

March 26, 2018

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## PROVISIONING CENTER PRE-LICENSURE INSPECTION REMINDERS

Please note the following excerpts from the [Emergency Rules](#) and from the [Medical Marihuana Facilities Licensing Act](#), in preparation for pre-licensure inspections. This list is not all-inclusive yet highlights key areas to consider when navigating the application and inspection process.

A provisioning center license authorizes the purchase or transfer of marihuana only from a grower or processor and sale or transfer to only a registered qualifying patient or registered primary caregiver. A provisioning center shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises nor allow a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a registry identification card.

Mobile marihuana facilities and drive through operations are prohibited. Any sales or transfers of marihuana product by internet or mail order, consignment, or at wholesale are prohibited.

Any change or modification to the marihuana facility after licensure is governed by the standards and procedures set forth in the act and these rules and any regulations adopted pursuant thereto and requires the approval of the department before any changes or modification.

Any change of a location of a marihuana facility after licensure requires a new license application under Rules 5 and 6 and may include, but is not limited to, regulatory assessment or application fees or both. A licensee shall produce written documentation from the municipality approving the proposed new marihuana facility location as indicated on the application provided to the department and be in compliance with section 205 of the act.

Rules 29 and 32 cover plant batches, testing procedures, and sampling. Please review and follow guidelines regarding identifying, tagging, testing, and samples and refer to Emergency Rules 29 and 32 for details.

A provisioning center may sell or transfer marihuana product to a registered qualifying patient or a registered primary caregiver if the guidelines in the sub rule are met, refer to Emergency Rules for details. A provisioning center may sell or transfer marihuana product to a visiting qualifying patient if all the guidelines in the sub rule are met, refer to Emergency Rules for details.

The provisioning center shall enter all transactions, current inventory, and other information required by these rules in the statewide monitoring system in compliance with the act, marihuana tracking act, and these rules. The provisioning center shall

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maintain appropriate records of all sales or transfers under the act and these rules and make them available to the department through its investigators, agents, auditors, or the state police upon request.

The licensee shall verify in the statewide monitoring system before a sale or transfer of marihuana product to a registered qualifying patient or registered primary caregiver that the sale or transfer will not exceed the daily purchasing limit. For a registered qualifying patient, an amount of marihuana product that does not, in total, exceed 2.5 ounces per day. For a registered primary caregiver, an amount of marihuana product that does not, in total, exceed 2.5 ounces per day for each registered qualifying patient with whom he or she is connected through the department's registration process.

Marihuana facilities shall comply with all municipal ordinances, state law, and these rules regulating signs and advertising. A licensee shall not advertise marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place. Marihuana products must be marketed or advertised as "medical marihuana" for use only by registered qualifying patients or registered primary caregivers. Marihuana products must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.

A licensee shall conduct a criminal history background check on any prospective employee prior to hiring that individual pursuant to section 405 of the act. The licensee shall keep records of the results of the criminal history background checks. A licensee shall record confirmation of criminal history background checks and make the confirmation of criminal history background checks available for inspection upon request by the department or authorized persons.

A licensee shall have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the department.

A licensee shall enter any employee of the licensee at the time of hire in the statewide monitoring system for an identification number that will be assigned by the department in the statewide monitoring system. The licensee shall immediately update in the statewide monitoring system employee information and status. If an employee is no longer employed by a licensee, the licensee shall remove access and permissions to the marihuana facility and the statewide monitoring system.

A licensee shall train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and daily limits, or educational materials.

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A licensee shall establish point of sale or transfer procedures for employees at provisioning centers performing any transfers or sales to registered qualifying patients and registered primary caregivers. The qualifications and restrictions must include, but are not limited to, training in dosage, marijuana product information, health or educational materials, point of sale training, daily purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.

A licensee shall screen prospective employees against a list of excluded employees based on a report or investigation maintained by the department in the statewide monitoring system. At the time a registered primary caregiver is hired as an employee of a grower, processor, or secure transporter, the licensee or the individual shall withdraw registration as a registered primary caregiver in a manner established by the department.

If an individual is present at a marijuana facility or in a secure transporter vehicle who is not identified as a licensee or an employee of the licensee in the statewide monitoring system or is in violation of the act or these rules, the department, through its investigators, agents, auditors, or the state police may take any action permitted under the act and these rules.

Employee records are subject to inspection or examination by the department, through its investigators, agents, auditors, or the state police to determine compliance with the act or these rules. For purposes of this rule "employee" includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the marijuana facility.