

HOUSE BILL No. 5681

May 29, 2012, Introduced by Reps. LeBlanc, Liss, Callton and Walsh and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212 and 7214 (MCL 333.7212 and 333.7214), section 7212 as amended by 2011 PA 88 and section 7214 as amended by 1982 PA 352, and by adding article 8; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7212. (1) The following controlled substances are
2 included in schedule 1:

3 (a) Any of the following opiates, including their isomers,
4 esters, the ethers, salts, and salts of isomers, esters, and
5 ethers, unless specifically excepted, when the existence of these
6 isomers, esters, ethers, and salts is possible within the
7 specific chemical designation:

1	Acetylmethadol	Difenoxin	Noracymethadol
2	Allylprodine	Dimenoxadol	Norlevorphanol
3	Alpha-acetylmethadol	Dimepheptanol	Normethadone
4	Alphameprodine	Dimethylthiambutene	Norpipanone
5	Alphamethadol	Dioxaphetyl butyrate	Phenadoxone
6	Benzethidine	Dipipanone	Phenampramide
7	Betacetylmethadol	Ethylmethylthiambutene	Phenomorphane
8	Betameprodine	Etonitazene	Phenoperidine
9	Betamethadol	Etoxeridine	Piritramide
10	Betaprodine	Furethidine	Proheptazine
11	Clonitazene	Hydroxypethidine	Properidine
12	Dextromoramide	Ketobemidone	Propiram
13	Diampramide	Levomoramide	Racemoramide
14	Diethylthiambutene	Levophenacymorphan	Trimeperidine
15		Morpheridine	

16 (b) Any of the following opium derivatives, their salts,
 17 isomers, and salts of isomers, unless specifically excepted, when
 18 the existence of these salts, isomers, and salts of isomers is
 19 possible within the specific chemical designation:

20	Acetorphine	Drotebanol	Morphine-N-Oxide
21	Acetyldihydrocodeine	Etorphine	Myrophine
22	Benzylmorphine	Heroin	Nicocodeine
23	Codeine methylbromide	Hydromorphanol	Nicomorphine
24	Codeine-N-Oxide	Methyldesorphine	Normorphine
25	Cyprenorphine	Methyldihydromorphine	Pholcodine
26	Desomorphine	Morphine methylbromide	Thebacon
27	Dihydromorphine	Morphine methylsulfonate	

28 (c) Any material, compound, mixture, or preparation which

1 contains any quantity of the following hallucinogenic substances,
2 their salts, isomers, and salts of isomers, unless specifically
3 excepted, when the existence of these salts, isomers, and salts
4 of isomers is possible within the specific chemical designation:

5 2-Methylamino-1-phenylpropan-1-one

6 Some trade and other names:

7 Methcathinone

8 Cat

9 Ephedrone

10 3, 4-methylenedioxy amphetamine

11 5-methoxy-3, 4-methylenedioxy

12 amphetamine

13 3, 4, 5-trimethoxy amphetamine

14 Bufotenine

15 Some trade and other names:

16 3-(B-dimethylaminoethyl)-5 hydroxyindole

17 3-(2-dimethylaminoethyl)-5 indolol

18 N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine

19 Mappine

20 2, 5-Dimethoxyamphetamine

21 Some trade or other names:

22 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

23 4-Bromo-2, 5-Dimethoxyamphetamine

24 Some trade or other names:

25 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

26 2,5-DMA

27 Diethyltryptamine

28 Some trade and other names:

29 N,N-Diethyltryptamine; DET

- 1 Dimethyltryptamine
- 2 Some trade or other names:
- 3 DMT
- 4 4-methyl-2, 5-dimethoxyamphetamine
- 5 Some trade and other names:
- 6 4-methyl-2, 5-dimethoxy- α -methyl-phenethylamine
- 7 DOM, STP
- 8 4-methoxyamphetamine
- 9 Some trade or other names:
- 10 4-methoxy- α -methylphenethylamine; paramethoxy amphetamine;
- 11 PMA
- 12 Ibogaine
- 13 Some trade and other names:
- 14 7-Ethyl-6,6a,7,8,9,10,12,13
- 15 Octahydro-2-methoxy-6,9-methano-5H-
- 16 pyrido (1, 2:1, 2 azepino 4, 5-b) indole
- 17 tabernanthe iboga
- 18 Lysergic acid diethylamide
- 19 ~~Marihuana~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), MARIHUANA**
- 20 Mecloqualone
- 21 Mescaline
- 22 Peyote
- 23 N-ethyl-3 piperidyl benzilate
- 24 N-methyl-3 piperidyl benzilate
- 25 Psilocybin
- 26 Psilocyn
- 27 Thiophene analog of phencyclidine
- 28 Some trade or other names:
- 29 1-(1-(2-thienyl)cyclohexyl) piperidine)
- 30 2-thienyl analog of phencyclidine; TPCP

1 (d) ~~Synthetic~~ **EXCEPT AS PROVIDED IN SUBSECTION (2)**,
 2 **SYNTHETIC** equivalents of the substances contained in the plant,
 3 or in the resinous extractives of cannabis and synthetic
 4 substances, derivatives, and their isomers with similar chemical
 5 structure or pharmacological activity, or both, such as the
 6 following, are included in schedule 1:

7 (i) Δ^1 cis or trans tetrahydrocannabinol, and their optical
 8 isomers.

9 (ii) Δ^6 cis or trans tetrahydrocannabinol, and their optical
 10 isomers.

11 (iii) $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and their
 12 optical isomers.

13 (e) ~~Compounds~~ **EXCEPT AS PROVIDED IN SUBSECTION (2)**,
 14 **COMPOUNDS** of structures of substances referred to in subdivision
 15 (d), regardless of numerical designation of atomic positions, are
 16 included.

17 (f) Gamma-hydroxybutyrate and any isomer, salt, or salt of
 18 isomer of gamma-hydroxybutyrate.

19 Some trade and other names:
 20 Sodium oxybate
 21 4-hydroxybutanoic acid monosodium salt

22 (g) 3,4-methylenedioxymethamphetamine.

23 Some trade and other names:
 24 Ecstasy
 25 MDMA

1 (h) N-Benzylpiperazine

2 Some trade and other names:

3 BZP

4 Benzylpiperazine

5 1-(phenylmethyl)-piperazine

6 (i) 3-Chlorophenylpiperazine

7 Some trade and other names:

8 MCPP

9 (j) 1-(3-Trifluoromethylphenyl)piperazine

10 Some trade and other names:

11 TFMPP

12 (k) 4-Bromo-2,5-dimethoxybenzylpiperazine

13 Some trade and other names:

14 2C-B-BZP

15 (l) All of the following:

16 (i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-

17 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

18 Some trade and other names:

19 HU-210

20 (ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-

21 yl)phenol and its side chain homologues.

- 1 Some trade and other names:
2 CP47,497
- 3 (iii) 1-pentyl-3-(1-naphthoyl)indole.
- 4 Some trade and other names:
5 JWH-018
- 6 (iv) 1-butyl-3-(1-naphthoyl)indole.
- 7 Some trade and other names:
8 JWH-073
- 9 (v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-
10 methanone.
- 11 Some trade and other names:
12 JWH-015
- 13 (vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
14 naphthalenyl-methanone.
- 15 Some trade and other names:
16 JWH-200
- 17 (vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-
18 ethanone.
- 19 Some trade and other names:
20 JWH-250

1 (m) Mephedrone (4-methylmethcathinone).

2 Some trade and other names:

3 4-MMC, M-Cat, meow meow, miaow miaow, bounce, bubbles, bubble
4 love, mad cow, plant food, drone, and neo doves

5 (n) 4-Methyl-alpha-pyrrolidinobutyrophenone.

6 Some trade and other names:

7 MPBP

8 (o) Methylenedioxyprovalerone

9 Some trade and other names:

10 MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie,
11 ivory wave, ocean, red dove, scarface, sonic, white dove, white
12 lightning

13 (p) 5,6-Methylenedioxy-2-aminoindane

14 Some trade and other names:

15 MDAI

16 Woof-woof

17 (q) Naphyrone (Naphthylpyrovalerone)

18 Some trade and other names:

19 NRG-1

20 Rave

1 (r) Pyrovalerone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-
2 pentanone)

3 (s) Catha edulis; except as provided in subdivision (t) and
4 section 7218, all parts of the plant presently classified
5 botanically as catha edulis, whether growing or not; the leaves
6 and seeds of that plant; any extract from any part of that plant;
7 and every compound, salt, derivative, mixture, or preparation of
8 that plant or its leaves, seeds, or extracts.

9 Some trade and other names:

10 Khat

11 Qat

12 (t) Cathinone.

13 (u) Salvia divinorum; except as provided in subdivision (v),
14 all parts of the plant presently classified botanically as salvia
15 divinorum, whether growing or not; the leaves and seeds of that
16 plant; any extract from any part of that plant; and every
17 compound, salt, derivative, mixture, or preparation of that plant
18 or its leaves, seeds, or extracts.

19 (v) Salvinorin A.

20 **(2) MARIHUANA AND THE SUBSTANCES DESCRIBED IN SUBSECTION**
21 **(1) (D) AND (E) ARE SCHEDULE 2 CONTROLLED SUBSTANCES IF THEY ARE**
22 **MANUFACTURED, OBTAINED, STORED, DISPENSED, POSSESSED, AND USED IN**
23 **COMPLIANCE WITH ARTICLE 8 OR ARE OBTAINED, STORED, POSSESSED, AND**
24 **USED IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT, 2008**
25 **IL 1, MCL 333.26421 TO 333.26430.**

26 (3) ~~(2)~~ For purposes of subsection (1), "isomer" includes

1 the optical, position, and geometric isomers.

2 Sec. 7214. The following controlled substances are included
3 in schedule 2:

4 (a) Any of the following substances, except those narcotic
5 drugs listed in other schedules, whether produced directly or
6 indirectly by extraction from substances of vegetable origin, or
7 independently by means of chemical synthesis, or by combination
8 of extraction and chemical synthesis:

9 (i) Opium and opiate, and any salt, compound, derivative, or
10 preparation of opium or opiate excluding nalaxone and its salts,
11 and excluding naltrexone and its salts, but including the
12 following:

13	Raw opium	Etorphine hydrochloride
14	Opium extracts	Hydrocodone
15	Opium Fluid-extracts	Hydromorphone
16	Powdered opium	Metopon
17	Granulated opium	Morphine
18	Tincture of opium	Oxycodone
19	Codeine	Oxymorphone
20	Ethylmorphine	Thebaine

21 (ii) A salt, compound, derivative, or preparation thereof
22 which is chemically equivalent to or identical with a substance
23 referred to in **THIS** subdivision, ~~(a)~~,—except that these
24 substances do not include the isoquinoline alkaloids of opium.

25 (iii) Opium poppy, poppy straw, and concentrate of poppy
26 straw, the crude extract of poppy straw in either liquid, solid,
27 or powder form, which contains the phenanthrene alkaloids of the

1 opium poppy.

2 (iv) Coca leaves and any salt, compound, derivative, or
 3 preparation thereof which is chemically equivalent to or
 4 identical with any of these substances, except that the
 5 substances do not include decocainized coca leaves or extraction
 6 of coca leaves which extractions do not contain cocaine or
 7 ecgonine. The substances include cocaine, its salts,
 8 stereoisomers, and salts of stereoisomers when the existence of
 9 the salts, stereoisomers, and salts of stereoisomers is possible
 10 within the specific chemical designation.

11 (b) Any of the following opiates, including their isomers,
 12 esters, ethers, salts, and salts of isomers, when the existence
 13 of these isomers, esters, ethers, and salts is possible within
 14 the specific chemical designation:

15	Alphaprodine	Fentanyl
16	Anileridine	Isomethadone
17	Bezitramide	Levomethorphan
18	Dihydrocodeine	Levorphanol
19	Diphenoxylate	Metazocine
20		
21	Methadone	
22	Methadone-Intermediate, 4-cyano-2dimethylamino-4, 4-diphenyl butane	
23	Moramide-Intermediate, 2-methyl-3-morpholino-1,	
24	1-diphenylpropane-carboxylic acid	
25		
26	Pethidine	
27	Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	
28	Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	

1 Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
2 carboxylic acid

3

4 Phenazocine Racemethorphan

5 Piminodine Racemorphan

6 (c) Unless listed in another schedule, any material,
7 compound, mixture, or preparation which contains any quantity of
8 the following substances having potential for abuse associated
9 with a stimulant effect on the nervous system:

10 (i) Amphetamine, its salts, optical isomers, and salts of its
11 optical isomers.

12 (ii) Any substance which contains any quantity of
13 methamphetamine, including its salts, stereoisomers, and salts of
14 stereoisomers.

15 (iii) Phenmetrazine and its salts.

16 (iv) Methylphenidate and its salts.

17 (d) Any material, compound, mixture, or preparation,
18 including its salts, isomers, and salts of isomers when the
19 existence of the salts, isomers, and salts of isomers is possible
20 within the specific chemical designation as listed in schedule 2,
21 which contains any quantity of the following substances having a
22 potential for abuse associated with the depressant effect on the
23 central nervous system: methaqualone, amobarbital, pentobarbital,
24 or secobarbital; or, any compound, mixture, or preparation
25 containing amobarbital, secobarbital, pentobarbital, or any salt
26 thereof in combination with itself, with another, or with 1 or
27 more other controlled substances.

1 (e) Marihuana, but only for use as provided in ~~sections 7335~~
2 ~~and 7336~~. ARTICLE 8 AND THE MICHIGAN MEDICAL MARIHUANA ACT, 2008
3 IL 1, MCL 333.26421 TO 333.26430.

4 ARTICLE 8

5 PHARMACEUTICAL-GRADE CANNABIS

6 PART 81

7 GENERAL PROVISIONS

8 SEC. 8101. (1) FOR PURPOSES OF THIS ARTICLE, THE WORDS AND
9 PHRASES DEFINED IN SECTIONS 8103 TO 8107 HAVE THE MEANINGS
10 ASCRIBED TO THEM IN THOSE SECTIONS.

11 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
12 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS
13 ACT.

14 SEC. 8103. (1) "APPLICANT" MEANS THE PERSON SUBMITTING AN
15 APPLICATION FOR A NEW LICENSE OR LICENSE RENEWAL UNDER PART 82
16 AND INCLUDES EACH INDIVIDUAL IDENTIFIED IN THE APPLICATION AS AN
17 OWNER, OPERATOR, OFFICER, DIRECTOR, PARTNER, MEMBER, OR MANAGER
18 OF THE APPLICANT.

19 (2) "CBD" AND "CBD ACID" MEAN CANNABIDIOL AND CANNABIDIOL
20 ACID.

21 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

22 (4) "ELIGIBLE PATIENT" MEANS AN INDIVIDUAL WHO MEETS THE
23 REQUIREMENTS OF PART 84 AND HAS BEEN ISSUED AN ENHANCED
24 PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD.

25 (5) "ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
26 CARD" MEANS THE REGISTRATION CARD ISSUED TO AN ELIGIBLE PATIENT
27 UNDER PART 84.

1 (6) "GOOD MORAL CHARACTER" MEANS THAT TERM AS DEFINED IN
2 SECTION 1 OF 1974 PA 381, MCL 338.41.

3 SEC. 8105. (1) "MARIHUANA" MEANS THAT TERM AS DEFINED IN
4 SECTION 7106 AND INCLUDES PHARMACEUTICAL-GRADE CANNABIS.

5 (2) "MEDICAL USE" MEANS THE PURCHASE, SALE, POSSESSION, USE,
6 INTERNAL POSSESSION, DELIVERY, TRANSFER, OR TRANSPORTATION OF
7 PHARMACEUTICAL-GRADE CANNABIS OR PARAPHERNALIA RELATING TO THE
8 ADMINISTRATION OF PHARMACEUTICAL-GRADE CANNABIS TO TREAT OR
9 ALLEVIATE AN ELIGIBLE PATIENT'S DEBILITATING MEDICAL CONDITION.

10 (3) "MICHIGAN MEDICAL MARIHUANA ACT" MEANS THE MICHIGAN
11 MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 TO 333.26430.

12 (4) "PHARMACEUTICAL-GRADE CANNABIS" MEANS A GRADE OF
13 CANNABIS THAT IS CULTIVATED FOR THE PURPOSES OF THIS ARTICLE;
14 THAT IS FREE OF CHEMICAL RESIDUES SUCH AS FUNGICIDES AND
15 INSECTICIDES AND IS TESTED BY VALIDATED METHODS TO DETERMINE ITS
16 CANNABINOID LEVELS, SPECIFICALLY, THC AND THC ACID LEVELS AND CBD
17 AND CBD ACID LEVELS AND COMPLIES WITH THE TOLERANCES DENOTED IN
18 TABLES 1, 2, AND 3 OF THE SUBSECTION, FOR ITS MICROBIAL,
19 MYCOTOXIN, AND METAL CONTENTS, INCLUDING HEAVY METALS; AND THAT
20 MEETS ANY OTHER NECESSARY REQUIREMENTS TO BE CONSIDERED IN
21 COMPLIANCE WITH GOOD MANUFACTURING PRACTICES AS PRESCRIBED IN
22 RULES PROMULGATED BY THE DEPARTMENT UNDER THIS ARTICLE.

23 TABLE 1

24 MICROBIOLOGICAL

<u>MICROBIOLOGICAL ANALYSIS</u>	<u>FPL SPECIFICATIONS</u>
25 TOTAL COLIFORMS	26 <3 MPN/G

1	STD. PLATE COUNT AEROBIC	<100 CFU/G
2	STD. PLATE COUNT ANAEROBIC	<100 CFU/G
3	ESCHERICHIA COLI	ABSENT
4	SALMONELLA	ABSENT
5	STAPHYLOCOCCUS AUREUS	<100 CFU/G
6	YEAST AND MOLDS	<100 CFU/G

7

8

TABLE 2

9

MYCOTOXINS

10	<u>TEST</u>	<u>SPECIFICATION</u>
11	AFLATOXIN B1	<20 µG/KG OF SUBSTANCE
12	AFLATOXIN B2	<20 µG/KG OF SUBSTANCE
13	AFLATOXIN O1	<20 µG/KG OF SUBSTANCE
14	AFLATOXIN O2	<20 µG/KG OF SUBSTANCE
15	OCHRATOXIN A	<20 µG/KG OF SUBSTANCE

16

17

TABLE 3

18

HEAVY METALS

19	<u>METAL</u>	<u>NHP ACCEPTABLE LIMITS</u>
20		<u>µG/KG BW/DAY</u>
21	ARSENIC	<0.14
22	CADMIUM	<0.09
23	LEAD	<0.29
24	MERCURY	<0.29

25

(5) "PHARMACEUTICAL-GRADE CANNABIS FUND" OR "FUND" MEANS THE

26

PHARMACEUTICAL-GRADE CANNABIS FUND CREATED IN SECTION 8113.

27

(6) "PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY" OR

28

"LICENSED FACILITY" MEANS ANY SECURE ENTITY, OPERATION, OR

29

FACILITY AT OR THROUGH WHICH PHARMACEUTICAL-GRADE CANNABIS IS

30

CULTIVATED, DISTRIBUTED, AND SOLD IN THIS STATE FOR LAWFUL

1 MEDICAL USE AS PROVIDED FOR IN THIS ARTICLE AND THE MICHIGAN
2 MEDICAL MARIHUANA ACT. PHARMACEUTICAL-GRADE CANNABIS LICENSED
3 FACILITY DOES NOT INCLUDE A QUALIFYING PATIENT OR PRIMARY
4 CAREGIVER WHO POSSESSES OR CULTIVATES MARIHUANA IN THE MANNER
5 PRESCRIBED IN THE MICHIGAN MEDICAL MARIHUANA ACT OR AN ELIGIBLE
6 PATIENT WHO POSSESSES PHARMACEUTICAL-GRADE CANNABIS IN THE MANNER
7 PRESCRIBED IN THIS ARTICLE.

8 SEC. 8107. (1) "PRIMARY CAREGIVER" MEANS AN INDIVIDUAL WHO
9 HAS BEEN ISSUED A REGISTRY IDENTIFICATION CARD AS A PRIMARY
10 CAREGIVER UNDER THE MICHIGAN MEDICAL MARIHUANA ACT.

11 (2) "QUALIFYING PATIENT" MEANS AN INDIVIDUAL WHO HAS BEEN
12 ISSUED A REGISTRY IDENTIFICATION CARD AS A QUALIFYING PATIENT
13 UNDER THE MICHIGAN MEDICAL MARIHUANA ACT.

14 (3) "THC" MEANS DELTA-9-TETRAHYDROCANNABINOL AND
15 TETRAHYDROCANNABINOL ACID.

16 SEC. 8111. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS
17 ARTICLE, THE DIRECTOR MAY CHARGE A REASONABLE FEE FOR LICENSING,
18 REGISTRATION, INSPECTION, TESTING, OR OTHER ACTIVITY OR SERVICE
19 PROVIDED BY THE DEPARTMENT UNDER THIS ARTICLE. THE DEPARTMENT MAY
20 ESTABLISH SEPARATE OR ADDITIONAL ADMINISTRATIVE FEES UNDER THIS
21 SECTION TO PROCESS THE APPLICATION FOR AND THE ISSUANCE OF NEW OR
22 RENEWAL ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS
23 UNDER PART 84, OR SUBJECT TO SUBSECTION (2), THE DEPARTMENT MAY
24 UTILIZE FEES ESTABLISHED IN THE RULES PROMULGATED UNDER SECTION 5
25 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26425, FOR THAT
26 PURPOSE. ALL FEES PERMITTED UNDER THIS SECTION SHALL BE DELIVERED
27 TO THE STATE TREASURER ON A MONTHLY BASIS FOR DEPOSIT IN THE

1 PHARMACEUTICAL-GRADE CANNABIS FUND.

2 (2) BEFORE COLLECTING A FEE UNDER THIS ARTICLE, THE
3 DEPARTMENT SHALL DEVELOP AND PUBLISH A COMPREHENSIVE SCHEDULE OF
4 FEES. THE SCHEDULE SHALL INCLUDE A DESCRIPTION OF EACH ACTIVITY
5 OR SERVICE AND THE MAXIMUM FEE CHARGED FOR THAT ACTIVITY OR
6 SERVICE. THE DEPARTMENT SHALL INCLUDE A STATEMENT OF THE
7 RATIONALE USED IN DETERMINING THE FEES CONTAINED IN THE SCHEDULE.
8 THE DEPARTMENT SHALL REVISE THE FEE SCHEDULE FROM TIME TO TIME SO
9 THAT THE AMOUNT OF FEES COLLECTED UNDER THIS ARTICLE DOES NOT
10 EXCEED THE AMOUNT NECESSARY TO FUND THE DUTIES OF THE DEPARTMENT
11 UNDER THIS ARTICLE.

12 SEC. 8113. (1) THE PHARMACEUTICAL-GRADE CANNABIS FUND IS
13 CREATED WITHIN THE STATE TREASURY. IN ADDITION TO THE FEES
14 DESCRIBED IN SECTION 8111, THE STATE TREASURER MAY RECEIVE MONEY
15 OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE
16 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE
17 STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS
18 FROM FUND INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE
19 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
20 GENERAL FUND.

21 (2) THE DEPARTMENT IS THE ADMINISTRATOR OF THE
22 PHARMACEUTICAL-GRADE CANNABIS FUND FOR AUDITING PURPOSES AND THE
23 DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON APPROPRIATION,
24 ONLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
25 IMPLEMENTING, ADMINISTERING, AND ENFORCING THIS ARTICLE.

26 SEC. 8115. THE DEPARTMENT SHALL PROMULGATE RULES NECESSARY
27 TO CARRY OUT THIS ARTICLE AND MAY APPOINT AN ADVISORY COMMITTEE

1 TO ASSIST IN RULE DEVELOPMENT. THE RULES SHALL ADDRESS, BUT ARE
2 NOT REQUIRED TO BE LIMITED TO ADDRESSING, ALL OF THE FOLLOWING
3 SUBJECTS:

4 (A) IF NOT SPECIFICALLY PROVIDED FOR IN THIS ARTICLE,
5 ACTIVITIES NECESSARY FOR THE COMPLIANCE WITH OR ENFORCEMENT OF OR
6 ACTIVITIES THAT CONSTITUTE A VIOLATION OF THIS ARTICLE,
7 INCLUDING, BUT NOT LIMITED TO, PROCEDURES AND GROUNDS FOR
8 DENYING, SUSPENDING, OR REVOKING A LICENSE OR REGISTRATION UNDER
9 THIS ARTICLE.

10 (B) SPECIFICATION OF THE DUTIES OF THE EMPLOYEES, AGENTS,
11 AND CONTRACTORS OF THE DEPARTMENT.

12 (C) INSTRUCTIONS FOR LOCAL HEALTH DEPARTMENTS AND LAW
13 ENFORCEMENT OFFICERS.

14 (D) ALL FORMS NECESSARY OR CONVENIENT FOR THE
15 IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THIS ARTICLE.

16 (E) ACTIVITIES THAT CONSTITUTE OR RESULT IN
17 MISREPRESENTATION OR UNFAIR, DECEPTIVE PRACTICES.

18 (F) PROCEDURES TO ISSUE INDIVIDUAL IDENTIFICATION CARDS TO
19 APPLICANTS AND TO EMPLOYEES OF PHARMACEUTICAL-GRADE CANNABIS
20 LICENSED FACILITIES BASED UPON A FINGERPRINT-BASED CRIMINAL
21 HISTORY CHECK OR A NAME-BASED CRIMINAL HISTORY CHECK IF THE
22 APPLICANT'S OR EMPLOYEE'S FINGERPRINTS ARE UNCLASSIFIABLE BEFORE
23 ISSUING THE CARD.

24 (G) SPECIFICATION OF THE MINIMUM REQUIREMENTS FOR THE
25 CULTIVATION, DISTRIBUTION, AND SALE OF PHARMACEUTICAL-GRADE
26 CANNABIS, INCLUDING SPECIFICATIONS ON LEGITIMATE SOURCES OF SEEDS
27 TO CULTIVATE PHARMACEUTICAL-GRADE CANNABIS.

1 (H) REGULATION OF MANUFACTURING, INVENTORY CONTROL, STORAGE,
2 WAREHOUSING, DISTRIBUTION, AND TRANSPORTATION OF MARIHUANA UNDER
3 THIS ARTICLE.

4 (I) HEALTH AND SANITARY REQUIREMENTS FOR PHARMACEUTICAL-
5 GRADE CANNABIS LICENSED FACILITIES.

6 (J) RECORD KEEPING, RECORD RETENTION, RECORD STORAGE, AND
7 RECORD SECURITY REQUIREMENTS FOR PHARMACEUTICAL-GRADE CANNABIS
8 LICENSED FACILITIES.

9 (K) AUDIT REQUIREMENTS FOR PHARMACEUTICAL-GRADE CANNABIS
10 LICENSED FACILITIES, WHICH SHALL INCLUDE SELF REPORTING OF
11 INVENTORY ON A MONTHLY BASIS, SUBJECT TO INSPECTION BY DESIGNATED
12 STATE AND FEDERAL AUTHORITIES.

13 (L) PHYSICAL SECURITY REQUIREMENTS FOR PHARMACEUTICAL-GRADE
14 CANNABIS THAT AT A MINIMUM INCLUDE LIGHTING AND ALARMS.

15 (M) STATE LICENSING PROCEDURES, INCLUDING RENEWALS, AND THE
16 FORM AND CONTENT OF LICENSING APPLICATIONS AND LICENSES.

17 (N) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES AND
18 INCOME TAX PAYMENTS FOR PHARMACEUTICAL-GRADE CANNABIS LICENSED
19 FACILITIES.

20 (O) AUTHORIZATION FOR THE DEPARTMENT OF TREASURY TO HAVE
21 ACCESS TO LICENSING INFORMATION TO ENSURE SALES AND INCOME TAX
22 PAYMENTS FOR PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES.

23 (P) ACTIVITIES THAT CONSTITUTE LAWFUL AND UNLAWFUL FINANCIAL
24 ARRANGEMENTS BETWEEN PHARMACEUTICAL-GRADE CANNABIS LICENSED
25 FACILITIES.

26 (Q) THE SIZE, DIMENSIONS, AND ACCEPTABLE COLORS FOR
27 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SIGNAGE.

1 (R) THE QUANTITY OF PHARMACEUTICAL-GRADE CANNABIS PLANTS AND
2 DRIED PLANT MATERIAL THAT A PHARMACEUTICAL-GRADE CANNABIS
3 LICENSED FACILITY MAY POSSESS IN ITS INVENTORY AT ANY TIME.

4 (S) REGULATIONS REGARDING ADVERTISING, INCLUDING
5 PROHIBITIONS ON THE INCLUSION OF PRICING INFORMATION, THE USE OF
6 LOGOS OR OTHER FORMS OF BRANDING, OR THE DEPICTION OF ANY PART OF
7 A MARIHUANA PLANT, THE WHOLE MARIHUANA PLANT, MARIHUANA LEAVES,
8 OR SMOKING OR DRUG PARAPHERNALIA.

9 (T) A PROCESS TO REVOKE AN ENHANCED PHARMACEUTICAL-GRADE
10 CANNABIS REGISTRATION CARD ISSUED UNDER PART 84 IF A PATIENT IS
11 NO LONGER AN ELIGIBLE PATIENT UNDER THAT PART.

12 (U) OTHER MATTERS NECESSARY FOR THE FAIR, IMPARTIAL,
13 STRINGENT, AND COMPREHENSIVE IMPLEMENTATION, ADMINISTRATION, AND
14 ENFORCEMENT OF THIS ARTICLE TO PROTECT THE HEALTH, SAFETY, AND
15 WELFARE OF THE RESIDENTS OF THIS STATE.

16 SEC. 8117. THE DEPARTMENT SHALL ESTABLISH A PHARMACEUTICAL-
17 GRADE CANNABIS LICENSED FACILITY REGISTRY. THE REGISTRY SHALL BE
18 AN ONLINE DATABASE THAT CONTAINS INFORMATION REGARDING THE
19 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES LICENSED UNDER
20 PART 82.

21 SEC. 8119. BY JANUARY 31 OF EACH CALENDAR YEAR, THE
22 DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT FOR
23 THE PREVIOUS CALENDAR YEAR THAT CONTAINS ALL OF THE FOLLOWING
24 INFORMATION:

25 (A) THE NUMBER OF LICENSES ISSUED UNDER PART 82.

26 (B) THE NUMBER OF APPLICATIONS FILED FOR ENHANCED
27 PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER PART 84.

1 (C) THE NUMBER OF ENHANCED PHARMACEUTICAL-GRADE CANNABIS
2 REGISTRATION CARDS ISSUED TO ELIGIBLE PATIENTS IN EACH COUNTY.
3 THE DEPARTMENT SHALL NOT INCLUDE IN THE REPORT ANY IDENTIFYING
4 INFORMATION ABOUT ELIGIBLE PATIENTS OR PHYSICIANS PROVIDING
5 PHYSICIAN CERTIFICATIONS UNDER PART 84.

6 (D) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE
7 ELIGIBLE PATIENTS.

8 (E) THE NUMBER OF ENHANCED PHARMACEUTICAL-GRADE CANNABIS
9 REGISTRATION CARDS REVOKED UNDER PART 84.

10 (F) THE NUMBER OF PHYSICIANS PROVIDING PHYSICIAN
11 CERTIFICATIONS FOR ELIGIBLE PATIENTS UNDER PART 84.

12 (G) THE TOTAL AMOUNT OF FEES COLLECTED UNDER THIS ARTICLE.

13 (H) ALL COSTS RELATED TO PERFORMING THE DUTIES OF THE
14 DEPARTMENT UNDER THIS ARTICLE.

15 (I) FINES, SUSPENSIONS, OR LICENSE REVOCATIONS THAT WERE
16 IMPOSED BY THE DEPARTMENT UNDER THIS ARTICLE.

17 (J) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS
18 APPROPRIATE UNDER THIS ARTICLE.

19 PART 82

20 FACILITY LICENSING

21 SEC. 8201. (1) TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF
22 RESIDENTS OF THIS STATE, THE DEPARTMENT SHALL LICENSE FACILITIES
23 UNDER THIS ARTICLE TO CULTIVATE, MANUFACTURE, DISTRIBUTE, AND
24 SELL PHARMACEUTICAL-GRADE CANNABIS IN THIS STATE. THE DEPARTMENT
25 SHALL IMPLEMENT, ADMINISTER, AND ENFORCE THIS ARTICLE TO ENSURE
26 THAT A SAFE, PURE, DOSAGE-CONSISTENT GRADE OF PHARMACEUTICAL-
27 GRADE CANNABIS IS AVAILABLE TO ELIGIBLE PATIENTS AND QUALIFYING

1 PATIENTS WHO ARE RESIDENTS OF THIS STATE.

2 (2) THIS ARTICLE DOES NOT PREVENT A QUALIFYING PATIENT OR A
3 PRIMARY CAREGIVER FROM ENGAGING IN ANY ACTIVITY THAT IS LAWFUL
4 UNDER THE MICHIGAN MEDICAL MARIHUANA ACT. THIS ARTICLE DOES NOT
5 AFFECT AND IS NOT INCONSISTENT WITH THE MICHIGAN MEDICAL
6 MARIHUANA ACT.

7 SEC. 8203. (1) A PERSON SHALL NOT OPERATE A PHARMACEUTICAL-
8 GRADE CANNABIS FACILITY IN THIS STATE UNTIL ISSUED A LICENSE
9 UNDER THIS PART. A LICENSE ISSUED UNDER THIS PART IS NOT
10 ASSIGNABLE OR TRANSFERABLE TO ANY OTHER PERSON.

11 (2) BEFORE A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
12 IS ESTABLISHED, THE OWNER OR OPERATOR OF THAT FACILITY SHALL
13 SUBMIT AN APPLICATION, A DETAILED BUSINESS PLAN, COMPLETE
14 DRAWINGS OF ITS PHYSICAL PLANT, AND ANY OTHER REQUESTED
15 INFORMATION TO THE DEPARTMENT FOR EXAMINATION AND APPROVAL. THE
16 DRAWINGS SHALL BE DRAWN TO AN INDICATED SCALE, GIVE THE RELATIVE
17 LOCATION OF THE PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY,
18 AND ILLUSTRATE ALL ROOMS, BUILDINGS, FACILITIES, AND EQUIPMENT TO
19 BE USED IN THE CULTIVATION, DISTRIBUTION, OR SALE OF
20 PHARMACEUTICAL-GRADE CANNABIS UNDER THIS ARTICLE. SPECIFICATIONS
21 AND OTHER INFORMATION PRESCRIBED IN RULES PROMULGATED UNDER THIS
22 ARTICLE SHALL ACCOMPANY THE DRAWINGS.

23 (3) WHEN THE CONSTRUCTION AND ESTABLISHMENT OF A PROPOSED
24 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY ARE COMPLETED,
25 THE OWNER OR OPERATOR OF THE PROPOSED PHARMACEUTICAL-GRADE
26 CANNABIS LICENSED FACILITY SHALL NOTIFY THE DEPARTMENT. THE
27 DEPARTMENT SHALL INSPECT THE BUILDINGS AND PREMISES AT WHICH THE

1 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY IS CONTEMPLATED.

2 (4) UPON COMPLIANCE BY AN APPLICANT WITH THE REQUIREMENTS OF
3 THIS ARTICLE, THE DEPARTMENT SHALL ISSUE A PHARMACEUTICAL-GRADE
4 CANNABIS LICENSED FACILITY LICENSE. THE DEPARTMENT SHALL ISSUE A
5 LICENSE UNDER THIS PART FOR A PERIOD OF 1 YEAR.

6 SEC. 8205. (1) THE DEPARTMENT SHALL NOT ISSUE A LICENSE
7 UNDER THIS PART TO AN APPLICANT TO OPERATE A PHARMACEUTICAL-GRADE
8 CANNABIS LICENSED FACILITY UNLESS THE DEPARTMENT IS SATISFIED
9 THAT ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

10 (A) ALL FEES REQUIRED UNDER THIS ARTICLE HAVE BEEN PAID.

11 (B) THE APPLICANT WILL OPERATE THE LICENSED FACILITY IN
12 COMPLIANCE WITH THIS ARTICLE.

13 (C) THE APPLICANT IS AN ADULT OF GOOD MORAL CHARACTER.

14 (D) THE APPLICANT IS NOT DELINQUENT IN FILING ANY TAX
15 RETURNS WITH A TAXING AGENCY; PAYING ANY TAXES, INTEREST, OR
16 PENALTIES; PAYING ANY JUDGMENTS DUE TO A GOVERNMENT AGENCY;
17 REPAYING GOVERNMENT-INSURED STUDENT LOANS; OR PAYING CHILD
18 SUPPORT.

19 (E) THE APPLICANT WILL NOT HIRE OR CONTRACT WITH ANY
20 INDIVIDUAL IN THE COURSE OF OPERATING A LICENSED FACILITY WITHOUT
21 FIRST CONDUCTING A CRIMINAL HISTORY CHECK IN THE MANNER
22 PRESCRIBED IN RULES PROMULGATED UNDER THIS ARTICLE.

23 (F) THE INSPECTION OF THE PREMISES AND THE OPERATIONS OF THE
24 APPLICANT DID NOT REVEAL ANY REASON TO DENY THE LICENSE.

25 (G) THE CRIMINAL HISTORY CHECK CONDUCTED UNDER SUBSECTION
26 (2) DID NOT REVEAL ANY REASON TO DENY THE LICENSE.

27 (H) ANY OTHER CRITERIA ESTABLISHED IN RULES PROMULGATED

1 UNDER THIS ARTICLE.

2 (2) AT THE TIME OF FILING AN APPLICATION FOR ISSUANCE OR
3 RENEWAL OF A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
4 LICENSE, AN APPLICANT SHALL SUBMIT A SET OF HIS OR HER
5 FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION CONCERNING THE
6 PERSON'S QUALIFICATIONS FOR A LICENSE UNDER THIS ARTICLE. THE
7 DEPARTMENT SHALL SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF
8 STATE POLICE FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED
9 CRIMINAL HISTORY CHECKS. THE DEPARTMENT OF STATE POLICE SHALL
10 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
11 FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY
12 CHECKS. THE DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY
13 CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-
14 BASED CRIMINAL HISTORY CHECK UNDER THIS PART AND WHOSE
15 FINGERPRINTS ARE UNCLASSIFIABLE. AN APPLICANT WHO HAS PREVIOUSLY
16 SUBMITTED FINGERPRINTS UNDER THIS PART MAY REQUEST THAT THE
17 FINGERPRINTS ON FILE BE USED. THE DEPARTMENT SHALL USE THE
18 INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY
19 CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS
20 QUALIFIED TO HOLD A LICENSE UNDER THIS ARTICLE. THE DEPARTMENT
21 MAY VERIFY ANY OF THE INFORMATION AN APPLICANT IS REQUIRED TO
22 SUBMIT.

23 SEC. 8207. THE DEPARTMENT MAY CONDUCT A PUBLIC HEARING UNDER
24 THE ADMINISTRATIVE PROCEDURES ACT OF 1969 BEFORE ISSUING A
25 LICENSE UNDER THIS PART. THE DEPARTMENT SHALL NOT ISSUE A LICENSE
26 UNDER THIS PART IF IT DETERMINES THAT THE NUMBER OF LICENSES
27 ISSUED THROUGHOUT THE STATE IS ADEQUATE FOR THE REASONABLE NEEDS

1 OF THE ELIGIBLE PATIENTS AND QUALIFYING PATIENTS IN THE COMMUNITY
2 BASED ON THE DEPARTMENT'S OWN INFORMATION OR ON TESTIMONY AND
3 EVIDENCE RECEIVED AT A PUBLIC HEARING HELD UNDER THIS SECTION.

4 SEC. 8209. THE DEPARTMENT MAY DELEGATE THE DUTY OF
5 INSPECTIONS FOR APPROVAL OR RENEWAL OF PHARMACEUTICAL-GRADE
6 CANNABIS LICENSED FACILITY LICENSES TO A LOCAL HEALTH DEPARTMENT
7 THAT HAS THE TECHNICAL AND OTHER CAPABILITIES TO PROTECT THE
8 PUBLIC HEALTH, SAFETY, AND WELFARE IN THIS FIELD. THE DELEGATION
9 SHALL NOT TAKE PLACE UNLESS THE DEPARTMENT HAS FIRST CONSULTED
10 WITH AN AD HOC COMMITTEE THAT SHALL BE APPOINTED BY THE
11 DEPARTMENT FOR THE PURPOSE OF ADVISING ON THAT DELEGATION.
12 MEMBERSHIP ON THE AD HOC COMMITTEE SHALL INCLUDE REPRESENTATIVES
13 OF THE DEPARTMENT, LOCAL PUBLIC HEALTH AGENCIES, AND AN
14 ASSOCIATION THAT REPRESENTS THE PHARMACEUTICAL-GRADE CANNABIS
15 LICENSED FACILITIES THAT WOULD BE SUBJECT TO THE INSPECTIONS. IF
16 DELEGATED UNDER THIS SECTION, THE STATE SHALL REIMBURSE EACH
17 LOCAL HEALTH DEPARTMENT THE FULL AMOUNT OF THE FEES COLLECTED, AS
18 REIMBURSEMENT FOR THE COST OF INSPECTION, ON VOUCHERS CERTIFIED
19 BY THE LOCAL HEALTH OFFICER AND APPROVED BY THE DEPARTMENT.

20 SEC. 8211. NOT LATER THAN THE THIRTIETH DAY BEFORE THE
21 EXPIRATION OF AN ANNUAL LICENSE UNDER THIS PART, A PERSON
22 OPERATING A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
23 SEEKING RELICENSURE SHALL APPLY FOR LICENSE RENEWAL AND SHALL PAY
24 A FEE AS PRESCRIBED IN THIS ARTICLE. UPON COMPLIANCE BY AN
25 APPLICANT FOR LICENSE RENEWAL WITH THE REQUIREMENTS OF THIS
26 ARTICLE AND PAYMENT OF THE LICENSE RENEWAL FEE, THE DEPARTMENT
27 SHALL ISSUE A RENEWAL LICENSE.

PART 83

PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY OPERATIONS

SEC. 8301. (1) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL ESTABLISH LEGAL CONTROL OF ITS PHYSICAL LOCATION. THE PHYSICAL LOCATION SHALL MEET ALL APPLICABLE STATE AND LOCAL ZONING LAWS.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL NOT BE LOCATED WITHIN 1,000 FEET OF THE PERIMETER OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL, PRESCHOOL, OR DAY CARE CENTER IN EXISTENCE AT THE TIME THE LICENSE IS ISSUED. THE DEPARTMENT OR APPLICABLE UNIT OF GOVERNMENT MAY AUTHORIZE A VARIANCE FROM THE DISTANCE LIMITATION OF THIS SUBSECTION AFTER A PUBLIC HEARING.

SEC. 8303. (1) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL NOTIFY THE DEPARTMENT IN WRITING WITHIN 10 DAYS AFTER AN OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR EMPLOYEE CEASES TO WORK AT OR OTHERWISE BE ASSOCIATED WITH THE LICENSED FACILITY. THAT OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR EMPLOYEE SHALL IMMEDIATELY SURRENDER HIS OR HER IDENTIFICATION CARD TO THE DEPARTMENT.

(2) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL NOTIFY THE DEPARTMENT IN WRITING OF THE NAME, ADDRESS, AND DATE OF BIRTH OF AN OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR EMPLOYEE BEFORE THE INDIVIDUAL IS ASSOCIATED WITH OR BEGINS WORKING AT THE LICENSED FACILITY. THE LICENSED FACILITY SHALL OBTAIN THE INDIVIDUAL'S IDENTIFICATION AND HAVE A CRIMINAL HISTORY CHECK CONDUCTED TO DETERMINE IF THAT INDIVIDUAL IS

1 QUALIFIED TO WORK AT OR BE ASSOCIATED WITH THE LICENSED FACILITY
2 UNDER THIS ARTICLE.

3 (3) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
4 NOT ACQUIRE, POSSESS, CULTIVATE, DELIVER, TRANSFER, TRANSPORT,
5 SUPPLY, SELL, OR DISPENSE PHARMACEUTICAL-GRADE CANNABIS FOR ANY
6 PURPOSE EXCEPT FOR THE MEDICAL USE BY ELIGIBLE PATIENTS AND
7 QUALIFYING PATIENTS AS PROVIDED IN THIS ARTICLE.

8 (4) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
9 NOT POSSESS MORE THAN THE AMOUNT OF PHARMACEUTICAL-GRADE CANNABIS
10 PLANTS OR DRIED PHARMACEUTICAL-GRADE CANNABIS ALLOWED IN ITS
11 INVENTORY AS PRESCRIBED IN RULES PROMULGATED UNDER THIS ARTICLE.

12 (5) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
13 DESTROY ALL MARIHUANA THAT IT CULTIVATES OR THAT IS OTHERWISE IN
14 ITS POSSESSION THAT IS DETERMINED NOT TO BE PHARMACEUTICAL-GRADE
15 CANNABIS. A LICENSED FACILITY SHALL KEEP RECORDS OF ITS
16 ACTIVITIES UNDER THIS SUBSECTION IN ORDER TO VERIFY ITS
17 COMPLIANCE TO THE DEPARTMENT.

18 SEC. 8305. A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
19 MAY BE A PROFIT OR NONPROFIT ENTITY.

20 SEC. 8307. A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
21 MAY OPERATE ON ANY DAYS OF THE WEEK, BUT SHALL DO ALL OF THE
22 FOLLOWING:

23 (A) ONLY OPERATE BETWEEN THE HOURS OF 8 A.M. AND 7 P.M.

24 (B) PROHIBIT SMOKING OR CONSUMPTION OF MARIHUANA ON ITS
25 PREMISES.

26 (C) MAINTAIN ALL RECORDS REQUIRED UNDER THIS ARTICLE ON ITS
27 PREMISES.

1 (D) ALLOW UNANNOUNCED INSPECTION OF ITS PREMISES DURING
 2 REASONABLE BUSINESS HOURS BY ANY STATE, FEDERAL, OR LOCAL
 3 GOVERNMENTAL AGENCY AUTHORIZED TO INSPECT THE LICENSED FACILITY
 4 UNDER THIS ARTICLE.

5 SEC. 8309. IN ADDITION TO THE PROVISIONS OF SECTION 2946 OF
 6 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2946, IN
 7 A PRODUCT LIABILITY ACTION AGAINST A PHARMACEUTICAL-GRADE
 8 CANNABIS LICENSED FACILITY, PHARMACEUTICAL-GRADE CANNABIS IS NOT
 9 DEFECTIVE OR UNREASONABLY DANGEROUS, AND THE PHARMACEUTICAL-GRADE
 10 CANNABIS LICENSED FACILITY IS NOT LIABLE, IF THE PRODUCT SOLD WAS
 11 TESTED AND DETERMINED TO MEET THE STANDARDS FOR PHARMACEUTICAL-
 12 GRADE CANNABIS UNDER THIS ARTICLE.

13 PART 84

14 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION

15 SEC. 8401. AS USED IN THIS PART:

16 (A) "DEBILITATING MEDICAL CONDITION" MEANS THAT TERM AS
 17 DEFINED IN SECTION 3 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
 18 333.26423, AND INCLUDES DEBILITATING MEDICAL CONDITIONS
 19 ESTABLISHED IN RULES PROMULGATED UNDER THE MICHIGAN MEDICAL
 20 MARIHUANA ACT OR, IF APPLICABLE, UNDER THIS PART.

21 (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN PART 170 OR
 22 PART 175.

23 (C) "PHYSICIAN CERTIFICATION" MEANS A DOCUMENT SIGNED BY A
 24 PHYSICIAN REGARDING A PATIENT THAT INCLUDES ALL OF THE FOLLOWING
 25 INFORMATION:

26 (i) THE PATIENT'S DEBILITATING MEDICAL CONDITION AS DIAGNOSED
 27 BY THE PHYSICIAN.

1 (ii) A STATEMENT THAT THE PATIENT IS UNDER THE REGULAR AND
2 CONTINUING CARE OF THE PHYSICIAN FOR THAT DEBILITATING MEDICAL
3 CONDITION.

4 (iii) IF THE PATIENT HAS NOT BEEN USING MEDICAL MARIHUANA
5 UNDER THAT PHYSICIAN'S CARE, A STATEMENT THAT, IN THE PHYSICIAN'S
6 PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE
7 THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE USE OF PHARMACEUTICAL-
8 GRADE CANNABIS TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING
9 MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING
10 MEDICAL CONDITION. IF THE PATIENT HAS BEEN USING PHARMACEUTICAL-
11 GRADE CANNABIS UNDER THAT PHYSICIAN'S CARE, A STATEMENT THAT, IN
12 THE PHYSICIAN'S PROFESSIONAL OPINION, THE PATIENT HAS RECEIVED
13 THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE USE OF PHARMACEUTICAL-
14 GRADE CANNABIS TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING
15 MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING
16 MEDICAL CONDITION.

17 (iv) IF APPLICABLE, A STATEMENT AUTHORIZING OR LIMITING THAT
18 PATIENT'S ACTIVITIES AS DESCRIBED IN SECTION 8411.

19 SEC. 8403. NOTWITHSTANDING THE MICHIGAN MEDICAL MARIHUANA
20 ACT, THE DEPARTMENT SHALL ESTABLISH, IMPLEMENT, AND ADMINISTER A
21 PROCESS UNDER THIS PART TO ISSUE AN ENHANCED PHARMACEUTICAL-GRADE
22 CANNABIS REGISTRATION CARD TO AN ELIGIBLE PATIENT FOR THE USE OF
23 PHARMACEUTICAL-GRADE CANNABIS. AN INDIVIDUAL WHO IS ISSUED AN
24 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD UNDER
25 THIS PART IS ENTITLED TO PURCHASE PHARMACEUTICAL-GRADE CANNABIS
26 UNDER THIS ARTICLE AND SHALL BE AFFORDED ALL OF THE PROTECTIONS
27 AND RIGHTS GIVEN A QUALIFYING PATIENT FOR THE MEDICAL USE OF

1 MARIHUANA UNDER SECTIONS 4 AND 6(G) AND (H) (1) OF THE MICHIGAN
2 MEDICAL MARIHUANA ACT, MCL 333.26424 AND 333.26426.

3 SEC. 8405. (1) THE DEPARTMENT MAY UTILIZE RULES PROMULGATED
4 UNDER SECTION 5 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
5 333.26425, AND THE LIST OF DEBILITATING MEDICAL CONDITIONS
6 ESTABLISHED UNDER THE MICHIGAN MEDICAL MARIHUANA ACT AND THOSE
7 RULES, TO ADMINISTER THE ISSUANCE OF ENHANCED PHARMACEUTICAL-
8 GRADE CANNABIS REGISTRATION CARDS UNDER THIS PART.

9 (2) THE DEPARTMENT MAY UTILIZE RULES PROMULGATED UNDER
10 SECTION 5 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26425,
11 REGARDING THE MANNER IN WHICH IT WILL CONSIDER APPLICATIONS FOR
12 AND RENEWALS OF ENHANCED PHARMACEUTICAL-GRADE CANNABIS
13 REGISTRATION CARDS AND TO ADMINISTER THE ISSUANCE OF ENHANCED
14 PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER THIS PART.

15 SEC. 8407. (1) THE DEPARTMENT SHALL ISSUE AN ENHANCED
16 PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD TO AN INDIVIDUAL
17 WHO IS AN ELIGIBLE PATIENT UNDER THIS PART IF THE INDIVIDUAL DOES
18 ALL OF THE FOLLOWING:

19 (A) SUBMITS ALL OF THE INFORMATION AND DOCUMENTATION
20 REQUIRED UNDER SECTION 6 OF THE MICHIGAN MEDICAL MARIHUANA ACT,
21 MCL 333.26426, TO THE DEPARTMENT.

22 (B) SUBMITS A PHYSICIAN CERTIFICATION TO THE DEPARTMENT. IF
23 THE ELIGIBLE PATIENT IS UNDER THE AGE OF 18, SUBMITS A PHYSICIAN
24 CERTIFICATION FROM 2 PHYSICIANS.

25 (C) SIGNS A WRITTEN STATEMENT CERTIFYING THAT THE ELIGIBLE
26 PATIENT WILL REMAIN UNDER THE REGULAR AND CONTINUING CARE OF A
27 PHYSICIAN AND AN ACKNOWLEDGMENT THAT THE ENHANCED PHARMACEUTICAL-

1 GRADE CANNABIS REGISTRATION CARD WILL BE REVOKED IF THE ELIGIBLE
2 PATIENT DOES NOT REMAIN UNDER THE REGULAR AND CONTINUING CARE OF
3 A PHYSICIAN.

4 (D) SUBMITS ANY OTHER INFORMATION TO THE DEPARTMENT THAT THE
5 DEPARTMENT DETERMINES IS NECESSARY TO ADMINISTER THE ISSUANCE OF
6 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER
7 THIS PART.

8 (2) THE DEPARTMENT SHALL PROVIDE FOR THE AUTOMATIC
9 REVOCATION OF AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS
10 REGISTRATION CARD UNDER THIS PART UNLESS THE ELIGIBLE PATIENT
11 SUBMITS A PHYSICIAN CERTIFICATION ON OR BEFORE THE EXPIRATION OF
12 60 DAYS AFTER THE DATE THE FIRST ENHANCED PHARMACEUTICAL-GRADE
13 CANNABIS REGISTRATION CARD IS ISSUED TO THAT ELIGIBLE PATIENT
14 UNDER THIS PART AND ON OR BEFORE THE EXPIRATION OF EVERY 8-MONTH
15 PERIOD AFTER THAT DATE.

16 (3) AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
17 CARD ISSUED UNDER THIS PART IS REVOKED IF THE DEPARTMENT RECEIVES
18 NOTIFICATION FROM A PHYSICIAN WHO SIGNED A PHYSICIAN
19 CERTIFICATION WITH REGARD TO AN ELIGIBLE PATIENT THAT STATES THAT
20 THE PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL
21 CONDITION AND THE DEPARTMENT NOTIFIES THE INDIVIDUAL WHO HOLDS
22 THE ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD OF
23 THAT REVOCATION.

24 SEC. 8409. (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL
25 LIST OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED
26 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER
27 THIS PART. INDIVIDUAL NAMES AND OTHER IDENTIFYING INFORMATION ON

1 THE LIST IS CONFIDENTIAL AND IS EXEMPT FROM DISCLOSURE UNDER THE
2 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

3 (2) THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL
4 WHETHER AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
5 CARD IS VALID, WITHOUT DISCLOSING MORE INFORMATION THAN IS
6 REASONABLY NECESSARY TO VERIFY THE AUTHENTICITY OF THAT AN
7 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD.

8 (3) A PERSON, INCLUDING ANY EMPLOYEE OR OFFICIAL OF THE
9 DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL UNIT OF GOVERNMENT,
10 WHO DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF THIS PART
11 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
12 MORE THAN 180 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.
13 NOTWITHSTANDING THIS PROVISION, DEPARTMENT EMPLOYEES MAY NOTIFY
14 LAW ENFORCEMENT PERSONNEL ABOUT FALSIFIED OR FRAUDULENT
15 INFORMATION SUBMITTED TO THE DEPARTMENT UNDER THIS PART.

16 SEC. 8411. (1) THE SALE, PURCHASE, AND USE OF
17 PHARMACEUTICAL-GRADE CANNABIS IS ALLOWED IN THIS STATE TO THE
18 EXTENT THAT THEY ARE CARRIED OUT IN COMPLIANCE WITH THIS ARTICLE.
19 AN ELIGIBLE PATIENT MAY ACQUIRE, POSSESS, AND USE PHARMACEUTICAL-
20 GRADE CANNABIS AS PRESCRIBED IN THIS ARTICLE UNDER A VALID
21 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD.

22 (2) SUBJECT TO SECTION 8413, IF AUTHORIZED IN A PHYSICIAN
23 CERTIFICATE, AN ELIGIBLE PERSON MAY OPERATE, NAVIGATE, OR BE IN
24 THE ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR
25 MOTORBOAT WHILE USING PHARMACEUTICAL-GRADE CANNABIS, UNLESS
26 OTHERWISE PROHIBITED BY LAW. A PHYSICIAN MAY INCLUDE IN A
27 STATEMENT THAT IS A PART OF HIS OR HER PHYSICIAN CERTIFICATION

1 UNDER THIS PART ANY OTHER APPROPRIATE AUTHORIZATION FOR OR
2 LIMITATION ON THAT PATIENT'S ACTIVITIES WHILE USING
3 PHARMACEUTICAL-GRADE CANNABIS.

4 (3) AN EMPLOYER SHALL NOT TAKE ANY RETALIATORY OR ADVERSE
5 PERSONNEL ACTION AGAINST AN EMPLOYEE WHO IS AN ELIGIBLE PATIENT
6 OR AN APPLICANT FOR EMPLOYMENT WHO IS AN ELIGIBLE PATIENT ON THE
7 BASIS OF THE ELIGIBLE PATIENT'S EXERCISE OF OR ATTEMPT TO
8 EXERCISE HIS OR HER RIGHTS UNDER THIS ARTICLE WITH RESPECT TO THE
9 USE OF PHARMACEUTICAL-GRADE CANNABIS.

10 SEC. 8413. (1) THIS ARTICLE DOES NOT AUTHORIZE AN INDIVIDUAL
11 TO DO ANY OF THE FOLLOWING:

12 (A) UNDERTAKE ANY TASK WHILE USING PHARMACEUTICAL-GRADE
13 CANNABIS IF DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
14 MALPRACTICE.

15 (B) POSSESS OR USE PHARMACEUTICAL-GRADE CANNABIS AS FOLLOWS:

16 (i) IN A SCHOOL BUS.

17 (ii) ON THE GROUNDS OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL,
18 SECONDARY SCHOOL, PRESCHOOL, OR DAY CARE CENTER.

19 (iii) IN ANY CORRECTIONAL FACILITY.

20 (C) SMOKE PHARMACEUTICAL-GRADE CANNABIS ON ANY FORM OF
21 PUBLIC TRANSPORTATION, IN ANY PUBLIC PLACE WHERE SMOKING IS
22 PROHIBITED UNDER PART 126, OR AT A FOOD SERVICE ESTABLISHMENT
23 WHERE SMOKING IS PROHIBITED UNDER PART 129.

24 (D) UNLESS OTHERWISE AUTHORIZED IN THE MANNER PROVIDED FOR
25 IN SECTION 8411, OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL
26 CONTROL OF A MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE USING
27 PHARMACEUTICAL-GRADE CANNABIS.

1 (E) USE MARIHUANA IF THAT INDIVIDUAL DOES NOT HAVE A
2 DEBILITATING MEDICAL CONDITION.

3 (2) THIS ARTICLE DOES NOT REQUIRE ANY OF THE FOLLOWING:

4 (A) A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR A COMMERCIAL
5 INSURER, HEALTH MAINTENANCE ORGANIZATION, NONPROFIT HEALTH CARE
6 CORPORATION, OR OTHER THIRD PARTY PAYER TO REIMBURSE AN
7 INDIVIDUAL FOR COSTS ASSOCIATED WITH THE USE OF PHARMACEUTICAL-
8 GRADE CANNABIS.

9 (B) EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION 8411, AN
10 EMPLOYER TO ACCOMMODATE THE CONSUMPTION OF PHARMACEUTICAL-GRADE
11 CANNABIS IN ANY WORKPLACE.

12 (C) UNLESS OTHERWISE AUTHORIZED IN THE MANNER PROVIDED FOR
13 IN SECTION 8411, AN EMPLOYER TO ACCOMMODATE AN EMPLOYEE WORKING
14 WHILE UNDER THE INFLUENCE OF PHARMACEUTICAL-GRADE CANNABIS.

15 SEC. 8415. A PERSON WHO MAKES A FRAUDULENT REPRESENTATION TO
16 A LAW ENFORCEMENT OFFICIAL REGARDING ANY FACT OR CIRCUMSTANCE
17 RELATING TO THE USE OF PHARMACEUTICAL-GRADE CANNABIS TO AVOID
18 ARREST OR PROSECUTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION
19 AND MAY BE FINED NOT MORE THAN \$500.00, WHICH SHALL BE IN
20 ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE
21 STATEMENT TO A LAW ENFORCEMENT OFFICIAL OR FOR THE UNLAWFUL USE
22 OF MARIHUANA.

23 PART 85

24 ENFORCEMENT

25 SEC. 8501. (1) THE DEPARTMENT SHALL ENFORCE THIS ARTICLE AND
26 SHALL CONDUCT ANNUAL INSPECTIONS OF PHARMACEUTICAL-GRADE CANNABIS
27 LICENSED FACILITIES TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF

1 THIS ARTICLE.

2 (2) UPON A FINDING THAT AN EMERGENCY EXISTS REQUIRING
3 IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, SAFETY, AND
4 WELFARE, THE DEPARTMENT MAY ISSUE AN ORDER, WITHOUT NOTICE OR
5 HEARING, RECITING THE EXISTENCE OF THE EMERGENCY AND PROVIDING
6 FOR THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE.
7 NOTWITHSTANDING THIS ACT OR THE ADMINISTRATIVE PROCEDURES ACT OF
8 1969, THE ORDER SHALL BE EFFECTIVE IMMEDIATELY. A PERSON TO WHOM
9 THE ORDER IS DIRECTED SHALL COMPLY IMMEDIATELY BUT, ON
10 APPLICATION TO THE DEPARTMENT, SHALL BE AFFORDED A HEARING WITHIN
11 15 DAYS. ON THE BASIS OF THE HEARING, THE EMERGENCY ORDER SHALL
12 BE CONTINUED, MODIFIED, OR REVOKED NOT LATER THAN 30 DAYS AFTER
13 THE HEARING.

14 SEC. 8503. (1) IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED
15 OR REMEDIES PROVIDED IN THIS ARTICLE, THE DEPARTMENT MAY, ON ITS
16 OWN MOTION OR ON RECEIPT OF A COMPLAINT, AND AFTER AN
17 INVESTIGATION AND PUBLIC HEARING AT WHICH THE PHARMACEUTICAL-
18 GRADE CANNABIS LICENSED FACILITY LICENSEE IS AFFORDED AN
19 OPPORTUNITY TO BE HEARD, SUSPEND OR REVOKE A FACILITY LICENSE
20 ISSUED UNDER THIS ARTICLE. THE DEPARTMENT MAY SUSPEND OR REVOKE A
21 LICENSE FOR ANY VIOLATION BY THE LICENSEE, A BOARD MEMBER, AN
22 AGENT, OR AN EMPLOYEE OF THE LICENSED FACILITY OR OF ANY OF THE
23 TERMS, CONDITIONS, OR PROVISIONS OF THE LICENSE ISSUED BY THE
24 DEPARTMENT. THE DEPARTMENT MAY ADMINISTER OATHS AND ISSUE
25 SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND THE PRODUCTION
26 OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE DETERMINATION OF
27 ANY HEARING THAT THE DEPARTMENT IS AUTHORIZED TO CONDUCT.

1 (2) THE DEPARTMENT SHALL PROVIDE NOTICE OF SUSPENSION OR
2 REVOCATION, AS WELL AS ANY REQUIRED NOTICE OF A HEARING, BY
3 MAILING THE SAME IN WRITING TO THE LICENSED FACILITY AT THE
4 ADDRESS CONTAINED IN THE LICENSE. A SUSPENSION SHALL NOT BE FOR A
5 LONGER PERIOD THAN 6 MONTHS. IF A LICENSE IS SUSPENDED OR
6 REVOKED, NO PART OF THE FEES PAID FOR THE LICENSE UNDER THIS
7 ARTICLE SHALL BE RETURNED TO THE LICENSEE. THE DEPARTMENT MAY
8 SUMMARILY SUSPEND A LICENSE WITHOUT NOTICE PENDING ANY
9 PROSECUTION, INVESTIGATION, OR PUBLIC HEARING. NOTHING IN THIS
10 SECTION SHALL PREVENT THE SUMMARY SUSPENSION OF A LICENSE FOR A
11 TEMPORARY PERIOD OF NOT MORE THAN 15 DAYS.

12 (3) IF A DECISION OF THE DEPARTMENT SUSPENDING A FACILITY
13 LICENSE FOR 14 DAYS OR LESS BECOMES FINAL, WHETHER BY FAILURE OF
14 THE LICENSEE TO APPEAL THE DECISION OR BY EXHAUSTION OF ALL
15 APPEALS AND JUDICIAL REVIEW, THE LICENSEE MAY, BEFORE THE
16 OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO PAY
17 AN ADMINISTRATIVE FINE IN LIEU OF HAVING THE LICENSE SUSPENDED
18 FOR ALL OR PART OF THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE
19 PETITION, THE DEPARTMENT MAY, IN ITS SOLE DISCRETION, STAY THE
20 PROPOSED SUSPENSION AND CAUSE ANY INVESTIGATION TO BE MADE THAT
21 IT CONSIDERS APPROPRIATE AND MAY, IN ITS SOLE DISCRETION, GRANT
22 THE PETITION IF THE DEPARTMENT DETERMINES THAT ALL OF THE
23 FOLLOWING REQUIREMENTS ARE MET:

24 (A) THE PUBLIC HEALTH, SAFETY, AND WELFARE WOULD NOT BE
25 IMPAIRED BY PERMITTING THE LICENSED FACILITY TO OPERATE DURING
26 THE PERIOD SET FOR SUSPENSION AND THE PAYMENT OF THE
27 ADMINISTRATIVE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY

1 PURPOSES.

2 (B) THE BOOKS AND RECORDS OF THE LICENSED FACILITY ARE KEPT
3 IN SUCH A MANNER THAT THE LOSS OF SALES THAT THE LICENSEE WOULD
4 HAVE SUFFERED HAD THE SUSPENSION GONE INTO EFFECT CAN BE
5 DETERMINED WITH REASONABLE ACCURACY.

6 (C) THE LICENSED FACILITY HAS NOT HAD ITS LICENSE SUSPENDED
7 OR REVOKED OR RECEIVED A SUSPENSION STAYED BY PAYMENT OF AN
8 ADMINISTRATIVE FINE, DURING THE 2 YEARS IMMEDIATELY PRECEDING THE
9 DATE OF THE MOTION OR COMPLAINT THAT HAS RESULTED IN A FINAL
10 DECISION TO SUSPEND THE LICENSE.

11 (4) THE DEPARTMENT SHALL ESTABLISH THE ADMINISTRATIVE FINE
12 IN LIEU OF SUSPENSION UNDER SUBSECTION (3) AT AN AMOUNT OF NOT
13 LESS THAN \$500.00 OR MORE THAN \$1,000.00. THE LICENSED FACILITY
14 SHALL PAY THE ADMINISTRATIVE FINE IN LIEU OF SUSPENSION UNDER
15 SUBSECTION (3) IN THE FORM OF CASH OR IN THE FORM OF A CERTIFIED
16 CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE STATE OF MICHIGAN.
17 UPON PAYMENT OF THE ADMINISTRATIVE FINE IN LIEU OF SUSPENSION
18 UNDER SUBSECTION (3), THE DEPARTMENT SHALL ENTER ITS FURTHER
19 ORDER PERMANENTLY STAYING THE IMPOSITION OF THE SUSPENSION. FINES
20 COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE
21 PHARMACEUTICAL-GRADE CANNABIS FUND.

22 (5) IN CONNECTION WITH ANY PETITION UNDER SUBSECTION (3),
23 THE DEPARTMENT IS LIMITED TO THE GRANTING OF A STAY AS NECESSARY
24 FOR IT TO COMPLETE ITS INVESTIGATION AND MAKE ITS FINDINGS AND,
25 IF IT MAKES ANY FINDINGS, TO THE GRANTING OF AN ORDER PERMANENTLY
26 STAYING THE IMPOSITION OF THE ENTIRE SUSPENSION OR THAT PORTION
27 OF THE SUSPENSION NOT OTHERWISE CONDITIONALLY STAYED. IF THE

1 DEPARTMENT DOES NOT MAKE THE FINDINGS REQUIRED IN SUBSECTION (3)
2 AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED, THE
3 SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY SET
4 BY THE DEPARTMENT.

5 SEC. 8505. IN ANY HEARING HELD BY THE DEPARTMENT UNDER THIS
6 ARTICLE, A PERSON SHALL NOT REFUSE, UPON REQUEST OF THE
7 DEPARTMENT, TO TESTIFY OR PROVIDE OTHER INFORMATION ON THE
8 GROUNDS OF SELF-INCRIMINATION. ANY TESTIMONY OR OTHER INFORMATION
9 PRODUCED IN THE HEARING AND ANY INFORMATION DIRECTLY OR
10 INDIRECTLY DERIVED FROM THE TESTIMONY OR OTHER INFORMATION SHALL
11 NOT BE USED AGAINST THE PERSON IN ANY CRIMINAL PROSECUTION BASED
12 ON A VIOLATION OF THIS ARTICLE EXCEPT A PROSECUTION FOR PERJURY
13 COMMITTED WHILE TESTIFYING. CONTINUED REFUSAL TO TESTIFY OR
14 PROVIDE OTHER INFORMATION IS GROUNDS FOR THE SUSPENSION OR
15 REVOCATION OF A LICENSE OR REGISTRATION CARD ISSUED UNDER THIS
16 ARTICLE.

17 SEC. 8507. THE OWNER, OPERATOR, OR AGENT OF A
18 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY WHO FAILS TO
19 COMPLY WITH THIS ARTICLE WITHIN THE TIME SPECIFIED BY THE
20 DEPARTMENT OR WHO ESTABLISHES OR OPERATES A PHARMACEUTICAL-GRADE
21 CANNABIS LICENSED FACILITY IN VIOLATION OF THIS ARTICLE, IS
22 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
23 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH, FOR
24 EACH VIOLATION OR NONCOMPLIANCE.

25 SEC. 8509. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A
26 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY THAT HAS BEEN
27 ISSUED A LICENSE UNDER THIS ARTICLE, OR ANY OWNER, OPERATOR,

1 OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR EMPLOYEE OF THE
2 LICENSED FACILITY, IS NOT SUBJECT TO ARREST, PROSECUTION, OR
3 PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE,
4 INCLUDING, BUT NOT LIMITED TO, CIVIL PENALTY OR DISCIPLINARY
5 ACTION BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING
6 BOARD OR BUREAU, FOR THE CULTIVATION, DISTRIBUTION, AND SALE OF
7 PHARMACEUTICAL-GRADE CANNABIS UNDER THIS ARTICLE FOR USE BY
8 QUALIFYING PATIENTS IN THE MANNER PRESCRIBED IN THE MICHIGAN
9 MEDICAL MARIHUANA ACT AND BY ELIGIBLE PATIENTS IN THE MANNER
10 PRESCRIBED IN THIS ARTICLE.

11 SEC. 8511. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
12 LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT OR ENFORCE AN ORDINANCE
13 REGARDING PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES. A
14 LOCAL GOVERNMENTAL UNIT MAY LIMIT THE NUMBER OF PHARMACEUTICAL-
15 GRADE CANNABIS LICENSED FACILITIES THAT MAY OPERATE IN THE LOCAL
16 GOVERNMENTAL UNIT AND MAY ENACT REASONABLE ZONING REGULATIONS
17 APPLICABLE TO PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES
18 BASED ON LOCAL GOVERNMENT ZONING, HEALTH, AND SAFETY LAWS FOR THE
19 CULTIVATION, DISTRIBUTION, AND SALE OF PHARMACEUTICAL-GRADE
20 CANNABIS.

21 Enacting section 1. Sections 7335 and 7336 of the public
22 health code, 1978 PA 368, MCL 333.7335 and 333.7336, are
23 repealed.