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Michigan Medical Marihuana Facilities Licensing Board expected to reopen the Michigan medical marihuana caregiver network

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Today the Michigan Medical Marihuana Facilities Licensing Board is expected to reopen the Michigan medical marihuana caregiver network, allowing medical marihuana caregivers to continue supplying medical marihuana provisioning centers and temporary facilities not yet approved for licensing by the board. This expected announcement comes just two days after Butzel Long filed a lawsuit against the Michigan Department of Licensing and Regulatory Affairs (LARA) on behalf of one of our clients, demanding this network be reopened because of the lack of supply of medical marihuana from licensed grow facilities under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA).

LARA has taken their time to approve applications under the MMFLA, and as a result, less than 25 grow licenses have been approved in the state – which is not even close to enough to supply medical marihuana to the nearly 300,000 patients in Michigan. On January 1, the caregiver network was shut off after LARA refused to extend the MMFLA Emergency Rules. Temporary facilities were closed, and licensed provisioning centers (less than 75 approved in the state) were left to scramble to find medical marihuana from the 10 companies with licensed grow facilities in the state... and there was none to be found. The result? Patients have gone without access to medical marihuana for nearly two weeks, businesses have closed, and employees lost their jobs. Even licensed facilities (those that spent tens of thousands of dollars to become licensed under LARA's rules) were forced to close.

LARA is obligated to protect the health, safety, welfare, and security of the public under the MMFLA. Emergency Rules, like the ones LARA let lapse on December 31, 2018, are the only way to do that given the patchwork of local ordinances that vary from one municipality to the next. After meeting this morning, the

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Marihuana Board voted on a resolution, and LARA is expected to post a bulletin regarding the same, to reopen the caregiver network through March 31, 2019 ... but that only stops the bleeding. License approval has taken as much as 1 year for medical marihuana facilities under the existing rules and processes. Ramping up medical marihuana production can take an additional 6-9 months to become full-scale. This 3-month window that LARA proposes is merely a stop-gap and will need to be extended to accommodate the "transition period" (as it's been labeled) between the new administration and the MMFLA licensed facilities.

Butzel Long continues to monitor these developments and will update this alert as Michigan refines the laws and regulations governing its burgeoning medical and recreational cannabis industry.

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