state more than 360 days after the date of purchase by a resident.

R 205.63 Rescinded.

R 205.64 Rescinded.

R 205.66 Rescinded.

R 205.67 Fuel dealers.

Rule 17. (1) The sale of coal, coke, wood, fuel oil, liquid petroleum gas, and other fuel that is not otherwise exempt is taxable based on the sales or purchase price. The sale for residential use of electricity, natural or artificial gas, or home heating fuels is exempt from the sales tax at the additional rate of 2%, as approved by the electors on March 15, 1994.

(2) The sale of equipment, tools, materials and supplies, consumed or used in handling and preparing fuel for market or delivery is taxable.

(3) The sale of bottled gas cylinders by dealers and distributors is subject to tax at the time of sale. A dealer or distributor that rents bottled gas cylinders to its customers may elect to pay use tax on the rental receipts instead of paying sales tax when the dealer or distributor purchases the cylinder for use in its rental business. See R 205.132.

(4) The sale of fuel used in rail operations is exempt from tax, except for use in vehicles licensed and titled for use on public highways.

(5) The sale of fuel used or consumed in the manufacturing of power, heat, light, or gas to be sold at retail is not taxable.

(6) The sale of fuel used for an exempt agricultural purpose or industrial processing is exempt from tax.

R 205.68 Containers, cartons, and wrapping materials.

Rule 18. (1) As used in this rule, “containers” means the articles and devices in which tangible personal property is placed for shipment and delivery, such as wrapping materials, bags, cans, twines, gummed tapes, barrels, boxes, tote boxes, pallets, racks, bottles, drums, carboys, cartons, sacks, and materials from which the containers are manufactured.

(2) Sales of containers to persons engaged in rendering a service are taxable.

(3) Sales of containers that will be resold with the product are eligible for a resale exemption. If a separate charge is made for the sale of a container to a person, other than for resale, it is taxable. Sales of containers that are not resold with the property it contains are taxable.

Example 1: ABC manufactures golf balls. ABC sells its golf balls for resale to retailers. When a retailer places an order, ABC packages its golf balls by the dozen into boxes that are intended to be sold with the golf balls. When ABC receives an order from a retailer it places multiple boxes of golf balls into a larger box for shipment. The box that is sold with the golf balls is eligible for the resale exemption. However, the larger box used to ship multiple boxes of golf balls is taxable because it is not resold. ABC shall pay sales tax when it purchases the larger box or remit use tax on the purchase price of the box.

Example 2: Same facts as Example 1 except that ABC packages a gross of golf balls, a dozen boxes of a dozen golf balls, for shipment to retailers with the packaging into the larger box occurring before the packages of golf balls first come to rest in finished goods inventory. The larger box, and associated packing materials such as popcorn, styrofoam, and peanuts, are exempt as it was used in the packaging before the golf ball boxes came to rest in finished goods inventory.

(4) Sales of containers to a person, such as a manufacturer, wholesaler, jobber, or retailer, who uses the containers to ship or deliver goods, and retains the ownership or legal right of possession of the containers, are taxable.

(5) Sales or purchases, for a single use only, of bracings, blocking, skidding, shoring, and other materials, commonly known as dunnage are taxable when used in the shipment of a product to a customer.

(6) Deposits on a returnable container for a beverage, or the deposit on a carton or case which is used for returnable beverage containers, are not taxable when sold in conjunction with a sale of a beverage.

R 205.70 Consignments.

Rule 20. (1) Sales of tangible personal property consigned, delivered, or entrusted to a retailer for the purpose of selling at retail are taxable to the retailer on the total retail sale price without deduction for any expense, such as storage, rental, commission, or repairs. It is immaterial whether the goods are different from those sold in the regular business of the retailer.

(2) Where a retailer selling tangible personal property belonging to another has the right to withhold or claim a portion of the sale price as compensation, the retailer shall include the total amount received from the sale of the goods in its tax return.

R 205.71 Contractors

Rule 21. A contractor includes only prime, general, and subcontractors directly engaged in the business of constructing, altering, repairing, or improving real estate for others.

R 205.72 Rescinded.

R 205.73 Rescinded.

R 205.75 Rescinded.

R 205.76 Employer sales and employer-sponsored incentive programs.

Rule 26. (1) When an employer sells tangible personal property to employees, allows them to purchase through the organization or to buy from others on discounts available to the employer, or in another manner obtain goods through the employer, the sales are taxable.

(2) An employer shall report and pay tax on sales to employees under subrule (1) of this rule, even if the employer is exempt from tax on the employer's regular business.

(3) Tax applies on the sale of tangible personal property to an employer who purchases that tangible personal property for free distribution to employees, unless the tangible personal property is otherwise exempt. For example, tax would not apply to the sale of goggles, protective gear, and other safety equipment to a manufacturer for use by employees engaged in an exempt industrial process.

(4) The sale of tangible personal property to an employee by a third-party retailer through an employer-sponsored rewards, performance improvement, or other incentive program is taxable. The tax on any such transaction is imposed on the total value of the points, rewards, or other consideration redeemed in the transaction for the tangible personal property. Tax is not imposed on the redemption of any product that is not tangible personal property.

Example: An employer contracts with a company to operate a points-based incentive plan for employees. Under the plan, employees accumulate points that may be used to redeem certain prizes from the company, including tangible personal property and travel packages. Under the service agreement, the company then bills the employer based upon the value of points redeemed each period. Under this arrangement, tax is imposed on any redemption of tangible personal property by the

employee based upon the total value of the points used to redeem that tangible personal property. Tax is not imposed on any redemption of prizes that does not involve tangible personal property, such as travel packages. The payments from the employer to the company for the points redeemed each period relate to the operation of the service agreement and are not taxable.

R 205.77 Fairs, circuses, carnivals, and other public exhibitions.

Rule 27. Persons operating or sponsoring a fair, circus, carnival, exposition, bazaar, or similar event are liable, as the principal, for the tax upon the sale or use of tangible personal property sold, given as prizes, or otherwise disposed of by a person engaged in business without a sales tax license at the exhibition, unless the tax is paid by the dispenser of the property.

R 205.78 Rescinded.

R 205.79 Federal and state governments.

Rule 29. (1) Sales to the United States government, its unincorporated agencies and instrumentalities, any incorporated agency wholly owned by the United States or by a corporation wholly owned by the United States, the American Red Cross and its chapters and branches, and this state and its political subdivisions, departments, and institutions are not taxable if the sales are paid for directly to the seller with government funds.

(2) When the sales are made without the required purchase order form being supplied in advance, the sale is taxable, but the licensee may later take credit for the tax payment upon the licensee's receipt of purchase order and warrant covering the sales.

(3) Sales to governmental employees for their own consumption or use are taxable.

(4) Sales to and purchases by non-governmental entities doing business on federal areas are taxable, if the sale is not made directly to an exempt federal instrumentality.

(5) A person subject to a tax under this act need not include in the amount of his or her gross proceeds used for the computation of the tax any proceeds of his or her business derived from sales to the United States, its unincorporated agencies and instrumentalities, any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States, the American Red Cross and its chapters and branches, and this state or its departments and institutions or any of its political subdivisions.

(6) Sales to and purchases by national banks are taxable.

(7) Sales made by political subdivisions of this state, including counties, municipalities, villages, school districts, water districts, and airport districts, are taxable, unless otherwise specifically exempted.

R 205.80 Florists and nurserymen.

Rule 30. (1) Flowers, trees, plants, shrubs, seeds, grass, and other similar property are tangible personal property subject to tax. Florists, nurserymen, and other persons engaged in the business of selling such tangible personal property are liable for the tax on their gross sales. The tax applies regardless of where or how the items are grown or produced and regardless of whether sold from a store, curb, market, greenhouse, farm, or other place.

(2) The following apply only to sales made through telegraphic delivery association, wire service, or in similar manner:

(a) On all orders taken by a florist in this state and communicated to a second florist, either located in this state or another state, the florist taking the order is liable for the tax.

(b) Where florists in this state receive instructions from other florists either located in this state or another state for the delivery of flowers, the florist receiving the instructions is not held liable for the tax with respect to any proceeds from the transaction.

(3) A florist or nurseryman that contracts to provide and plant flowers, trees, plants, shrubs, seeds, grass, and other similar property for others is improving real estate and use tax will apply based on the purchase price of the property consumed.

R 205.81 Rescinded.

R 205.83 Rescinded.

R 205.84 Rescinded.

R 205.88 Lodging provided by hotels, motels, cabins and camps.

Rule 38. (1) Use tax is imposed on rental receipts from rooms or lodgings furnished by hotel keepers, motel operators, and other persons furnishing accommodations that are available to the public based on commercial and business enterprise, irrespective of whether membership is required for use of the accommodations.

(2) The following rentals are not taxable:

(a) Rooms or lodging rented for a continuous period of more than 1 month to the same tenant. As used in this subdivision, “1 month” means 30 days or the calendar month of the rental period, whichever is shorter.

(b) Rooms or lodging furnished by hospitals, nursing homes, convalescent homes, and mental institutions or similar institutions dedicated to the care and treatment of the sick under medical supervision.

(c) Rooms or lodging furnished by camps operated by a nonprofit organization and camps licensed under 1973 PA 116, MCL 722.111 to 722.128.

(3) The following rentals are exempt from the tax:

(a) Rooms or lodging furnished directly to the United States government, its unincorporated agencies or instrumentalities, any incorporated agency wholly owned by the United States or by a corporation wholly owned by the United States, the American Red Cross or its chapters or branches, if paid for directly to the seller with government funds.

(b) Rooms or lodging furnished directly to this state or its political subdivisions, departments, or institutions, if paid for directly to the seller with government funds.

(c) Rooms or lodging furnished directly to nonprofit organizations, as provided under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111.

R 205.89 Rescinded.

R 205.90 Rescinded.

R 205.91 Rescinded.

R 205.92 Rescinded.

R 205.93 Sales and breeding of animals.

Rule 43. (1) Unless otherwise exempt, sales of horses, dogs, cats, birds, goldfish, guinea pigs, reptiles, and other animals, including household pets, are taxable sales of tangible personal property.

(2) Persons that breed and sell animals as pets, including those who engage in the activities merely as a hobby or pastime, are engaged in the business of making retail sales and are required to pay sales tax on all sales of animals not for resale. While a single, isolated sale of an animal would not be subject to tax,

a breeder who advertises or offers animals for sale at any time and in any manner, including on the internet, for purposes of repeated sales is determined to be regularly engaged in the business of making retail sales, and their sales are not considered casual or isolated, even if they are few or infrequent as described under R 205.13.

R 205.94 Labels, tags, and other property included in or affixed to containers.

Rule 44. (1) Sales of labels, tags, or nameplates to persons using them in rendering services or for personal or business use or which do not accompany products sold, are sales for consumption and are taxable.

(2) Sales of labels, tags, or nameplates is not subject to tax if the labels, tags, or nameplates will be affixed to tangible personal property that will be sold at retail or affixed to the containers sold with the property.

(3) Sales of labels to persons retaining title to containers to which the labels are affixed are not sales for resale but are sales for consumption and subject to tax.

(4) Sales of manuals, pamphlets, warranty cards, and other similar tangible personal property that is included in the container or packaged with a product that is sold at retail is not subject to tax.

R 205.97 Rescinded.

R 205.98 Sales made in transit.

Rule 48. Prepared food or other tangible personal property sold or otherwise provided on any form of transportation, including, but not limited to, a railcar, watercraft, or airplane while operating in this state, or upon this state's waters, is subject to tax as described under R 205.136.

R 205.99 Rescinded.

R 205.100 Rescinded.

R 205.101 Rescinded.

R 205.102 Rescinded.

R 205.104 Optometrists, ophthalmologists, opticians, and optical supply houses.

Rule 54. (1) Licensed optometrists and ophthalmologists that examine, prescribe, and dispense eyeglasses and contact lenses are considered, for sales tax purposes, to be making retail sales. A sales tax license is required for this activity.

(2) Eyeglasses dispensed to a patient by an ophthalmologist, optometrist, or optician pursuant to a prescription to correct that patient's vision, and repair and replacement parts for the eyeglasses, are exempt. Contact lenses are taxable. If necessary to complete the sale of contact lenses, examination charges or other service charges are taxable, even if billed separately.

(3) Sales by opticians and optical supply houses to optometrists and ophthalmologists are exempt when sold for resale, provided the optometrist or ophthalmologist is properly licensed as a retailer as noted in subrule (1) of this rule.

(4) Physicians acting in the capacity of optometrists or ophthalmologists are subject to this rule, see R 205.111.

R 205.106 Rescinded.

R 205.107 Rescinded.

R 205.108 Postage stamps.

Rule 58. (1) Sales by the United States Postal Service or by an approved postal provider of uncanceled United States postage valid for transportation of mail are not taxable. Sales of these items made by other sellers are subject to tax. Sales of canceled domestic or foreign stamps or of uncanceled foreign postage stamps not valid for transportation of mail in the United States are taxable.

(2) As used in this rule, “approved postal provider” means a business that has entered into a contractual agreement with the United States Postal Service to provide authorized postal services, including the sale of postage stamps, to the public.

R 205.109 Photographers and photo processors.

Rule 59. (1) If a photographer’s sitting fee or session fee is part of a package that includes tangible personal property, such as prints, the total amount charged for the package is taxable, even if the packaged parts are separately itemized on the invoice. If a sitting fee or session fee is charged as a separate transaction, and the customer is not required to also purchase prints or other products, then the sitting fee or session fee is not taxable.

(2) The development and processing of photographic images, whether using a physical or digital process, together with the production of prints, film strips, slides, or other tangible personal property, are subject to sales tax on the total price charged to the customer. Whether equipment, materials, and supplies purchased for use in the creation and development of photographic images are used in industrial processing and are therefore exempt from tax, depends upon the process used to develop the photographic images. Equipment, materials, and supplies purchased for use in the creation, development, and sale of digital products, including digital photographic images, are not used in industrial processing, and are taxable. However, equipment, materials, and supplies purchased for use in the physical processing of non-digital photographic images, such as the development of exposed film or film negatives, may be used in industrial processing and are exempt from tax, as described in section 4t of the General Sales Tax Act, 1933 PA 167, MCL 205.54t and section 4o of the Use Tax Act, 1937 PA 94, MCL 205.94o.

(3) Coloring, tinting, retouching, restoration, and similar services, if performed on photographs or images owned by the customer, are nontaxable. If the services are performed as part of a package that includes tangible personal property, or in connection with the photographer’s creation of photographic images to be sold as prints or other tangible personal property, the total amount charged to the customer is taxable.

R 205.110 Rescinded.

R 205.111 Physicians, surgeons, dentists, veterinarians, osteopaths, and other health professionals.

Rule 61. (1) Physicians, surgeons, dentists, veterinarians, osteopaths or other health professionals not otherwise specifically provided for in these rules render nontaxable services.

(2) Unless otherwise exempt, sales of drugs, medications, instruments, equipment, and other tangible personal property to persons for use in rendering professional services or for use within their offices, laboratories, or other similar quarters are taxable.

R 205.112 Premiums and gifts.

Rule 62. (1) Unless an exemption applies, donors of tangible personal property are regarded as consumers of that tangible personal property and the sale of that property to them is taxable. Similarly,

the sale to an employer of tangible personal property for free distribution to its employees may also be taxable, under R 205.76. The sale of goods to be given away for advertising purposes is also taxable.

(2) If goods purchased for resale are subsequently given away or used by the retailer, the retailer is liable for use tax on the purchase price of the goods, unless otherwise exempt.

(3) The redemption of scrips, whether in the form of punch cards, certificates, box tops, tokens, proofs of purchase, points, or similar promotional consideration for premiums is a taxable sale at retail and sales tax must be paid on the redemption value of the scrips. Sales tax does not apply if the consideration is redeemed for cash rather than for tangible personal property. Premiums acquired for resale purposes are not subject to sales or use tax.

(4) Purchasers of tangible personal property to be awarded as prizes, the winning of which depends upon chance or skill, are regarded as consumers of that property and the tax applies to sales of the property to them. Similarly, purchasers of tangible personal property for use in games, promotions, and similar operations, in which each customer receives some merchandise or prize regardless of skill or chance, are regarded as the consumers of that property and the tax applies to sales of the property to them.

R 205.113 Rescinded.

R 205.114 Rescinded.

R 205.115 Rescinded.

R 205.116 Rescinded.

R 205.117 Rescinded.

R 205.118 Rescinded.

R 205.119 Rescinded.

R 205.124 Rescinded.

R 205.126 Rescinded.

R 205.130 Rescinded.

R 205.131 Rescinded.

R 205.132 Lease or rental.

Rule 82. (1) A lessor is a person engaged in the business of renting or leasing tangible personal property.

(2) The terms “lease” and “rental” have the same meaning and may be used interchangeably. For agreements entered into after September 1, 2004, a lease or rental means either of the following:

(a) Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase or extend.

(b) An agreement covering motor vehicles or trailers if the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property, as that term is defined in 26 USC 7701(h)(1).

(3) A lease or rental does not include any of the following:

(a) A transfer of possession or control of tangible personal property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

(b) A transfer of possession or control of tangible personal property under an agreement requiring transfer of title upon completion of the required payments and payment of an option price that does not exceed \$100.00 or 1% of the total required payments, whichever is greater.

(c) Except as provided in subrule (4) of this rule, the provision of tangible personal property along with an operator for a fixed or indeterminate period of time, where that operator is necessary for the equipment to perform as designed. To be necessary, an operator shall do more than maintain, inspect, or set up the tangible personal property.

(4) Beginning March 29, 2019, a lease also includes the transfer of possession or control for consideration, for a fixed or indeterminate term and including future options to purchase or extend, of a school bus primarily used in the performance of a contract entered into with an authorized representative of a school for the transportation of preprimary, primary, or secondary school pupils to or from a school or school-related events authorized by the administration of the school. A transaction described in this subrule qualifies as a lease even if the operator of the school bus is also provided under the lease.

(5) A lessor may elect to pay use tax on the rental receipts for tangible personal property that would otherwise be taxed on the full cost at the time of purchase. The election to pay on rental receipts is made on each item of tangible personal property. The election is made by claiming an exemption from sales or use tax at the time of purchase and paying use tax on the rental receipts.

(6) A lessor remitting tax on rental receipts must hold a sales tax license, or register under the Use Tax Act, 1937 PA 94, MCL 205.91 to 205.111. For aircraft, a person shall register for use tax with the department of treasury by the earlier of the date set for the first payment of use tax under the lease or rental agreement or 90 days after the lessor first brings the aircraft into this state.

(7) The remittance of use tax on rental receipts is the obligation of the lessor. If the lessor places the economic burden of the tax on the lessee, the charge must be separately itemized.

(8) A taxpayer that makes the lessor election will lose that election if tangible personal property is converted to personal use. Tax is owed at the time of conversion on the original purchase price of the property.

R 205.133 Rescinded.

R 205.134 Rescinded.

R 205.135 Rescinded.

R 205.137 Air and water pollution control facility.

Rule 87. (1) Tangible personal property purchased for installation as a component part of a water pollution control facility or an air pollution control facility for which a tax exemption certificate is issued by the state tax commission is exempt from sales and use tax. The exemption is effective for dates on and after the date the certificate is issued by the state tax commission. If a tax exemption certificate previously issued is revoked by the state tax commission, the exemption may no longer be claimed beginning on the effective date of the revocation.

(2) When sales or use tax has been paid on tangible personal property, which later qualifies for exemption as a result of obtaining a certificate of exemption from the state tax commission, a refund may be requested by the purchaser upon submission of both of the following documents to the department of treasury:

(a) A copy of the exemption certificate issued by the tax commission indicating the approved cost of the tangible personal property installed and entitled to exemption.

(b) A copy of the seller's invoice showing the name and address of the seller, identification of purchaser, identification of the items purchased, the date of purchase, and amount of tax paid to seller.

R 205.139 Rescinded.

R 205.142 Exemption for Diesel Fuel Used in Certain Vehicles Operated for Hire.

Rule 92. Sales or use tax does not apply on retail sales or purchases of diesel fuel for use in passenger vehicles of a capacity of 10 or more operated for hire under a certificate of authority issued by the state transportation department. As used in this rule, "diesel fuel" means that term as defined in section 2 of the motor fuel tax act, 2000 PA 403, MCL 207.1002.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

PLACEMENT OF ORV LICENSE

Filed with the secretary of state on August 7, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of natural resources by section 81132 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81132)

R 257.1691 of the Michigan Administrative Code is amended, as follows:

R 257.1691 Placement of ORV license.

Rule 1. Before a vehicle requiring an off-road recreation vehicle license is operated, the owner shall ensure that the license for the off-road recreation vehicle is permanently attached to the vehicle and visibly displayed in the following manner:

- (a) For a 2-wheel vehicle, the license must be attached as provided in either of the following:
 - (i) Centered on the exposed surface of the rear fender.
 - (ii) Located at a visible place facing forward on a front suspension fork.
- (b) For a 3- or 4-wheel multitrack or multiwheeled vehicle, the license must be attached and visible on a flat metal surface, bumper, or plate permanently attached to the rear of the vehicle.
- (c) For an amphibious machine, or for a ground effect air-cushioned vehicle, the license must be centered on the rear thereof.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

ELECTRICAL ADMINISTRATIVE BOARD

GENERAL RULES

Filed with the secretary of state on August 11, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 207 of the skilled trades regulation act, 2016 PA 407, MCL 339.5207, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 338.1037a of the Michigan Administrative Code is rescinded, as follows:

R 338.1037a Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MARRIAGE AND FAMILY THERAPY – GENERAL RULES

Filed with the secretary of state on

These rules ~~take effect~~ **become effective** immediately ~~upon~~ **after** filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16901, 16903, 16909, and 16913 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16901, 333.16903, 333.16909, and 333.16913, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.7202, R 338.7203, R 338.7205, R 338.7207, R 338.7211, R 338.7213, R 338.7215, and R 338.7219 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.7202 Training standards for identifying victims of human trafficking; requirements.

Rule 2. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure ~~or registration or who is licensed or registered~~ shall ~~have complete~~ **completed** training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all the following:

(i) Understanding the types and venues of human trafficking in ~~this state Michigan~~ or the United States.

(ii) Identifying victims of human trafficking in ~~health-care~~ **healthcare** settings.

(iii) Identifying the warning signs of human trafficking in ~~health-care~~ **healthcare** settings for adults and minors.

(iv) ~~Resources~~ **Identifying resources** for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program approved for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a ~~peer-review~~ **peer-reviewed** journal, ~~health-care~~ **healthcare** journal, or professional or scientific journal.

- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit ~~a sample of individuals~~ **an individual** and request documentation of proof of completion of training. If audited by the department, ~~an~~ **the** individual shall provide an acceptable proof of completion of training, including either of the following:
 - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by ~~an~~ **the** individual. The certification statement must include the individual's name and either of the following:
 - (i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of ~~peer review~~ **the peer-reviewed** journal, ~~health care~~ **healthcare** journal, or professional or scientific journal, and ~~the~~ date, volume, and issue of publication, as applicable.
- ~~(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licenses issued after March 17, 2021.~~

R 338.7203 Limited license.

Rule 3. (1) An ~~individual applying~~ **applicant** for a limited license ~~licensure~~ under section 16903(3) of the code, MCL 333.16903, shall ~~provide a completed application on a form provided by the department, together with the requisite fee.~~ **satisfy the requirements of the code, the rules promulgated under the code, and all the following requirements:**

- (a) Provide the required fee and a completed application on a form provided by the department.**
- (b) Provide proof, as directed by the department, verifying the completion of either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:**
 - (i) A master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards under R 338.7211(1).**
 - (ii) A master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards under R 338.7211(2) or (3) and completed the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.**
- (c) Provide proof, as directed by the department, verifying the completion of a supervised clinical marriage and family therapy experience that satisfies the requirements of section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2) or (3).**
- (2) ~~In addition to satisfying the requirements of the code, an individual applying for a limited license shall satisfy both of the following requirements: A limited license is renewed annually and may not be renewed more than 5 times.~~
- ~~(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:~~
 - ~~(i) Possess a master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).~~

~~(ii) Possess a master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.~~

~~(b) Complete a supervised clinical marriage and family therapy experience, as specified under section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2).~~

~~(3) A limited license is renewed annually and may not be renewed more than 5 times.~~

R 338.7205 Licensure requirements.

Rule 5. An applicant for licensure as a marriage and family therapist license shall ~~provide a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying~~ **satisfy** the requirements of the ~~code, code, the rules promulgated under the code, and an applicant for licensure shall satisfy~~ all the following requirements:

~~(a) Satisfy either of the following educational requirements, as specified under section 16909(1)(a) of the code, MCL 333.16909: Provide the required fee and a completed application on a form provided by the department.~~

~~(i) Possess a master's degree or higher graduate degree earned from an approved training program in marriage and family therapy that satisfies the accreditation standards in R 338.7211(1).~~

~~(ii) Possess a master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards in R 338.7211(2) and complete the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.~~

~~(b) Complete a supervised clinical marriage and family therapy experience that satisfies the requirements of section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2). Provide proof, as directed by the department, verifying the completion of either of the following educational requirements, as specified under section 16909(1)(a)(i) or (ii) of the code, MCL 333.16909:~~

~~(i) A master's degree or higher graduate degree from an approved training program in marriage and family therapy that satisfies the accreditation standards under R 338.7211(1).~~

~~(ii) A master's degree or higher graduate degree from an approved college or university that satisfies the accreditation standards under R 338.7211(2) or (3) and completed the graduate-level courses in section 16909(1)(a)(ii) of the code, MCL 333.16909.~~

~~(c) Obtain not less than 1,000 direct client contact hours in a supervised marriage and family therapy experience, as required under section 16909(1)(c) of the code, MCL 333.16909. Provide proof, as directed by the department, verifying the completion of a supervised clinical marriage and family therapy experience that satisfies the requirements of section 16909(1)(b) of the code, MCL 333.16909, in conjunction with the applicant's educational program. The supervised experience must be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited under R 338.7211(2) or (3).~~

~~(d) Pass the examination under R 338.7209. Provide proof, as directed by the department, verifying not less than 1,000 direct client contact hours in a supervised marriage and family therapy experience, as required under section 16909(1)(c) of the code, MCL 333.16909.~~

~~(e) Provide proof, as directed by the department, verifying a passing score on the examination adopted under R 338.7209.~~

R 338.7207 Examinations; eligibility.

Rule 7. (1) To establish eligibility for the examination under R 338.7209, an applicant shall provide a completed application on a form provided by the department, together with the requisite required fee.

(2) To be eligible to sit for the ~~examination in marital and family therapy,~~ **Marital and Family Therapy National Examination**, an applicant shall satisfy either ~~R 338.7203(2)(a) and (b)~~ **R 338.7203(1)(b) and (c)** or ~~R 338.7205(a) and (b).~~ **R 338.7205(b) and (c).**

R 338.7211 Adoption of standards by reference.

Rule 11. (1) The accreditation standards of the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), **American Association for Marriage and Family Therapy (AAMFT) care of COAMFTE, 112 South Alfred Street, Alexandria, Virginia 22314,** ~~are adopted by reference. The standards are set forth in the publication entitled titled “Accreditation Standards Graduate & Post-Graduate Marriage and Family Therapy Training Programs Version 12.5,” published December 2020, effective January 1, 2022,~~ which is available at no cost from the commission’s website at ~~<http://www.coamfte.org/>.~~ **<https://www.coamfte.org> are approved and adopted by reference. If a marriage and family therapy educational program is accredited by COAMFTE, it is approved.** Copies of the standards also are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) ~~A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located, and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, and the “Recognition of Accrediting Organizations, Policies and Procedures of the Council for Higher Education Accreditation, CHEA,” effective September 28, 2018, are adopted by reference. Copies of the policies and procedures of CHEA as well as the procedures and criteria of the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards may also be obtained at no cost from the council’s website at <http://www.chea.org/>. The federal recognition criteria may also be obtained at no cost from the website for the U.S. Department of Education Office of Postsecondary Education, at <https://www2.ed.gov/about/offices/list/ope/index.html>. The standards for recognition of accrediting organizations developed and adopted by the Council for Higher Education Accreditation (CHEA), One Dupont Circle NW, Suite 510, Washington, D.C. 20036, in the publication titled “CHEA Standards and Procedures for Recognition,” effective October 4, 2021, which are available at no cost on the council’s website at <https://www.chea.org>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the institution is located and the accrediting body satisfies the recognition standards of CHEA, the institution is approved.~~

(3) ~~The criteria for recognition and the recognition process for the secretary’s recognition of accrediting agencies of the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, D.C. 20202, in 34 CFR 602.10 to 602.39, effective July 1, 2020, which are available at no cost on the department’s website at <https://www2.ed.gov/about/offices/list/ope/index.html>, are approved and adopted by reference. If a higher education institution is accredited by the accrediting body of the region where the~~

institution is located and the accrediting body satisfies the recognition criteria and process of the United States Department of Education, the institution is approved.

(4) Copies of the standards in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Marriage and Family Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

R 338.7213 Licensure by endorsement.

Rule 13. (1) An applicant for a marriage and family therapy license by endorsement ~~who satisfies~~ **shall satisfy** the requirements of the code and ~~this rule satisfies the requirements of section 16186 of the code, MCL 333.16186. The department shall issue a marriage and family therapist license to an applicant who satisfies the rules promulgated under the code, and~~ all the following requirements:

(a) ~~Provides~~ **Provide** the required fee and a completed application on a form provided by the department.

(b) ~~Holds~~ **Provide proof, as directed by the department, verifying** a current and full marriage and family therapist license in another state or ~~in~~ a province of Canada.

(c) ~~If the applicant is licensed as a marriage and family therapist in a province in Canada, provide proof, as directed by the department, verifying that the applicant Completed completed~~ the educational requirements ~~for a marriage and family therapist license in a province of in Canada or another state~~ **the United States to obtain for licensure as a marriage and family therapist in a province of Canada or another state: the United States.**

(d) ~~Received~~ **Provide proof, as directed by the department, verifying** a passing score on either of the following examinations for a marriage and family therapist license in ~~a province of Canada or another state~~ **or a province of Canada** to obtain licensure as a marriage and family therapist in a ~~province of Canada or another state: another state or a province of Canada:~~

(i) The examination adopted under R 338.7209.

(ii) The Licensed Marriage and Family Therapist California Clinical Examination.

(2) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by ~~any other~~ **another** state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, ~~which includes~~ **including** verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.7215 Relicensure.

Rule 15. (1) An applicant may be relicensed within 3 years after the expiration date of the license under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies **the requirements of the code, the rules promulgated under the code, and** all of the following requirements:

(a) Provides the required fee and a completed application on a form provided by the department.

(b) Establishes good moral character as **that term is defined in, and determined** under, 1974 PA 381, MCL 338.41 to 338.47.

(2) An applicant may be relicensed more than 3 years after the expiration date of the license under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies **the requirements of the code, the rules promulgated under the code, and** all of the following requirements:

(a) Provides the required fee and a completed application on a form provided by the department.

(b) Establishes good moral character **as that term is as defined in, and determined** under, 1974 PA 381, MCL 338.41 to 338.47.

(c) Provides fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) **Provides proof, as directed by the department, verifying the** ~~Satisfies satisfaction of~~ either of the following requirements:

(i) **The applicant** ~~Possesses a current held or holds an~~ **unrestricted marriage and therapy license in a province of Canada or another state. another state or a province of Canada during the 3-year period immediately preceding the date of the application for relicensure.**

(ii) ~~Documents that the applicant has achieved a passing score on~~ **Successfully passes the examination approved adopted** under ~~R 338.7209. R 338.7209~~ **during the 3-year period immediately preceding the date of the application for relicensure.**

(3) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by ~~any other~~ **another** state, the United States military, the federal government, or another country shall disclose that fact on the application form. The applicant shall satisfy the requirements of section 16174(2) of the code, MCL 333.16174, ~~which includes~~ **including** verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application. If licensure is granted and it is determined that sanctions have been imposed, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.7219 License renewal; requirements.

Rule 19. (1) An applicant for license renewal ~~who has been licensed for the 2-year period immediately preceding the application for renewal shall provide the required fee and a completed application on a form provided by the department.~~ **satisfy the requirements of the code and the rules promulgated under the code.**

(2) ~~A license renewed within 60 days after the expiration date is subject to the requirements set forth under section 16201(2) of the code, MCL 333.16201.~~ **An applicant for license renewal shall provide the required fee and a completed application on a form provided by the department.**

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Marriage and Family Therapy – General Rules
Rule Set 2022-37 LR

NOTICE OF PUBLIC HEARING

Tuesday, September 5, 2023

09:00 AM

UL-4

611 W. Ottawa Street, Lansing, Michigan

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Marriage and Family Therapy – General Rules rule set.

The proposed revisions to the rules include: re-organization and grammatical revisions, updates to educational standards, and clarification that an applicant must show proof of successfully passing the Marital and Family Therapy National Examination conducted and scored by the Association of Marital and Family Therapy Regulatory Boards during the 3-year period immediately preceding the date of the application for relicensure, as a pathway for those applicants who have let the license lapse more than three years.

By authority conferred on the department in consultation with the board under MCL 333.16145, MCL 333.16148, MCL 333.16901, MCL 333.16903, MCL 333.16909, and MCL 333.16913, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 9/1/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 9/5/2023 at 05:00PM.

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing – Boards and Committees Section P.O. Box 30670 Lansing, MI 48909-8170 Attention: Departmental Specialist

BPL-BoardSupport@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the secretary of state on

These rules become effective 120 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of the Stille- ~~Derosssett~~ **DeRossett**-Hale single state construction code **act**, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 408.30701, R 408.30711, R 408.30716, R 408.30727, R 408.30729, R 408.30755, R 408.30758, and R 408.30762 of the Michigan Administrative Code are amended, R 408.30725d, R 408.30725e, R 408.30725f, R 408.30725g, R 408.30725h, R 408.30726a, R 408.30727a, R 408.30727b, R 408.30727c, R 408.30729a, R 408.30729b, R 408.30732, R 408.30736, R 408.30753b, R 408.30755a, R 408.30758a, and R 408.30758b are added, as follows:

PART 7. PLUMBING CODE

AMENDMENTS AND ADDITIONS TO BASIC PLUMBING CODE

R 408.30701 Applicable code.

Rule 701. Rules governing the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials are those contained in the international plumbing code, ~~2018~~**2021** edition, including appendices A, B, C, D, E, F, and G, except for sections **103.1, 103.2, 103.3**, 104.2, 104.5 to 104.7, **104.8, 104.8.1**, 106.3,**106.3.1, 106.3.2**, 106.5.5, ~~106.6.1, 106.6.2, 106.6.3, 107.2.5, 107.2.5.1, 107.2.5.2, 107.2.5.3, 108.2.5, 108.2.5.1, 108.2.5.2, 108.3, 109.2 to 109.5, **113.1 to 113.4, 114.1 to 114.4, 115.3**, 404.2, 404.3, 602.3 to 602.3.5.1, 608.18 to 608.18.8, 712.3.3.1, 712.3.3.2, 715.1 to 715.4, 802.4.3.1, 1106.3, 1106.6, 1301 to 1304.4.2, 1401 to 1403.2.1 and tables 608.18.1, 1106.3, and 1106.6. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, International Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code, respectively. The code is available for inspection, and purchase at the Lansing office of the Michigan ~~d~~**Department of Licensing and Regulatory Affairs, b**Bureau of ~~e~~**Construction e**Codes, **611 West Ottawa Street, First Floor Ottawa Building, Lansing, Michigan 48933.** ~~for \$83.00 for each code book.~~ The code may be purchased from the International Code Council, through the bureau's website at www.michigan.gov/bcc, **at a cost as of the time of adoption of these rules of** ~~for \$83.00~~**87.50** for each code book.~~

AMENDMENTS AND ADDITIONS TO BASIC PLUMBING CODE

R 408.30711 Title and scope.

Rule 711. Sections 101.1, 101.2, and 101.3 of the code are amended to read as follows:

101.1. Title. This part shall be known as the Michigan plumbing code and is ~~hereinafter to be~~ referred to as “the plumbing code” or “the code.” This part shall control all matters concerning the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials as ~~herein~~ defined **in this code** and shall apply to existing or proposed buildings and structures ~~in the~~ **this** state.

101.2. Scope. The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, medical gas systems, water supplies, water service, and storm water and sewage disposal in and exiting buildings, shall comply with the requirements of the code. The design and installation of gas piping, chilled water piping in connection with refrigeration process and comfort cooling, and hot water piping in connection with building heating systems shall conform to the Michigan mechanical code. The design and installation of all fire sprinkler systems and standpipe systems shall conform to the Michigan building code. Water and drainage connections to such installations shall be made in accordance with the requirements of the code.

Exception: Detached 1-and 2-family dwellings and multiple single-family dwellings, ~~(townhouses)~~ **such as townhouses**, not more than 3 stories high with separate means of egress and their accessory structures shall comply with the Michigan residential code.

101.3. Intent. The purpose of this code **and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531** is to establish minimum standards to provide a reasonable level of safety, health, property protection, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, and operation and maintenance or use of plumbing equipment and systems. ~~The act~~ **Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531**, takes precedence over all provisions of this code.

R 408.30716 Fees.

Rule 716. Section ~~106.6~~ **109.1** of the code is amended to read as follows:

~~Rule 106.6.109.1.~~ Fees. The fees prescribed by the act shall be paid to the enforcing agency of the jurisdiction before a permit to begin work for new construction, alteration, removal, demolition, or other building operation may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee is paid. **The authority having jurisdiction may withhold issuance of any newly requested permits to an individual who has outstanding permit fees owed to that authority having jurisdiction.**

R 408.30725d Type of fixtures.

Rule 725d. Section 915.1 is added to the code to read as follows:

915.1. Type of fixtures. A combination waste and vent system shall not serve fixtures other than floor drains, sinks, lavatories and drinking fountains. Combination waste and vent systems shall not receive the discharge from a food waste disposer or clinical sink.

R 408.30725e Fixture traps.

Rule 725e. Section 1002.1 is added to the code to read as follows:

1002.1. Fixtures traps. Each plumbing fixture shall be separately trapped by a liquid-seal trap, except as otherwise allowed by this code. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches, 609.6 mm, and the horizontal distance shall not exceed 30 inches, 762 mm, measured from the centerline of the fixture outlet to the centerline of the inlet of the trap. The height of a clothes washer standpipe above a trap shall conform to section 802.4.3. A fixture shall not be double trapped.

Exceptions:

- 1.** This section shall not apply to fixtures with integral traps.
- 2.** A combination plumbing fixture is allowed to be installed on 1 trap, provided that 1 compartment is not more than 6 inches, 152 mm, deeper than the other compartment and the waste outlets are not more than 30 inches, 762 mm, apart.
- 3.** A grease interceptor intended to serve as a fixture trap in accordance with the manufacturer's installation instructions shall be allowed to serve as the trap for a single fixture or a combination sink of not more than 3 compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches, 762 mm, and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches, 1524 mm.
- 4.** Floor drains in multilevel parking structures that discharge to a building storm sewer shall not be required to be individually trapped. Where floor drains in multilevel parking structures are required to discharge to a combined building sewer system, the floor drains shall not be required to be individually trapped provided that they are connected to a main trap in accordance with section 1103.1.

R 408.30725f Inspection and testing of backflow prevention assemblies.

Rule 725f. Section 312.10 is added to the code to read as follows:

312.10. Inspection and testing of backflow prevention assemblies. Inspection and testing shall comply with section 312.10.1 and 312.10.2

R 408.30725g Inspections.

Rule 725g. Section 312.10.1 is added to the code to read as follows:

312.10.1. Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps after installation or relocation to determine whether the assemblies are operable and air gaps exist.

R 408.30725h Testing.

Rule 725h. Section 312.10.2 is added to the code to read as follows:

312.10.2. Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or at the time of relocation. Test gauges shall comply with ASSE 1064. The testing procedure shall be performed in accordance with 1 of the following standards:

- (a)** ASSE 5013.
- (b)** ASSE 5015.
- (c)** ASSE 5020.

- (d) ASSE 5047.
- (e) ASSE 5048.
- (f) ASSE 5052.
- (g) ASSE 5056.
- (h) CSA B64.10.
- (i) CSA B64.10.1.

R 408.30726a Pipe fittings.

Rule 726a. Section 702.4 is added to the code to read as follows:

**Table 702.4
PIPE FITTINGS**

| MATERIAL | STANDARD |
|---|--|
| Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters | ASME A112.4.4; ASTM D2661; ASTM F628; CSA B181.1 |
| Acrylonitrile butadiene styrene (ABS) plastic pipe in sewer and drain diameters | ASTM D2751 |
| Cast iron | ASME B16.4; ASME B16.12; ASTM A74; ASTM A888; CISPI 301 |
| Copper or Copper alloy | ASME B16.15; ASME B16.18; ASME B16.22; ASME B16.23; ASME B16.26; ASME B16.29 |
| Galvanized steel pipe | ASTM A53 |
| Glass | ASTM C1053 |
| Gray iron and ductile iron | AWWA C110/A21.10 |
| Polyethylene | ASTM D2683 |
| Polyolefin | ASTM F1412; CSA B181.3 |
| Polyvinyl chloride (PVC) plastic in IPS diameters | ASME A112.4.4; ASTM D2665; ASTM F1866 |
| Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters | ASTM D3034 |
| Polyvinyl chloride (PVC) plastic pipe with a 3.25-inch O.D. | ASTM D2949 |
| Polyvinylidene fluoride (PVDF) plastic pipe | ASTM F1673; CSA B181.3 |
| Stainless steel drainage system, Types 304 and 316L | ASME A112.3.1 |
| Steel | ASME B16.9; ASME B16.11; ASME B16.28 |
| Vitrified clay | ASTM C700 |

R 408.30727 Water distribution pipe.

Rule 727. Table 605.4 of the code is amended to read as follows:

Table 605.4

WATER DISTRIBUTION PIPE

| MATERIAL | STANDARD |
|---|--|
| Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing | ASTM D2846; ASTM F441; ASTM F442; CSA B137.6 |
| Chlorinated polyvinyl chloride/aluminum/chlorinated polyvinyl chloride (CPVC/AL/CPVC) | ASTM F2855 |
| Copper or copper-alloy pipe | ASTM B42; ASTM B302; ASTM B43 |
| Copper or copper-alloy tubing (Type K, WK, L, WL, M or WM) | ASTM B75; ASTM B88; ASTM B251; ASTM B447 |
| Cross-linked polyethylene (PEX) plastic tubing | ASTM F876; CSA B137.5 |
| Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe | ASTM F1281; ASTM F2262; CSA B137.10 |
| Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE) | ASTM F1986 |
| Ductile iron pipe | AWWA C151/A21.51; AWWA C115/A21.15 |
| Galvanized steel pipe | ASTM A53 |
| Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe | ASTM F1282 |
| Polyethylene of raised temperature (PE-RT) plastic tubing | ASTM F2769; CSA B137.158 |
| Polypropylene (PP) plastic pipe or tubing | ASTM F2389; CSA B137.11 |
| Stainless steel pipe (Type 304/304L) | ASTM A312; ASTM A778 |
| Stainless steel pipe (Type 316/316L) | ASTM A312; ASTM A778 |

(REFERENCE R 408.30732, SECTION 605.2.1)

R 408.30727a Location of full-open valve.

Rule 727a. Section 606.1 is added to the code to read as follows:

606.1. Location of full-open valve. Full-open valves shall be installed in the following locations:

- 1. On the building water service pipe from the public water supply near the curb.**
- 2. On the water distribution supply pipe at the entrance into the structure.**
 - 2.1. In multiple tenant buildings, where a common water supply piping system is installed to supply spaces other than 1 and 2 family dwellings, a main shutoff valve shall be provided for each tenant or space.**
- 3. On the discharge side of every water meter.**
- 4. On the base of every water riser pipe in occupancies other than multiple-family residential occupancies that are 2 stories or less in height and in 1 and 2 family residential occupancies.**
- 5. On the top of every water down-feed pipe in occupancies other than 1 and 2 family residential occupancies.**
- 6. On the entrance to every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops.**
- 7. On the water supply pipe to a gravity or pressurized water tank.**
- 8. On the water supply pipe to every water heater.**

R 408.30727b Labeling of water distribution pipes in bundles.

Rule 727b. Section 606.7 is added to the code to read as follows:

606.7. Labeling of water distribution pipes in bundles. Where water distribution piping is bundled at installation, each pipe in the bundle shall be identified using stenciling, commercially available pipe labels, or approved color-coded piping materials. The identification shall indicate the pipe contents and the direction of flow in the pipe. The interval of the identification markings on the pipe shall not exceed 25 feet, 7620mm. There shall be at least 1 identification label on each pipe in each room, space, or story.

R 408.30727c Tempered water temperature control.

Rule 727c. Section 607.1.2 is added to the code to read as follows:

607.1.2. Tempered water temperature control. Tempered water shall be controlled by 1 of the following:

- 1. A limiting device conforming to ASSE 1070/ASME A112.1070/CSA B125.70 and set to not greater than 110 degrees Fahrenheit or 43 degrees Celsius.**
- 2. A thermostatic mixing valve conforming to ASSE 1017.**
- 3. A water heater conforming to ASSE 1082.**
- 4. A water heater conforming to ASSE 1084.**
- 5. Emergency eye wash tepid water limits shall not be less than 60 degrees Fahrenheit or 15.6 degrees Celsius and not greater than 100 degrees Fahrenheit or 37.8 degrees Celsius and conform to ASSE 1071.**

R 408.30729 Water service pipe.

Rule 729. Table 605.3 and section 609.3 of the code are amended to read as follows:

Table 605.3

~~Water Service Pipe~~ **WATER SERVICE PIPE**

| MATERIAL | STANDARD |
|---|--|
| Acrylonitrile butadiene styrene (ABS) plastic pipe | ASTM D1527; ASTM D2282 |
| Chlorinated polyvinyl chloride (CPVC) plastic pipe | ASTM D2846; ASTM F441; ASTM F442; CSA B137.6 |
| Chlorinated polyvinyl chloride/aluminum/chlorinated polyvinyl chloride (CPVC/AL/CPVC) | ASTM F2855 |
| Copper or copper-alloy pipe | ASTM B42; ASTM B302 |
| Copper or copper-alloy tubing (Type K, WK, L, WL, M or WM) | ASTM B75; ASTM B88; ASTM B251; ASTM B447 |
| Cross-linked polyethylene (PEX) plastic pipe and tubing | ASTM F876; AWWA C904; CSA B137.5 |
| Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AS-PEX) pipe | ASTM F1281; ASTM F2262; B137.10 |
| Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE) | ASTM F1986 |

| | |
|---|--|
| Ductile iron water pipe | AWWA C151/A21.51; AWWA C115/A21.15 |
| Galvanized steel pipe | ASTM A53 |
| Polyethylene (PE) plastic pipe | ASTM D2239; ASTM D3035; AWWA C901; CSA B137.11 |
| Polyethylene (PE) plastic tubing | ASTM D2737; AWWA C901; CSA B137.1 |
| Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe | ASTM F1282; CSA B 137.9 |
| Polyethylene of raised temperature (PE-RT) plastic tubing | ASTM F2769; CSA B137.18 |
| Polypropylene (PP) plastic pipe or tubing | ASTM F2389; CSA B137.11 |
| Polyvinyl chloride (PVC) plastic pipe | ASTM D1785; ASTM D2241; ASTM D2672; CSA B137.3 |
| Stainless steel pipe (Type 304/304L) | ASTM A312; ASTM A778 |
| Stainless steel pipe (Type 316/316L) | ASTM A312; ASTM A778 |
| Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing | ASTM D2846; ASTM F441; ASTM F442; CSA B137.6 |
| Chlorinated polyvinyl chloride/aluminum/chlorinated polyvinyl chloride (CPVC/AL/CPVC) | ASTM F2855 |
| Copper or copper-alloy pipe | ASTM B-42; ASTM B302; ASTM B43 |
| Copper or copper-alloy tubing (Type K, WK, L, WL, M or WM) | ASTM B75; ASTM B88; ASTM B251; ASTM B447 |
| Cross-linked polyethylene (PEX) plastic tubing | ASTM F876; CSA B137.5 |
| Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe | ASTM F1281; ASTM F2262; CSA B137.10 |
| Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE) | ASTM F1986 |
| Ductile iron pipe | AWWA C151/A21.51; AWWA C115/A21.15 |
| Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe | ASTM F1282 |
| Polyethylene of raised temperature (PE-RT) plastic tubing | ASTM F2769; CSA B137.158 |
| Polypropylene (PP) plastic pipe or tubing | ASTM F2389; CSA B137.11 |
| Stainless steel pipe (Type 304/304L) | ASTM A312; ASTM A778 |
| Stainless steel pipe (Type 316/316L) | ASTM A312; ASTM A778 |

(REFERENCE R 408.30732, SECTION 605.2.1)

609.3 Hot water. Hot water shall be provided to supply all of the hospital fixtures, kitchen, and laundry requirements. Special fixtures and equipment shall have hot water supplied at a temperature specified by the manufacturer. The hot water system shall be installed in accordance with section 607.

R 408.30729a. Pipe fitting.

Rule 729a. Table 605.5 is added to the code to read as follows:

**Table 605.5
PIPE FITTINGS**

| MATERIAL | STANDARD |
|---|--|
| Acrylonitrile butadiene styrene (ABS) plastic | ASTM D2468 |
| Cast iron | ASME B16.4 |
| Chlorinated polyvinyl chloride (CPVC) Plastic | ASSE 1061; ASTM D2846; ASTM F437; ASTM F438; ASTM F439; CSA B137.6 |
| Copper or copper alloy | ASME B16.15; ASME B16.18; ASME B16.22; ASME B16.26; ASME B16.51; ASSE 1061; ASTM F1476; ASTM F1548; ASTM F3226 |
| Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE) | ASTM F1986 |
| Fittings for cross-linked polyethylene (PEX) plastic tubing | ASSE 1061; ASTM F877; ASTM F1807; ASTM F 1960; ASTM F2080; ASTM F2098, ASTM F2159; ASTM 2434; ASTM F2735; CSA B137.5 |
| Fittings for polyethylene of raised temperature (PE-RT) plastic tubing | ASSE 1061; ASTM D3261; ASTM F1807; ASTM 2098; ASTM F2159; ASTM 2735; ASTM F2769; CSA B137.18 |
| Galvanized steel pipe | ASTM A53 |
| Gray iron and ductile iron | ASTM F1476; ASTM F1548; AWWA C110/A21.10; AWWA C153/A21.53 |
| Insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) | ASTM F1281; ASTM F1282; ASTM F1974; CSA B137.9; CSA B137.10 |
| Malleable iron | ASME B16.3 |
| Metal (brass) insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) | ASTM F1974 |
| Polyethylene (PE) plastic pipe | ASTM D2609; ASTM D2683; ASTM D3261; ASTM F1055; CSA B137.1 |
| Polypropylene (PP) plastic pipe or tubing | ASTM F2389; CSA B137.11 |

| | |
|----------------------------------|--|
| Polyvinyl chloride (PVC) plastic | ASTM D2464; ASTM D2466; ASTM D2467; CSA B137.2; CSA B137.3 |
| Stainless steel (Type 304/304L) | ASTM A312; ASTM A778; ASTM F1476; ASTM F1548; ASTM F3226 |
| Stainless steel (Type 316/316L) | ASTM A312; ASTM A778; ASTM F1476; ASTM F1548; ASTM F3226 |
| Steel | ASME B16.9, ASME B16.11; ASME B16.28; ASTM F1476; ASTM F1548 |

(REFERENCE R 408.30732, SECTION 605.2.1)

R 408.30729b Manufactured pipe nipples.

Rule 729b. Table 605.8 is added to the code to read as follows:

**Table 605.8
MANUFACTURED PIPE NIPPLES**

| MATERIAL | STANDARD |
|---|-----------------|
| Copper, copper alloy, and chromium-plated | ASTM B687 |
| Galvanized steel pipe | ASTM A53 |
| Steel | ASTM A773 |

(REFERENCE R 408.30732, SECTION 605.2.1)

R 408.30732 Lead content of drinking water pipe and fittings.

Rule 732. Section 605.2.1 is added to the code to read as follows:

605.2.1. Lead content of drinking water pipe and fittings.

Pipe, pipe fittings, joints, valves, faucets, and fixture fittings utilized to supply water for drinking or cooking purposes shall comply with NSF 372 and shall have a weighted average lead content of 0.25% or less.

R 408.30736 Water supply.

Rule 736. Section 411.3 is added to the code to read as follows:

411.3. Water supply. Where hot and cold water is supplied to an emergency shower or eyewash station, the temperature of the water supply shall only be controlled by a temperature-actuated mixing valve complying with ASSE 1071. Where water is supplied directly to an emergency shower or eyewash station from a water heater, the water heater shall comply with ASSE 1085, section 607.1.2.

R 408.30753b Roof extension unprotected.

Rule 753b. Section 903.1.1 is added to the code to read as follows:

903.1.1. Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated not less than 12 inches, 304.8 mm, above the roof.

R 408.30755 Storm drainage.

Rule 755. Table 1102.4 of the code is amended to read as follows:

TABLE 1102.4
BUILDING STORM SEWER PIPE

| MATERIAL | STANDARD |
|---|--|
| Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including Schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, cellular core or composite wall. | ASTM D2661; ASTM F628; ASTM F1488; CSA B181.1; CSA B182.1 |
| Cast-iron pipe | ASTM A74; ASTM A888; CISPI 301 |
| Concrete pipe | ASTM C14; ASTM C76; CSA A257.1M; CSA A257.2M |
| Copper or copper-alloy tubing (Type K, L, M or DWV) | ASTM B75; ASTM B88; ASTM B251; ASTM B306 |
| Polyethylene (PE) plastic pipe | ASTM F667; ASTM F2306/F2306; ASTM F2648/F2548M; F2648/F2648M |
| Polypropylene (PP) plastic pipe | ASTM F2736; ASTM F2764; CSA B182.13 |
| Polyvinyl chloride (PVC) plastic pipe (Type DWV, SDR26, SDR35, SDR41, PS50 or PS100) in IPS diameters, including Schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, cellular core or composite wall | ASTM D2665; ASTM D3034; ASTM F891; ASTM F1488; CSA B181.2; CSA B182.2; CSA B182.4 |
| Vitrified clay pipe | ASTM C4; ASTM C700 |
| Stainless steel drainage systems, Type 316L | ASME A112.3.1 |

R 408.30755a Rainfall rate conversion method.

Rule 755a. Section 1106.2.1 is added to the code to read as follows:

1106.2.1. Rainfall rate conversion method. The rainfall rate falling on a roof surface shall be converted to a gallon per minute (L/m) flow rate in accordance with equation 11-1.

R 408.30758 Minimum number of fixtures.

Rule 758. Sections 403.1, **403.1.1** and 403.3.1 and Table 403.1 of the code are amended to read as follows:

403.1. Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined in accordance with the Michigan building code. Occupancy classification shall be determined in accordance with the Michigan building code.

Exceptions:

1. The actual number of occupants determined by a supporting affidavit from the owner or agency.

2. Hand washing sinks in food service establishments shall be provided in accordance with **section 6101 of the food law, 2000 PA 92, MCL 289.6101, incorporating by reference the United States Food and Drug Administration (FDA) food code 5-204.11 related to the location and placement of hand washing sinks.** ~~regulation no. 553, food establishments, R 285.553.1 to R 285.553.26 of the Michigan department of agriculture and rural development.~~

3. Toilet facilities for public swimming pools shall be provided in accordance with ~~public swimming pools, R 325.2111 to R 325.2199 of the Michigan department of environmental quality.~~

4. Toilet facilities for childcare center, day care center, and nursery school facilities shall be provided in accordance with ~~child day care licensing—childcare centers, R 400.8101 to R 400.8840 of the Michigan department of licensing and regulatory affairs.~~

5. Toilet facilities for children’s camps shall be provided in accordance with ~~children’s and adult foster care camps, R 400.11101 to R 400.11413 of the Michigan department of licensing and regulatory affairs.~~

403.1.1 Fixture calculations. To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with table 403.1. Fractional numbers resulting from applying the fixture ratios of table 403.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, the fractional numbers for each occupancy shall be summed and rounded up to the next whole number.

Exceptions:

1. The total occupant load shall not be required to be divided in half where approved statistical data indicate a distribution of the sexes of other than 50% of each sex.

2. Where multiple-user facilities are designed to serve all genders, the minimum fixtures count shall be calculated at 100%, based on total occupant load. The minimum number of required plumbing fixtures shall be in accordance with table 403.1. In multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a stall.

3. Distribution of the sexes is not required where single-user water closets and bathing room fixtures are provided in accordance with section 403.1.2.

403.3.1. Access. The route to the public toilet facilities required by section 403.3 shall not pass through kitchens, storage rooms, or closets. Access to the required facilities shall be from within the building. All routes shall comply with the ~~accessibility’s~~ **accessibility** requirements of the Michigan building code. The public shall have access to the required toilet facilities at all times that the building is occupied.

TABLE 403.1
 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
 (See Sections 403.1.1 and 403.2)

| NO. | CLASSIFICATION | OCCUPANCY | DESCRIPTION | WATER CLOSETS (URINALS SEE SECTION 419.2) | | LAVATORIES | | BATHTUBS/ SHOWERS | DRINKING FOUNTAIN ^{e,f} (SEE SECTION 410.1) | OTHER |
|------------------|---|------------------|--|--|---|--|-----------|----------------------|--|-----------------------|
| | | | | MALE | FEMALE | MALE | FEMALE | | | |
| 1 | Assembly | A-1 ^d | Theaters and other buildings for the performing arts and motion pictures | 1 per 125 | 1 per 65 | 1 per 200 | | | 1 per 500 | 1 service sink |
| | | A-2 ^d | Nightclubs, bars, taverns, dance halls, and buildings for similar purposes | 1 per 40 | 1 per 40 | 1 per 75 | | | 1 per 500 | 1 service sink |
| | | | Restaurants, banquet halls and food courts | 1 per 75 | 1 per 75 | 1 per 200 | | | 1 per 500 | 1 service sink |
| | | | Casino gaming areas | 1 per 100 for the first 400 and 1 per 250 for the remainder exceeding 400 | 1 per 50 for the first 400 and 1 per 150 for the remainder exceeding 400 | 1 per 250 for the first 750 and 1 per 500 for the remainder exceeding 750 | | — | 1 per 1,000 | 1 service sink |
| A-3 ^d | Auditoriums without permanent seating, art galleries, | 1 per 125 | 1 per 65 | 1 per 200 | | | 1 per 500 | 1 service sink | | |

| | | | | | | | | | |
|--|------------------|--|--|--|----------------------|----------------------|--|------------------------|---------------------------|
| | | exhibition halls, museums, lecture halls, libraries, arcades, and gymnasiums | | | | | | | |
| | | Passenger terminals and transportation facilities | 1 per 500 | 1 per 500 | 1 per 750 | | | 1 per 1,000 | 1 service sink |
| | | Places of worship and other religious services. | 1 per 150 | 1 per 75 | 1 per 200 | | | 1 per 1,000 | 1 service sink |
| | A-4 | Coliseums, arenas, skating rinks, pools, and tennis courts for indoor sporting events and activities | 1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500 | 1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520 | 1 per 200 | 1 per 150 | | 1 per 1,000 | 1 service sink |
| | A-5 ⁱ | Stadiums, amusement parks, bleachers, and grandstands for outdoor sporting events and activities | 1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500 | 1 per 40 for the first 1,520 and 1 per 120 for the remainder exceeding 1,520 | 1 per 200 | 1 per 150 | | 1 per 1,000 | 1 service sink |
| | A-5 | Outdoor educational and municipal venues not larger than 3,000 spectators | 1 per 125 | 1 per 65 | 1 per 200 | 1 per 150 | | 1 per 1,000 | 1 service sink |

| | | | | | | | | |
|---|------------------------|-------------|---|---|---|----------------------------|-----------|------------------------------|
| 2 | Business | B | Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial, and similar uses | 1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50 | 1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80 | | 1 per 100 | 1 service sink ^{ge} |
| 3 | Educational | E | Educational facilities | 1 per 50 | 1 per 50 | | 1 per 100 | 1 service sink |
| 4 | Factory and industrial | F-1 and F-2 | Structures in which occupants are engaged in work fabricating, assembling, or processing of products or materials | 1 per 100 | 1 per 100 | (see Section 411) _____ | 1 per 400 | 1 service sink |
| 5 | Institutional | I-1 | Residential Custodial care facilities | 1 per 10 | 1 per 10 | 1 per 8 | 1 per 100 | 1 service sink |
| | | I-2 | Hospitals, and ambulatory Medical care recipients in hospitals, and ambulatory nursing homes patients, care recipient | 1 per room c | 1 per room c | 1 per 15 | 1 per 100 | 1 service sink per floor |
| | | | Employees, in hospitals and | 1 per 25 | 1 per 35 | | 1 per 100 | |

| | | | | | | | | |
|---|-------------------|-----|---|----------------------------|----------------------------|----------------------------|--------------------|-----------------------|
| | | | nursing homes^b other than residential care^b | | | | | |
| | | | Visitors, other than residential care in hospitals and nursing homes | 1 per 75 | 1 per 100 | | 1 per 500 | |
| | | I-3 | Prisons^b | 1 per cell | 1 per cell | 1 per 15 | 1 per 100 | 1 service sink |
| | | | Reformatories, detention centers, and correctional centers^b | 1 per 15 | 1 per 15 | 1 per 15 | 1 per 100 | 1 service sink |
| | | | Employees^b in reformatories, detention centers and correctional centers^b | 1 per 25 | 1 per 35 | - | 1 per 100 | - |
| | | I-4 | Adult day care and childcare | 1 per 15 | 1 per 15 | 1 | 1 per 100 | 1 service sink |
| 6 | Mercantile | M-1 | Retail stores, service stations, shops, salesrooms, markets and shopping centers | 1 per 500 | 1 per 750 | — | 1 per 1,000 | 1 service sink |
| | | R-1 | Hotels, motels, and boarding houses (transient) | 1 per sleeping unit | 1 per sleeping unit | 1 per sleeping unit | — | 1 service sink |

7

Residential

| | | | | | | |
|-----|---|---------------------|---------------------|---------------------|-----------|---|
| R-2 | Dormitories, fraternities, sororities and boarding houses (not transient) | 1 per 10 | 1 per 10 | 1 per 8 | 1 per 100 | 1 service sink |
| R-2 | Apartment house | 1 per dwelling unit | 1 per dwelling unit | 1 per dwelling unit | _____ | 1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units |
| R-3 | Congregate living facilities with 16 or fewer individuals | 1 per 10 | 1 per 10 | 1 per 8 | 1 per 100 | 1 service sink |
| R-3 | 1 and 2 family dwelling and lodging houses with five or fewer guestrooms | 1 per dwelling unit | 1 per dwelling unit | 1 per dwelling unit | _____ | 1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit |

| | | | | | | | | |
|---|---------|------------|--|-----------|-----------|---------|-------------|----------------|
| | | R-4 | Congregate living facilities with 16 or fewer individuals | 1 per 10 | 1 per 10 | 1 per 8 | 1 per 100 | 1 service sink |
| 8 | Storage | S-1 S-2 | Structure for the storage of goods, warehouses, storehouses, and freight depots. Low and moderate hazard. | 1 per 100 | 1 per 100 | — | 1 per 1,000 | 1 service sink |

- a. The fixtures shown are based on 1 fixture being the minimum required for the number of **individuals** ~~persons~~ indicated or any fraction of the number of **individuals** ~~persons~~ indicated. The number of occupants shall be determined by the *International Building Code* **International Building Code**.
- b. Toilet facilities for employees shall be separate from facilities for inmates or **care** patients.
- c. A single-occupant toilet room with 1 water closet and **1** ~~one~~ lavatory serving not more than 2 adjacent patient sleeping units shall be **allowed** ~~permitted where such room is provided~~ **that with direct access from each patient sleeping unit has direct access to the toilet room and with provisions for privacy: for the toilet room user is provided.**
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. ~~The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code. For business and mercantile classifications with an occupant load of 15 or fewer, service sinks shall not be required.~~
- f. ~~Drinking fountains are not required for an occupant load of 15 or fewer. The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with section 609 of the International Swimming Pool and Spa Code.~~
- g. ~~For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.~~
- h. ~~Structures not designed for occupants or as an employee’s regular working area, are not required to have toilet facilities.~~
- i. ~~Water closets and lavatories in adjacent school buildings may be included in the required minimum fixture count, if they are located within a 500-foot walking distance to the stadium. Signage for the location of these rest rooms is required.~~

R 408.30758a High and low drinking fountains minimum number.

Rule 758a. Section 410.3.1 is added to the code to read as follows:

410.3.1. High and low drinking fountains minimum number. Where drinking fountains are required, no fewer than 2 drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair, and 1 drinking fountain shall comply with the requirements for standing individuals.

Exceptions:

- 1. A single drinking fountain with 2 separate spouts that complies with the requirements for individuals who use a wheelchair and standing individuals shall be allowed to be substituted for 2 separate drinking fountains.**
- 2. Where drinking fountains are primarily for children's use, the drinking fountains for people using wheelchairs shall be allowed to comply with the children's provisions in ICC A117.1 and drinking fountains for standing children shall be allowed to have the spout at 30 inches, 762 mm, minimum above the floor.**
- 3. Referencing building code for all height requirements of drinking fountains and water coolers.**

R408.30758b Water supply.

Rule 758b. Section 411.3 is added to the code to read as follows:

411.3. Water supply. Where hot and cold water are supplied to an emergency shower or eyewash station, the temperature of the water supply shall only be controlled by temperature-actuated mixing valve complying with ASSE 1071. Where water is supplied directly to an emergency shower or eyewash station from a water heater, the water heater shall comply with ASSE 1085, See section 607.1.2.

R 408.30762 Floor drains; public toilet rooms.

Rule 762. Section ~~412.5~~ 413.5 is added to the code to read as follows:

~~412.5.~~ 413.5. Floor drains; public toilet rooms. In all public toilet rooms that contain a combination of 3 or more water closets or urinals, at least 1 approved floor drain shall be installed connecting to the sanitary system; ~~h~~ However, stall urinals may serve as floor drains if the entire floor can be drained to the urinals.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Construction Codes- Part 7. Plumbing Code
Rule Set 2022-56 LR

NOTICE OF PUBLIC HEARING
Friday, September 8, 2023
09:00 AM

Michigan Library & Historical Center. First Floor Forum
Michigan Historical Center, 702 W Kalamazoo St, Lansing, MI 48915

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Construction Codes- Part 7. Plumbing Code rule set.

Part 7 of the Construction Code currently adopts by reference the 2018 edition of the International Plumbing Code (IPC), which is based on plumbing principles and plumbing codes across the country. Part 7 also includes rules that amend the IPC, address plumbing practices that are specific to Michigan, and deletes those requirements in the IPC that do not pertain to Michigan because of the State's geographic and environmental features. The proposed rules will adopt by reference the 2021 edition of the IPC with amendments, deletions, and additions deemed necessary for use in Michigan.

The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the State of Michigan residents by regulating the installation and inspection of plumbing within the state.

The authority to promulgate the proposed rules is found in Section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030.

The proposed rules will take effect 120 days after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 9/1/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: Lara-bcc-rules@michigan.gov.

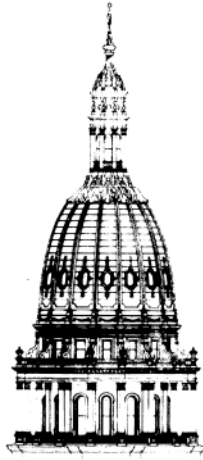
Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 9/15/2023 at 05:00PM.

Attn: Tony Williamson, Bureau of Constuction Codes P.O. Box 30254, Lansing, MI 48909

Bureau of Construction Codes, P.O Box 30254, Lansing, MI 48909

Lara-bcc-rules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-388-3536 to make arrangements.



**CUMULATIVE
INDEX**

A

AGRICULTURE AND RURAL DEVELOPMENT, DEPARTMENT OF

Bodies of Dead Animals (2023-12*)

Regulation No. 623 Field Seed Certification (2023-6)

ATTORNEY GENERAL, DEPARTMENT OF

Opinions

Providing reasonable accommodations to qualified individuals with a disability who request them in order to fully participate in meetings that are required by the Open Meetings Act to be held in a place available to the general public

OAG Opinion No. 7318 (2022-3)

Reduction in the income tax rate where a percentage increase in the general fund/general purpose revenue for the preceding fiscal year exceeded the inflation rate for that same period and the inflation rate is positive

OAG Opinion No. 7320 (2023-6)

Constitutionality of 2022 PA 196, 197, amending Michigan Election Law

OAG Opinion No. 7322 (2023-9)

C

CIVIL RIGHTS, DEPARTMENT OF

Organization, Practice, And Procedure (2023-10)

E

ENVIRONMENT, GREAT LAKES AND ENERGY, DEPARTMENT OF

Part 1. Well Construction Code (2023-10)

Part 6. Emission Limitations and Prohibitions – Existing Sources of VOC Emissions (2023-8)

State Revolving Loan Fund (2023-6)

H

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Certificate of Need

Magnetic Resonance Imaging (2023-2)
Megavolt Radiation Therapy (2023-2)
Neonatal Intensive Care Services/Beds (Nicu) and Special Newborn Nursing Services (2023-5)
Open Heart Surgery (Ohs) Services (2023-11)
Positron Emission Tomography Scanner Services (2023-5)
Psychiatric Beds and Services (2023-5)
Urinary Extracorporeal Shock Wave Lithotripsy (Ueswl) Services (2023-11)

Child Placing Agencies (2023-12)
EMS Personnel Licensing and Education (2023-6)
EMS Life Support Agencies and Medical Control (2023-10)
Licensing Rules for Foster Family Homes and Foster Family Group Homes (2023-11)
Pharmacy Benefit Manager Licensure and Regulation Act (2023-7*)
Statewide ST- Elevation Myocardial Infarction (STEMI) System (2023-14*)
Statewide Stroke System (2023-14*)

I

INSURANCE AND FINANCIAL SERVICES, DEPARTMENT OF

Good Moral Character (2023-6)

L

LABOR AND ECONOMIC OPPORTUNITY, DEPARTMENT OF

General Industry Safety and Health Standard Part 23. Hydraulic Power Presses (2023-6)
Ionizing Radiation Rules Governing the Use of Radiation Machines (2023-11) (2023-13*)
Part 73. Fire Brigades (2023-9*)
State Housing Development Authority – General Rules (2023-6)
Workers' Compensation Health Care Services (HCS) (2023-7*)

LICENSING & REGULATORY AFFAIRS, DEPARTMENT OF

Correction:

Pharmacy – General Rules (2023-14*)
Unarmed Combat (2023-6)

Accountancy – General Rules (2023-12*)
Adult Foster Care Family Homes Licensing Rules (2023-11)
Adult Foster Care Congregate Facilities Licensing Rules (2023-11)
Adult Foster Care Small Group Homes Licensing Rules (2023-11)
Adult Foster Care Large Group Homes Licensing Rules (2023-11)
Architects – General Rules (2023-9)
Athletic Training -- General Rules (2023-6)
Audiology – General Rules (2023-6)
Barbers – General Rules (2023-7*)
Board of Mechanical Rules (2023-8)
Board of Midwifery (2023-6)
Building Officials, Plan Reviewers, and Inspector Rules (2023-8)
Carnival and Amusement Safety (2023-14*)
Central Fill Pharmacies (2023-10)
Chiropractic – General Rules (2023-6)

Consumer Standards and Billing Practices for Electric and Natural Gas Service (2023-7)
Construction Codes - Part 7. Plumbing Code (2023-15*)
Construction Code - Part 9A Mechanical Code (2023-14*)
Counseling – General Rules (2023-8)
Cosmetology – General Rules (2023-7*)
Electrical Administrative Board General Rules (2023-8) (2023-15)
Electric Interconnection and Net Metering Standards (2023-8)
Elevator (2023-6)
Gas Safety (2023-11*)
Genetic Counseling - General Rules (2023-6)
Homes for the Aged (2023-6)
Interconnection and Distributed Generation Standards (2023-8)
Landscape Architects – General Rules
Marriage and Family Therapy – General Rules (2023-15*)
Medicine - General Rules (2023-6)
Michigan Boiler Rules (2023-8)
MOAHR Administrative Hearing Rules (2023-2*)
Nurse Aide, Trainer and Training Program Rules (2023-6)
Occupational Therapists - General Rules (2023-8)
Optometry – General Rules (2023-10)
Osteopathic Medicine and Surgery – General Rules (2023-6)
Pharmacy-General Rules (2023-9*)
Pharmacy Technicians (2023-5*)
Pharmacy - Pharmacist Continuing Education (2023-12)
Pharmacy – Program for Utilization of Unused Prescription Drugs (2023-11*)
Physician’s Assistants – General Rules (2023-6)
Physical Therapy - General Rules (2023-9)
Podiatric Medicine and Surgery – General Rules (2023-6)
Professional Engineers – General Rules (2023-9)
Professional Surveyors – General Rules (2023-9)
Psychology - General Rules (2023-11)
Public Health Code – General Rules (2023-6)
Real Estate Appraisers - General Rules
Respiratory Care – General Rules (2023-6)
Responsibilities of Providers of Basic Local Exchange Service that Cease to Provide the Service (2023-12*)
Sanitarians Registration - General Rules (2023-6)
Service Quality and Reliability Standards for Electric Distribution Systems (2023-7)
Skilled Trades Regulation Rules (2023-8)
State Plumbing Board Rules (2023-8)
Substance Use Disorder Service Programs (2023-12)
Technical Standards for Electric Service (2023-7)
Unarmed Combat (2023-6)
Veterinary Medicine – General Rules (2023-6)

N

NATURAL RESOURCES, DEPARTMENT OF
Commercial Forests (2023-14*)
Endangered and Threatened Species (2023-6)

Mackinac Island State Park Commission – General Rules (2023-11)
Placement of ORV License (2023-15)
Use of Trawls (2023-9)

S

STATE POLICE, DEPARTMENT OF
Drunk Driving Equipment and Training Fund (2022-10)
Tests for Breath Alcohol (2022-10)

T

TREASURY, DEPARTMENT OF
Millionaire Parties (2023-5*)
Sales and Use Tax Rules (2023-15)

**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2023 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”