

November 17, 2017

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## Registered Caregivers and Patients: Transition to Facility Licensee or Employee

The purpose of this bulletin is to inform the public of the Bureau of Medical Marihuana Regulation's intentions regarding registered primary caregivers ("caregivers") and qualifying patients ("patients") transitioning into medical marihuana facility licensees or employees. This bulletin is only for advisory purposes and is subject to change.

**Growers and Processors:** The Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, requires grower and processor facility licensees to have at least 2 years' experience as a caregiver, or have an active employee with such experience. This requirement ends on December 31, 2021. However, a licensed grower or processor must not simultaneously be registered as a caregiver and must not employ a registered caregiver. Thus, the Bureau intends to require the following:

- Upon receiving a license, any employee or person with interest in the business who is also a caregiver must submit the form to cancel caregiver status within 5 business days.
- If a new employee is a caregiver, that person has 5 business days from their date of hire to submit the form to cancel caregiver status.

The MMFLA does not prohibit grower and processor facility licensees from being registered as patients under the MMMP, nor does it prohibit such facilities from employing registered patients.

**Secure Transporters:** To be eligible for a secure transporter license, an applicant and its investors cannot be registered patients or caregivers. Thus, the Bureau intends to require the following:

- A registered caregiver or patient must withdraw from the MMMP registry prior to submitting an application for a secure transporter license.
- A registered caregiver or patient who has an interest in an applicant for a secure transporter license must withdraw from the MMMP registry before the applicant submits its application.

**Provisioning Centers and Safety Compliance Facilities:** The MMFLA does not prohibit provisioning center and safety compliance facility licensees from being registered as patients or caregivers under the MMMP, nor does it prohibit such facilities from employing patients or caregivers.

**How to Withdraw from the MMMP Registry:** A patient or caregiver who wishes to withdraw from the MMMP registry must submit a completed Withdrawal Form directly to the MMMP according to the instructions on the form.

*This bulletin does not constitute legal advice and is subject to change. It is intended to be advisory only, in anticipation of the Department of Licensing and Regulatory Affairs' promulgation of emergency rules consistent with statutory requirements. Potential licensees are encouraged to seek legal counsel to ensure their licensure applications and operations comply with the Medical Marihuana Facilities Licensing Act and associated administrative rules.*

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- More information on BMMR can be found at the bureau's website: [www.michigan.gov/bmmr](http://www.michigan.gov/bmmr) •
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