Marijuana Regulatory Agency Expediting Licenses for Home Delivery During COVID-19 Crisis

Article By
Paul A. Albarran
Varnum LLP
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On March 23, Gov. Gretchen Whitmer ordered most Michigan businesses to temporarily cease in-person operations unless otherwise deemed essential.

Fortunately for cannabis users and businesses, both medical and recreational cannabis facilities are permitted to provide curbside sales and home delivery. However, in-person transactions inside licensed establishments are prohibited.

Under Gov. Whitmer's order, cannabis establishments must designate only as many employees as necessary to provide the minimum basic operations, including those needed to maintain the value of inventory, process transactions and ensure security. Businesses are required to designate which of its employees fall into that category and inform them of the designation. These designations need to be done in writing, through electronic messaging, public websites or other appropriate means. The designations are permitted to be made orally until March 31, 2020.

Through an advisory bulletin from the Michigan Marijuana Regulatory Agency (MRA) dated March 16, 2020 curbside sales are temporarily allowed until the MRA terminates the temporary permissions through the distribution of another bulletin. Establishments need to ensure that all patient or customer information is validated and entered in the statewide monitoring system as if the patient or customer was
otherwise purchasing product in the store.

For those cannabis establishments who are not currently licensed for home delivery, the MRA is expediting home delivery licenses that should only take 24 to 48 hours to approve. Additionally, under temporary rules, delivery addresses do not have to match the address on the patient’s or customer’s ID. Home delivery services must still be approved, so it is important to contact the agency if home delivery is an option that businesses are interested in pursuing.

The home delivery licensing process requires strict adherence to the MMFLA Administrative Rules, Rule 82. Rule 82 has a list of detailed requirements, including: the creation of a secure, authenticating online ordering platform; GPS devices in vehicles to ensure real-time location of vehicles at all times during home delivery; and limits on the quantity of product that can be in the vehicle for delivery. Once an establishment completes a plan addressing the requirements of Rule 82, the plan can be emailed to the MRA enforcement division for approval.

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