

# SENATE BILL No. 599

September 28, 2017, Introduced by Senators KNEZEK and JONES and referred to the Committee on Health Policy.

A bill to amend 2016 PA 281, entitled  
"Medical marihuana facilities licensing act,"  
by amending section 201 (MCL 333.27201).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 201. (1) Except as otherwise provided in this act, if a  
2 person has been granted a state operating license and is operating  
3 within the scope of the license, the licensee and its agents are  
4 not subject to any of the following for engaging in activities  
5 described in subsection (2):

6           (a) Criminal penalties under state law or local ordinances  
7 regulating marihuana.

8           (b) State or local criminal prosecution for a marihuana-  
9 related offense.

10           (c) State or local civil prosecution for a marihuana-related  
11 offense.

1 (d) Search or inspection, except for an inspection authorized  
2 under this act by law enforcement officers, the municipality, or  
3 the department.

4 (e) Seizure of marihuana, real property, personal property, or  
5 anything of value based on a marihuana-related offense.

6 (f) Any sanction, including disciplinary action or denial of a  
7 right or privilege, by a business or occupational or professional  
8 licensing board or bureau based on a marihuana-related offense.

9 (2) The following activities are protected under subsection  
10 (1) if performed under a state operating license within the scope  
11 of that license and in accord with this act, rules, and any  
12 ordinance adopted under section 205:

13 (a) Growing marihuana.

14 (b) Purchasing, receiving, selling, transporting, or  
15 transferring marihuana from or to a licensee, a licensee's agent, a  
16 registered qualifying patient, or a registered primary caregiver.

17 (c) Possessing marihuana.

18 (d) Possessing or manufacturing marihuana paraphernalia for  
19 medical use.

20 (e) Processing marihuana.

21 (f) Transporting marihuana.

22 (g) Testing, transferring, infusing, extracting, altering, or  
23 studying marihuana.

24 (h) Receiving or providing compensation for products or  
25 services.

26 (3) Except as otherwise provided in this act, a person who  
27 owns or leases real property upon which a marihuana facility is

1 located and who has no knowledge that the licensee violated this  
2 act is not subject to any of the following for owning, leasing, or  
3 permitting the operation of a marihuana facility on the real  
4 property:

5 (a) Criminal penalties under state law or local ordinances  
6 regulating marihuana.

7 (b) State or local civil prosecution based on a marihuana-  
8 related offense.

9 (c) State or local criminal prosecution based on a marihuana-  
10 related offense.

11 (d) Search or inspection, except for an inspection authorized  
12 under this act by law enforcement officers, the municipality, or  
13 the department.

14 (e) Seizure of any real or personal property or anything of  
15 value based on a marihuana-related offense.

16 (f) Any sanction, including disciplinary action or denial of a  
17 right or privilege, by a business or occupational or professional  
18 licensing board or bureau.

19 (4) For the purposes of regulating the commercial entities  
20 established under this act, any provisions of the following acts  
21 that are inconsistent with this act do not apply to a grower,  
22 processor, secure transporter, provisioning center, or safety  
23 compliance facility operating in compliance with this act:

24 (a) The business corporation act, 1972 PA 284, MCL 450.1101 to  
25 450.2098.

26 (b) The nonprofit corporation act, 1982 PA 162, MCL 450.2101  
27 to 450.3192.

1 (c) 1931 PA 327, MCL 450.98 to 450.192.

2 (d) The Michigan revised uniform limited partnership act, 1982  
3 PA 213, MCL 449.1101 to 449.2108.

4 (e) The Michigan limited liability company act, 1993 PA 23,  
5 MCL 450.4101 to 450.5200.

6 (f) 1907 PA 101, MCL 445.1 to 445.5.

7 (g) 1913 PA 164, MCL 449.101 to 449.106.

8 (h) The uniform partnership act, 1917 PA 72, MCL 449.1 to  
9 449.48.

10 (5) AN APPLICANT WHO, ON OR BEFORE AUGUST 15, 2017, ENGAGED IN  
11 AN ACTIVITY THAT IS LICENSABLE UNDER THIS ACT AND WHO, ON OR BEFORE  
12 FEBRUARY 15, 2018, SUBMITS A COMPLETE APPLICATION AND PAYS BOTH THE  
13 NONREFUNDABLE APPLICATION FEE REQUIRED UNDER SECTION 401(5) AND THE  
14 REGULATORY ASSESSMENT ESTABLISHED BY THE BOARD FOR THE FIRST YEAR  
15 OF OPERATION IS, FOR THE PURPOSES OF THIS SECTION, UNTIL THE BOARD  
16 DETERMINES WHETHER THE APPLICANT IS QUALIFIED TO RECEIVE A LICENSE  
17 UNDER THIS ACT, A LICENSEE.

18 Enacting section 1. This amendatory act does not take effect  
19 unless Senate Bill No. 600

20 of the 99th Legislature is enacted into law.