

(e) A safety compliance facility may request additional sample material from the same licensee where the sample was collected from for the purposes of completing the required quality assurance tests as long as the requirements of this rule are met.

(f) A safety compliance facility or its authorized employee shall be physically present when collecting the samples of marihuana product for testing.

Rule 33. Requirements and restrictions on marihuana-infused products; edible marijuana product.

(1) A processor shall prepackage and properly label marihuana-infused products before sale or transfer.

(2) A processor of marihuana-infused products shall list and record the THC level of marihuana-infused products, as provided in Rule 34, in the statewide monitoring system and indicate the THC level on the label along with the tag identification as required under these rules. Items that are part of a product recall issued in the statewide monitoring system, the department, or other state agency if applicable must be immediately pulled from production and not sold or transferred.

(3) Marihuana-infused products must be stored and secured as prescribed under these rules.

(4) At a minimum, a processor shall label any marihuana-infused product it produces or packages with all the following:

(a) The name and address of the marihuana facility that processes or packages the marihuana-infused product.

(b) The name of the marihuana-infused product.

(c) The ingredients of the marihuana-infused product, in descending order of predominance by weight.

(d) The net weight or net volume of the product.

(e) For an edible marihuana product, the processor shall comply with subdivisions (a) to (d) of this subrule and all of the following:

(i) Allergen labeling as specified by federal labeling requirements.

(ii) If any nutritional claim is made, appropriate labeling as specified by federal labeling requirements and these rules.

(iii) A statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: "Made in a marihuana facility."

(5) A processor of edible marihuana product shall comply with all the following to ensure safe preparation:

(a) 21 CFR part 110, except that refrigerated potentially hazardous marihuana product must be stored at 4.4 degrees Celsius (40 degrees Fahrenheit) or below.

(b) The licensee shall provide employee training on safe food handling by providing any of the following:

(i) Proof of ServSafe certification.

(ii) Documentation of employee training on food handling, including, but not limited to, allergens and proper sanitation and safe food handling techniques.

(c) A licensee, to ensure the safe preparation standards under this subrule, shall comply with 1 or more of the following:

(i) FDA Food Safety Modernization Act (FSMA), 21 U.S.C. section 2201 et seq.

(ii) Safe Quality Food (SQF), 7.2 edition.

(iii) The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1.

(d) The department may request in writing documentation to verify certifications and compliance with these rules.

- (6) A processor edible marihuana product must comply with all the following:
- (a) No edible marihuana product can be in a shape, color, package, or labeled in a manner that it would appeal to minors aged 17 years or younger. No edible marihuana product can be associated with or have cartoons, caricatures, toys, colors, designs, shapes, labels, or package that would appeal to minors.
  - (b) No edible marihuana product can be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited.
  - (c) An edible marihuana product must be in child resistant packages or containers.
- (7) A processor is prohibited from producing an edible marihuana product that requires time or temperature control for safety. The end-product must be a stable shelf-life edible marihuana product.
- (8) For purposes of this rule, the term “edible marihuana product” means any marihuana-infused product containing marihuana that is intended for human consumption in a manner other than smoke inhalation.
- (9) This rule does not affect the application of any applicable local, state, or federal laws or regulations.

Rule 34. Maximum THC levels for marihuana-infused products. Marihuana-infused products processed, sold, or transferred through provisioning centers must not exceed the maximum THC levels as shown in table 1 as follows:

**TABLE 1**  
Maximum THC Levels for Marihuana-Infused Products

<b>MEDICAL MARIHUANA THC CONCENTRATION AND SERVING SIZE LIMITS</b>		
Type of Marihuana-Infused Product	Maximum Concentration or Amount of THC Per Serving*	Maximum Concentration or Amount of THC in Container*
Topical formulation (examples – lotions, balms, rubs, etc.)	N/A	6% by volume
Tincture	N/A	1,000mg
Beverage	50mg	500mg
Edible Substance (examples – candy bars, cookies, popcorn, honey, gummies, butter, etc.)	50mg	500mg
Other similar high-potency infused product (examples – capsules, suppositories, transdermal patches, etc.)	N/A	1,000mg

*\*All limits allow for a variance of + or – 10%.*

Rule 35. Storage of marihuana product.