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GROWER 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.

There is a transition period consisting of 30 calendar days during which marihuana product can be entered into the statewide monitoring system to ensure statewide tracking beginning on the day a state operating license is issued to a licensee for the first time – except for additional licenses issued to the same license holder for a stacked license after a first license is issued. (Refer to entire Rule 20(1) for additional information).

Any change or modification to the marihuana facility after licensure is governed by the standards and procedures set forth in the act and the rules and 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.

The outdoor area containing the cultivation of marihuana plants is contiguous with the building, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and the fences are secured and comply with the applicable security measures in these rules, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.

Marihuana product that is to be destroyed or is considered waste must be rendered into an unusable and unrecognizable form and recorded in the statewide monitoring system. A licensee shall not sell marihuana waste or marihuana products that are to be destroyed, or that the department orders destroyed.

A licensee shall manage all waste that is hazardous waste pursuant to part 111 of 1994 PA 451, MCL 324.11101 to 324.90106. A licensee shall dispose of marihuana product waste in a secured waste receptacle using one or more of the following: a manned and permitted solid waste landfill; a manned compostable materials operation or facility; an in-vessel digester; in a manner in compliance with applicable state and local laws and

This advisory bulletin does not constitute legal advice and is subject to change. Licensees are encouraged to seek legal counsel to ensure their operations comply with the Medical Marihuana Facilities Licensing Act and associated Emergency Rules.

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regulations. Wastewater generated during the cultivation of marijuana and processing of marijuana products shall be disposed of in compliance with applicable state and local laws and regulations.

Until December 31, 2021, a grower must have – or have as an active employee an individual who has – a minimum of 2 years' experience as a registered primary caregiver. A grower shall not be registered as a primary caregiver or employ someone that is. A grower shall enter all transactions, inventory, and other information into the statewide monitoring system as required.

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 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 marijuana 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, marijuana product information, dosage and daily limits, or educational materials.

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.

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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.