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September Emergency Rules: Temporary Operation and Transition

The purpose of this bulletin is to provide information to medical marijuana facility applicants and licensees regarding the interplay of the Emergency Rules signed on September 11, 2018 with the Emergency Rules signed on May 30, 2018 and the Medical Marijuana Facilities Licensing Act (MMFLA).

The following section applies to applicants who fall into one of these three categories:

- Applicants who do not have a signed Attestation E on file with the department (municipal authorization for temporary operation).
- Applicants who applied after February 15, 2018.
- Applicants who applied on or before February 15, 2018 and submitted the marijuana facility license application (i.e. Step 2) after June 15, 2018 or have not yet submitted a Step 2 application.

Any operation of a medical marijuana facility may be an impediment to licensure and may result in a cease and desist notice and referral to law enforcement. If the applicant is approved for a license by the board and has paid the regulatory assessment, a license will be issued.

At that point, the transition period in Rule 20 of the 5/30/18 Emergency Rules would begin as well as the 30-day period authorized in the MMFLA (Section 501(7) for growers or Section 502(4) for processors). A provisioning center licensee must ensure that all marijuana product has met the testing requirements of the act and emergency rules prior to sale or transfer to a patient or caregiver.

The following section applies to:

- Applicants who applied on or before February 15, 2018 and submitted the marijuana facility license application (i.e. Step 2) on or before June 15, 2018.

The applicant's operation of the marijuana facility with municipal authorization for temporary operation (i.e. a signed Attestation E on file with the department) will not be an impediment to licensure. If the applicant is approved for a license by the board, the regulatory assessment must be paid within 10 business days. Continued operation after the 10-business day window may result in disciplinary action if the

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regulatory assessment has not been paid. Once the regulatory assessment has been paid, the applicant may operate under Rule 2 of the September Emergency Rules until the department issues the license.

The department intends to issue the license on December 1, 2018. At that point, the transition period in Rule 4 of the September Emergency Rules would begin as well as the 30-day period authorized in the MMFLA (Section 501(7) for growers or Section 502(4) for processors).

A provisioning center licensee may sell product that has not been tested in compliance with the act and emergency rules, provided the licensee obtains a signed written acknowledgement from the patient or caregiver consenting to the sale or transfer.

Any marijuana product obtained prior to the date of licensure may continue to be sold after the date of licensure, provided the licensee obtains a signed written acknowledgement from the patient or caregiver. Any marijuana product obtained after the date of licensure must be obtained from a licensed facility and must be tested in full compliance with the act and emergency rules.

If a facility has not been issued a license by the department, continued operation after December 15, 2018 will be considered an impediment to licensure.

The following section applies to:

- Applicants who were approved for licensure by the board prior to September 11, 2018 but have not been issued a license.

The applicant must pay the regulatory assessment within 10 business days from the notice of approval. Continued operation after the 10-business day window may result in disciplinary action if the regulatory assessment has not been paid. Once the regulatory assessment has been paid, the applicant may operate under Rule 2 of the September Emergency Rules until the department issues the license.

The department intends to issue the license on December 1, 2018. At that point, the transition period in Rule 4 of the September Emergency Rules would begin as well as the 30-day period authorized in the MMFLA (Section 501(7) for growers or Section 502(4) for processors).

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A provisioning center licensee may sell product that has not been tested in compliance with the act and emergency rules, provided the licensee obtains a signed written acknowledgement from the patient or caregiver consenting to the sale or transfer.

Any marihuana product obtained prior to the date of licensure may continue to be sold after the date of licensure, provided the licensee obtains a signed written acknowledgment from the patient or caregiver. Any marihuana product obtained after the date of licensure must be obtained from a licensed facility and must be tested in full compliance with the act and emergency rules.

The following section applies to:

- Applicants who were issued a license prior to September 11, 2018.

The licensee may return the license in a manner to be determined by the department. Once the license has been returned, the person may operate under Rule 2 of the September Emergency Rules until the department reissues the license.

The department intends to issue the license on December 1, 2018. At that point, the transition period in Rule 4 of the September Emergency Rules would begin as well as the 30-day period authorized in the MMFLA (Section 501(7) for growers or Section 502(4) for processors).

A provisioning center licensee may sell product that has not been tested in compliance with the act and emergency rules, provided the licensee obtains a signed written acknowledgement from the patient or caregiver consenting to the sale or transfer.

Any marihuana product obtained prior to the date of licensure may continue to be sold after the date of licensure, provided the licensee obtains a signed written acknowledgment from the patient or caregiver. Any marihuana product obtained after the date of licensure must be obtained from a licensed facility and must be tested in full compliance with the act and emergency rules.

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