

ADVISORY BULLETIN

January 29, 2018

The intent of this advisory bulletin is to provide information on recently enacted 2018 PA 10 which amended the MMFLA to update certain procedures. This bulletin will also provide clarification on the issue of testing sample collection.

- 2018 PA 10 (HB 5144) summary:
 - Adds protections for CPAs and financial institutions working with licensees.
 - Streamlines the process for municipalities to authorize marijuana facilities.
 - Clarifies which types of licensees may transfer marijuana or parts of marijuana.
 - Clarifies when the use of a secure transporter is required or not required.
- 2018 PA 10 (HB 5144) amends section 505 of the MMFLA to authorize a safety compliance facility to collect a random sample of marijuana at a marijuana facility of a grower, processor, or provisioning center for testing without using a secure transporter.
- A safety compliance facility must physically collect samples of marijuana product from another marijuana facility to be tested at the safety compliance facility under Rule 32(2)(a) of the Emergency Administrative Rules filed on December 4, 2017. The sample size collected must be sufficient to complete all analysis required.
- As part of the safety compliance facility requirements for accreditation and the maintenance of internal standard operating procedures and a quality control and quality assurance program under Rule 31(7), a safety compliance facility has the responsibility to collect samples as appropriate to get a representative sample that reasonably assures the test results are defensible. In addition, the methodology of the safety compliance facility must be documented and supported to establish the standards utilized in conducting the required quality assurance program.
- The Department in consultation with the Marijuana Facilities Licensing Board and Marijuana Advisory Panel intends to research and review other states' sampling size standards for consideration in future administrative rules.

This advisory bulletin does not constitute legal advice and is subject to change. It is intended to provide clarification only as to the Department of Licensing and Regulatory Affairs' Emergency Administrative Rules which were promulgated on December 4, 2017 and 2018 PA 10. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marijuana Facilities Licensing Act, as amended and associated Emergency Administrative Rules.

A complete copy of the Emergency Administrative Rules can be found at:

http://www.michigan.gov/documents/opt/Emergency_Rules_Medical_Marihuana_Facilities_Licensing_Act_607643_7.pdf. More information on the BMMR can be found at the bureau's website: www.michigan.gov/bmmr. For more information about LARA, please visit www.michigan.gov/lara. Follow us on Twitter [www.twitter.com/michiganLARA](https://twitter.com/michiganLARA) "Like" us on Facebook or find us on YouTube www.youtube.com/michiganLARA&