MICIL

MICHIGAN COALITION OF INDEPENDENT CANNABIS TESTING LABORATORIES

January 18, 2019

Department of Licensing and Regulatory Affairs
Bureau of Medical Marihuana Regulation
Medical Marihuana Facility Licensing

SENT VIA EMAIL ONLY

Re: Response to LARA Recommendation and BMMR Board Resolution (January 16, 2019)

Dear Sir or Madam,

The Michigan Coalition of Independent Cannabis Testing Laboratories (MICIL), on the behalf of the undersigned Grow, Processor, Provisioning Center and Secure Transporter facilities, would like to propose the following temporary rule changes in response to LARA's recommendations referenced below, and the Board's subsequent resolution in support.

Wednesday's resolution, in favor of allowing Provisioning Centers to purchase and resell untested caregiver cannabis product, poses a serious safety risk to Michigan's patient population.

We believe there is an alternative means to ensure the safety of Michigan's patient population, while maintaining access to medical cannabis through licensed provisioning centers and temporary operating facilities.

Only last week, LARA issued multiple product recalls under the subject heading of "Public Health and Safety Advisory". This week, those very same products will be available for sale without the safety net of laboratory analysis.

In MICIL member PSI Labs' preliminary, albeit small sample study (~160 samples), they discovered that over 60% of caregiver products, submitted for testing by Provisioning Centers, failed testing for pesticides, microbial contamination, or both.

More alarming than the failure rate is the sheer magnitude of pesticide failure. MICIL members have reported caregiver results containing *thousands* of times higher the allowable limit of pesticides (100's of ppm where the limits are tenths of ppm).

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We understand the reasoning behind LARA's recommendation – to help maintain patient access to medical cannabis.

However, while removing the mandate for testing may give patients more access to "medical" cannabis, it will undoubtedly flood Michigan's MMFLA marketplace with unsafe, untested cannabis products that have been proven to have a 60%+ failure rate.

Further, LARA's resolution imposes a testing mandate on licensed Grows and Processors while it permits the sale of untested cannabis by temporary operators and Provisioning Centers, essentially penalizing certain licensed facilities by selective enforcement.

More importantly, the resolution fails to achieve the ultimate goal of the MMFLA – to give patients access to safe, medical cannabis.

The state should impose reasonable restrictions on temporary operators, licensed Provisioning Centers, Grows and Processors, thus allowing patients access to safe, lab-tested medical cannabis.

The undersigned licensed facilities suggest the following requirements to achieve LARA's goal of maintaining patient access to <u>safe</u> medical cannabis:

1. Any and all cannabis products must be tested by a Safety Compliance Facility prior to transfer by a licensed facility or sale by a licensed Provisioning Center or temporary operator.

2. Any and all product with a failure rate **> 25%** of the allowable limit for the following tests must be destroyed*****:

    a. Chemical Residue
    b. Heavy Metals
    c. Residual Solvents

3. Any product with a failure rate of ≥ **1-25%** the allowable limit for the following tests **may** be sold or transferred, so long as a waiver of knowing consent is signed by a patient or the receiving licensed facility:

    a. Chemical Residue
    b. Heavy Metals

c. Residual Solvents

4. Any product that fails for the following tests **may** be sold or transferred to a licensed facility, so long as a waiver of knowing consent is signed by a patient or the receiving licensed facility.

    a. Foreign Organic Matter
    b. Moisture
    c. Water Activity
    d. Homogeneity Test

    * **Retesting and Remediation:** Products that fail testing may be remediated and submitted for retest. A Safety Compliance Facility may test or retest a sample that has failed for any test, including Chemical Residue, to validate the results of a failed safety test. A failed test sample must pass 2 separate retests, consecutively.

The spirit and intent of the MMFLA is not mere regulation and oversight of the cannabis industry - it is also the means for patients to access safe, lab-tested medical cannabis.

The latest ruling by LARA, affirmed by the Board, is a major setback to those who require access to safe medical cannabis. Under this new ruling, Michigan's most vulnerable patients are buying purported medical cannabis products that could legitimately harm them.

The undersigned licensed medical facilities implore LARA and the Board to adopt the rules suggested above, to help ensure that patients maintain access to safe medical cannabis.

Thank you for your consideration.

Benjamin J. Rosman, JD
CEO & Co-Founder, PSI Labs
Founder, MICIL

Encl:

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On behalf of **Safety Compliance Facilities**:

PSI Labs, LLC
Steadfast LLC
Iron Laboratories LLC
The Spott
ABKO Labs
Comprehensive Lab Services

On behalf of **Growers**:

Green Peak Industries, LLC
BlueSol Biomedical, LLC
VB Chesaning, LLC
Pure Green, LLC

On behalf of **Provisioning Centers:**

CannArbor
Green Peak Industries, LLC

On behalf of **Secure Transporters:**

Motas Inc.
Lelantos Transport

On behalf of **Processors:**

Arbor Kitchen, LLC
CLDD, LLC
Cannalicious LLC
Pure Green, LLC
Green Peak Industries, LLC