



ADVISORY BULLETIN

September 4, 2020

Temporary Marijuana Events

The intent of this bulletin is to provide the public and the marijuana industry with information regarding Temporary Marijuana Events.

Temporary Event License Required

Pursuant to Rule 21 (3) of the Marijuana Licenses Rule Set (R 420.21(3)), a person that allows consumption of marijuana products on the premises of a nonresidential location and charges a fee for entry, sells goods or services while individuals are consuming on the premises, or requires membership for entry shall acquire a Designated Consumption Establishment or Temporary Marijuana Event license.

Eligibility for a Temporary Marijuana Event License

A person must apply for and be granted a Marijuana Event Organizer license to be eligible to hold a Temporary Marijuana Event.

Licensing Process

If a Marijuana Event Organizer plans to hold a Temporary Marijuana Event, the application for the Temporary Marijuana Event must be received by the Marijuana Regulatory Agency (MRA) at least 90 days before the first day of the event. This 90-day timeframe is to ensure the MRA has ample processing time to approve and issue a license for the event prior to it occurring.

The steps for obtaining a Temporary Marijuana Event license – which may be done separately or all at once – are as follows:

- Obtain Prequalification status - apply using the Step 1 Prequalification application
- Obtain a Marijuana Event Organizer license - apply using the Step 2 Marijuana Event Organizer license application
- Obtain a Temporary Marijuana Event license - apply using the Temporary Marijuana Event license application

Questions can be sent to the Marijuana Regulatory Agency via email [at MRA-Adult-Use-Marijuana@michigan.gov](mailto:MRA-Adult-Use-Marijuana@michigan.gov).

Sales During Temporary Marijuana Events



ADVISORY BULLETIN

September 4, 2020

Only retailers and microbusinesses issued an adult-use license under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) are authorized to make sales of marijuana to customers during licensed Temporary Marijuana Events.

The Marijuana Event Organizer may also sell marijuana products at the Temporary Marijuana Event if the Marijuana Event Organizer separately holds a state license as a Marijuana Retailer or Marijuana Microbusiness.

Only persons age 21 years of age or older may purchase and consume marijuana products at a Temporary Marijuana Event. Prior to selling marijuana products to a customer, the licensee making the sale shall confirm – using valid identification as specified in the act and the rules – the age and identity of the customer.

Licensed Temporary Events Under COVID-19 Executive Orders

On May 18, 2020, Governor Whitmer issued [Executive Directive 2020-6](#) that directs each state agency to enforce workplace health and safety standards and take enforcement actions to ensure compliance. On July 17, 2020, Governor Whitmer issued [Executive Order 2020-153](#) setting forth additional requirements regarding masks.. On August 4, 2020, Governor Whitmer signed [Executive Directive No. 2020-8](#) that directs state departments and agencies to prioritize enforcement of all COVID-19 Executive Orders. On September 3, 2020, the Governor signed [Executive Order 2020-175](#) that established safeguards to protect Michigan’s workers from COVID-19, and [Executive Order 2020-176](#) that amended the [Michigan Safe Start Plan](#).

In accordance with Governor Whitmer’s Executive Orders and Executive Directive, the MRA is taking proactive steps to ensure licensees holding licensed Temporary Marijuana Events implement infection-control practices to protect their employees and event attendees.

The following is effective immediately and is a continuation of previous COVID-19 related authorizations and restrictions the MRA has issued and will remain in effect until the Executive Orders and ED 2020-6 are terminated.

Enforcement

The MRA will prioritize enforcement of the COVID-19 Executive Orders for health and safety purposes. The MRA also, will oversee compliance with the mask/face covering requirements and workplace health-and-safety standards established in the Executive Orders cited in this bulletin. Noncompliance with the COVID-19 Executive Orders is presumptive evidence of a public health hazard or imminent and substantial hazard to the public health and may subject the marijuana licensee to disciplinary actions/proceedings, including summary suspension.



ADVISORY BULLETIN

September 4, 2020

This bulletin is intended to provide guidance and should not be interpreted as law as other issues may apply. Licensees are to familiarize themselves with all applicable emergency orders.

All marijuana licensees are required to, at a minimum:

- (a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration (“OSHA”) and available [here](#). Within two weeks of resuming in-person activities, a business’s or operation’s plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.
- (b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.
- (c) Provide COVID-19 training to employees that covers, at a minimum:
 - (1) Workplace infection-control practices.
 - (2) The proper use of personal protective equipment.
 - (3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - (4) How to report unsafe working conditions.
- (d) Provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.
- (e) Place posters in the languages common in the employee population that encourage staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices.
- (f) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.
- (g) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.
- (h) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.



ADVISORY BULLETIN

September 4, 2020

- (i) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.
- (j) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.
- (k) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).
- (l) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.
- (m) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.
- (n) When an employee is identified with a confirmed case of COVID-19:
 - (1) Immediately notify the local public health department, and
 - (2) Within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.
- (o) An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention (“CDC”) and they are released from any quarantine or isolation by the local public health department.
- (p) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.
- (q) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the workplace to allow for deep cleaning.
- (r) Restrict business-related travel for employees to essential travel only.
- (s) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.
- (t) Promote remote work to the fullest extent possible.



ADVISORY BULLETIN

September 4, 2020

(u) Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.

Employers must maintain a record of the requirements set forth in Sections (c), (f), and (n) and provide the records to the MRA upon request.

Note: Marijuana businesses should follow their standard operating procedures for cleaning and sanitizing surfaces, including product work surfaces, utensils and equipment. There is a list of EPA-registered “disinfectant” products for COVID-19 on the Disinfectants for Use Against SARS-CoV-2 [list](#) that have qualified under EPA’s emerging viral pathogen program for use against SARS-CoV-2, the coronavirus that causes COVID-19. Consider increasing the frequency of surface cleaning. More preventative measures from the CDC can be found [here](#).

Additional Requirements

The following rules about face coverings must be followed:

1) Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:

(a) When in any indoor public space;

(b) When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and

(c) When waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service as a means of hired transportation.

2) Although a face covering is strongly encouraged even for individuals not required to wear one, the requirement to wear a face covering does not apply to individuals who:

(a) Are younger than five years old (and, per guidance from the Centers for Disease Control and Prevention (“CDC”), children under the age of two should not wear a mask)

(b) Cannot medically tolerate a face covering

(c) Are eating or drinking while seated at a food service establishment

(d) Are exercising when wearing a face covering would interfere with the activity

(e) Are receiving a service for which temporary removal of the face covering is necessary

(f) Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes



ADVISORY BULLETIN

September 4, 2020

- (g) Are communicating with someone who is deaf, deafblind, or hard of hearing and where the ability to see the mouth is essential to communication
- (h) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities
- (i) Are at a polling place for purposes of voting in an election
- (j) Are officiating at a religious service
- (k) Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

3) To protect workers, shoppers, and the community, no business, government office, or operation that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order.

(a) Businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligation to wear a face covering while inside. The Michigan Department of Labor and Economic Opportunity may, in its discretion, require such businesses to post signs developed and made available by the Department, or conforming to requirements established by the Department.

(b) A department or agency that learns that a licensee is in violation of this section will consider whether the public health, safety or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license) under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

(c) A business may not assume that someone who enters the business without a face covering falls in one of the exceptions specified in section 2 of this order, including the exception for individuals who cannot medically tolerate a face covering. A business may, however, accept a customer's verbal representation that they are not wearing a face covering because they fall within a specified exception.

The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq. and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under the executive orders.

Nothing in this bulletin shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances.



ADVISORY BULLETIN

September 4, 2020

Requirements for Temporary Marijuana Events – licensed only for sale of marijuana products – in addition to the requirements listed above must:

Except for Regions 6 and 8:

A Temporary Marijuana Event is permitted, but only to the extent that:

- (1) The event is designed to ensure that persons not part of the same household maintain six feet of distance from one another
- (2) Persons not part of the same household maintain six feet of distance from one another;
- (3) If it is indoors, the event does not exceed 10 people
- (4) If it is outdoors, the event does not exceed 100 people

Regions 6 and 8:

(a) Notwithstanding section (1)(a)(4) of this bulletin, an outdoor Temporary Marijuana Event among persons not part of the same household is permitted in Regions 6 and 8, but only to the extent that the event does not exceed 250 people and complies with subsection (1)(a)(1) and (1)(a)(2) of this bulletin.

(b) Notwithstanding the restrictions in section (1)(a), an indoor venue may be open for a Temporary Marijuana Event, but only to the extent that it:

- (1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and
- (2) Limits the number of people in the venue to 25% of its maximum capacity or to 250, whichever is smaller

(c) Notwithstanding the restrictions in section (2)(b), an outdoor venue may, be open for a Temporary Marijuana Event, but only to the extent that it:

- (1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and
- (2) Limits the number of people in the venue to 25% of its maximum capacity or to 500, whichever is smaller.

3) Create communications materials for customers (e.g. signs or pamphlets) to inform attendees of changes to Temporary Marijuana Events practices and explain precautions



ADVISORY BULLETIN

September 4, 2020

being taken to prevent infection. At a minimum, material(s) should substantially conform to the information provided [here](#).

4) Establish crowd-limiting measures to meter the flow of attendees (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground or cones to designate social distancing, etc.).

5) Post signs at location entrance(s) instructing attendees of their legal obligation to wear a face covering when inside the location. At a minimum, signs should substantially conform to the information provided [here](#).

6) Post signs at location entrance(s) informing attendees not to enter if they are or have recently been sick. At a minimum, signs should substantially conform to the information provided [here](#).

7) Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.

8) For indoor locations, where the 10-person limitation applies from above, ensure that ventilation systems operate properly, and increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.

9) Regularly clean and disinfect public areas and restrooms.

In addition to the requirements listed above, indoor Temporary Marijuana Events, licensed for sale or consumption of marijuana products, must:

- For consumption, limit capacity to 50% of normal seating.
- Require six feet of separation between customers.
- Require attendees to wear a face covering accept when consuming marijuana products (unless the attendee is unable medically to tolerate a face covering).
- Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that attendees remain at least six feet apart in any lines.
- Train employees on how to manage symptomatic attendees upon entry or in the Temporary Marijuana Event.
- Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the location.



ADVISORY BULLETIN

September 4, 2020

- Close the Temporary Marijuana Event immediately if an employee/attendee shows symptoms of COVID-19, defined as either the new onset of cough or new onset of chest tightness or two of the following: fever (measured or subjective), chills, myalgia, headache, sore throat, or disorders of taste or smell, and perform a deep clean, consistent with guidance from FDA and the Center for Disease Control. Such cleaning may occur overnight.
- Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
- Ensure that ventilation systems operate properly, and increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.
- Regularly clean and disinfect public areas, locker rooms, and restrooms.

In addition to the requirements listed above, outdoor Temporary Marijuana Events, licensed for consumption or sale of marijuana products, except in Regions 6 and 8, must:

- Design the gathering to ensure that persons not part of the same household maintain six feet of distance from one another.
- Limit the gather to 100 people
- Limit in-person interaction with customers to the maximum extent possible, and bar any such interaction in which customers cannot maintain six feet of distance from one another.
- For locations, to the extent feasible, adopt specified entry and exit times for vulnerable populations, as well as specified entrances and exits.
- Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.
- Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.

A complete copy of the Rules can be found [here](#). More information on the MRA can be found at the agency website: www.michigan.gov/MRA. Executive Orders issued by Governor Whitmer can be found [here](#).



ADVISORY BULLETIN

September 4, 2020