

December 21, 2018

Retesting and Remediation

A safety compliance facility may test or retest a sample to validate the results of a failed safety test in accordance with Rule 46 (R 333.246) of the Administrative Rules. A failed test sample must pass 2 separate retests, consecutively, to be eligible to proceed to sale or transfer. If both retests pass, the batch is out of quarantine and eligible for sale or transfer. If 1 or both retests fail, the marijuana product must be destroyed as provided in the Administrative Rules. The marijuana facility that provided the sample is responsible for all costs involved in a retest.

A marijuana product is **prohibited** from being retested in all of the following circumstances:

- The marijuana product is in a final package.
- A final test for chemical residue failed pursuant to the Administrative Rules. If the amount of chemical residue or chemical residue active ingredient found is not permissible by the department, the marijuana product is ineligible for retesting and the product **must** be destroyed.
- A final failed test for microbials on marijuana-infused product is ineligible for retesting and the product **must** be destroyed.

The department is publishing the following remediation protocol in accordance with the Administrative Rules for use where retesting is permitted by the rules.

Remediation Protocol

Usable Marijuana – flower, shake/trim from harvest

- If initial product testing fails for mold or foreign matter, the grower can remove and destroy the parts of the plant material that are contaminated. The product must then be retested.
- If initial product testing fails for water activity, the product can be allowed to further dry and cure. The product must then be retested.
- If initial product testing fails for microbial testing (total yeast and mold, *E. coli* or *Salmonella*, etc.), the package can be transferred to a processor – **with departmental approval** – to be extracted using high heat and a hydrocarbon-based solvent. The new product will then need full compliance testing, including microbials, to prove contaminants have been removed.

In order to receive departmental approval to move a package from a grower to a processor without passing test results for microbial testing, the grower will need to

December 20, 2018

submit the request in writing to LARA-BMR-Enforcement@michigan.gov. The subject line should state “request for remediation approval.” The email must include:

1. Facility name
2. License number
3. Package tag number
4. Product name and weight
5. Plan to remediate the product including the name and license number of the processor where the product will be sent for processing.

The grower is not authorized to transfer the product until written approval from the department is received. To produce “live resin,” the grower should follow the same approval procedure above.

Concentrates/Extracts – testing prior to final packaging

- If initial product testing fails for residual solvents, further extraction is permitted to burn off more of the solvent. The product must then be retested.
- If initial product homogeneity testing fails (i.e. testing prior to final packaging), the product can be remixed. The product must then be retested.

Edibles & Non-Edibles – testing prior to final packaging

- If initial product testing fails for potency, the processor may repackage into a smaller multi-pack (i.e. a 10 pack into a 5 pack). The product must then be retested.
- If initial product testing fails for potency, the processor may melt the product and reform it into a smaller size or melt small pieces from broken product and add in non-marijuana ingredients and reform into the same item – chocolate bars for example. The product must then be retested.

This technical bulletin does not constitute legal advice and is subject to change. It is intended to provide a technical clarification only to the Department of Licensing and Regulatory Affairs' Administrative Rules. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marihuana Facilities Licensing Act and associated Administrative Rules.

A complete copy of the Administrative Rules can be found [here](#).

More information on the BMR can be found at the bureau's website: www.michigan.gov/bmr.

For more information about LARA, please visit www.michigan.gov/lara

Follow us on Twitter www.twitter.com/michiganLARA

“Like” us on Facebook or find us on YouTube www.youtube.com/michiganLARA