

SENATE BILL No. 1349

October 17, 2012, Introduced by Senators KAHN, RICHARDVILLE and JONES and referred to the Committee on Government Operations.

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 2012 PA 183 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

1 isomers, esters, ethers, and salts is possible within the
 2 specific chemical designation:

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

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

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

1 Dihydromorphine Morphine methylsulfonate

2 (c) Any material, compound, mixture, or preparation which
3 contains any quantity of the following hallucinogenic substances,
4 their salts, isomers, and salts of isomers, unless specifically
5 excepted, when the existence of these salts, isomers, and salts
6 of isomers is possible within the specific chemical designation:

7 2-Methylamino-1-phenylpropan-1-one

8 Some trade and other names:

9 Methcathinone

10 Cat

11 Ephedrone

12 3, 4-methylenedioxy amphetamine

13 5-methoxy-3, 4-methylenedioxy

14 amphetamine

15 3, 4, 5-trimethoxy amphetamine

16 Bufotenine

17 Some trade and other names:

18 3-(B-dimethylaminoethyl)-5 hydroxyindole

19 3-(2-dimethylaminoethyl)-5 indolol

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

21 Mappine

22 2, 5-Dimethoxyamphetamine

23 Some trade or other names:

24 2, 5-Dimethoxy-a-methylphenethylamine; 2,5-DMA

25 4-Bromo-2, 5-Dimethoxyamphetamine

26 Some trade or other names:

27 4-bromo-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

28 2,5-DMA

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

1 1-(1-(2-thienyl)cyclohexyl) piperidine)
 2 2-thienyl analog of phencyclidine; TCP

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

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

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

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

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

19 (f) Gamma-hydroxybutyrate and any isomer, salt, or salt of
 20 isomer of gamma-hydroxybutyrate.

21 Some trade and other names:

22 Sodium oxybate

23 4-hydroxybutanoic acid monosodium salt

24 (g) 3,4-methylenedioxymethamphetamine.

- 1 Some trade and other names:
2 Ecstasy
3 MDMA
- 4 (h) N-Benzylpiperazine
- 5 Some trade and other names:
6 BZP
7 Benzylpiperazine
8 1-(phenylmethyl)-piperazine
- 9 (i) 3-Chlorophenylpiperazine
- 10 Some trade and other names:
11 MCPD
- 12 (j) 1-(3-Trifluoromethylphenyl)piperazine
- 13 Some trade and other names:
14 TFMPP
- 15 (k) 4-Bromo-2,5-dimethoxybenzylpiperazine
- 16 Some trade and other names:
17 2C-B-BZP
- 18 (l) All of the following:
19 (i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-
20 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.
- 21 Some trade and other names:

1 HU-210

2 (ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
3 yl)phenol and its side chain homologues.

4 Some trade and other names:

5 CP47,497

6 (iii) 1-pentyl-3-(1-naphthoyl)indole.

7 Some trade and other names:

8 JWH-018

9 (iv) 1-butyl-3-(1-naphthoyl)indole.

10 Some trade and other names:

11 JWH-073

12 (v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-
13 methanone.

14 Some trade and other names:

15 JWH-015

16 (vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
17 naphthalenyl-methanone.

18 Some trade and other names:

19 JWH-200

20 (vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-

1 ethanone.

2 Some trade and other names:

3 JWH-250

4 (m) Mephedrone (4-methylmethcathinone).

5 Some trade and other names:

6 4-MMC, M-Cat, meow meow, miaow miaow, bounce, bubbles, bubble
7 love, mad cow, plant food, drone, and neo doves

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

9 Some trade and other names:

10 MPBP

11 (o) Methylenedioxypropylone

12 Some trade and other names:

13 MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie,
14 ivory wave, ocean, red dove, scarface, sonic, white dove, white
15 lightning

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

17 Some trade and other names:

18 MDAI

19 Woof-woof

20 (q) Naphyrone (Naphthylpyrovalerone)

1 Some trade and other names:

2 NRG-1

3 Rave

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

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

12 Some trade and other names:

13 Khat

14 Qat

15 (t) Cathinone.

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

22 (v) Salvinorin A.

23 **(2) MARIHUANA AND THE SUBSTANCES DESCRIBED IN SUBSECTION**
24 **(1) (D) AND (E) ARE SCHEDULE 2 CONTROLLED SUBSTANCES IF THEY ARE**
25 **MANUFACTURED, OBTAINED, STORED, DISPENSED, POSSESSED, GROWN, OR**

1 **DISPOSED OF IN COMPLIANCE WITH ARTICLE 8.**

2 (3) ~~(2)~~—For purposes of subsection (1), "isomer" includes
3 the optical, position, and geometric isomers.

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

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

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

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

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

27 (iii) Opium poppy, poppy straw, and concentrate of poppy

1 straw, the crude extract of poppy straw in either liquid, solid,
 2 or powder form, which contains the phenanthrene alkaloids of the
 3 opium poppy.

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

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

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

1 Pethidine
 2 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
 3 Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
 4 Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
 5 carboxylic acid

6
 7 Phenazocine Racemethorphan
 8 Piminodine Racemorphan

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

13 (i) Amphetamine, its salts, optical isomers, and salts of its
 14 optical isomers.

15 (ii) Any substance which contains any quantity of
 16 methamphetamine, including its salts, stereoisomers, and salts of
 17 stereoisomers.

18 (iii) Phenmetrazine and its salts.

19 (iv) Methylphenidate and its salts.

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

1 containing amobarbital, secobarbital, pentobarbital, or any salt
2 thereof in combination with itself, with another, or with 1 or
3 more other controlled substances.

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

7 **ARTICLE 8**

8 **PHARMACEUTICAL-GRADE CANNABIS**

9 **PART 81**

10 **GENERAL PROVISIONS**

11 **SEC. 8101. (1) FOR PURPOSES OF THIS ARTICLE, THE WORDS AND**
12 **PHRASES DEFINED IN SECTIONS 8103 TO 8107 HAVE THE MEANINGS**
13 **ASCIBED TO THEM IN THOSE SECTIONS.**

14 **(2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND**
15 **PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS**
16 **ACT.**

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

22 **(2) "CBD" AND "CBD ACID" MEAN CANNABIDIOL AND CANNABIDIOL**
23 **ACID.**

24 **(3) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.**

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

1 (5) "ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
2 CARD" MEANS THE REGISTRATION CARD ISSUED TO AN ELIGIBLE PATIENT
3 UNDER PART 84.

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

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

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

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

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

26

TABLE 1

MICROBIOLOGICAL

<u>MICROBIOLOGICAL ANALYSIS</u>	<u>FPL SPECIFICATIONS</u>
TOTAL COLIFORMS	<3 MPN/G
STD. PLATE COUNT AEROBIC	<100 CFU/G
STD. PLATE COUNT ANAEROBIC	<100 CFU/G
ESCHERICHIA COLI	ABSENT
SALMONELLA	ABSENT
STAPHYLOCOCCUS AUREUS	<100 CFU/G
YEAST AND MOLDS	<100 CFU/G

TABLE 2
MYCOTOXINS

<u>TEST</u>	<u>SPECIFICATION</u>
AFLATOXIN B1	<20 µG/KG OF SUBSTANCE
AFLATOXIN B2	<20 µG/KG OF SUBSTANCE
AFLATOXIN O1	<20 µG/KG OF SUBSTANCE
AFLATOXIN O2	<20 µG/KG OF SUBSTANCE
OCHRATOXIN A	<20 µG/KG OF SUBSTANCE

TABLE 3
HEAVY METALS

<u>METAL</u>	<u>NHP ACCEPTABLE LIMITS</u>
	<u>µG/KG BW/DAY</u>
ARSENIC	<0.14
CADMIUM	<0.09
LEAD	<0.29
MERCURY	<0.29

(5) "PHARMACEUTICAL-GRADE CANNABIS FUND" OR "FUND" MEANS THE PHARMACEUTICAL-GRADE CANNABIS FUND CREATED IN SECTION 8113.

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

1 "LICENSED FACILITY" MEANS ANY SECURE ENTITY, OPERATION, OR
2 FACILITY AT OR THROUGH WHICH PHARMACEUTICAL-GRADE CANNABIS IS
3 MANUFACTURED, CULTIVATED, AND TESTED IN THIS STATE FOR LAWFUL
4 MEDICAL USE AS PROVIDED FOR IN THIS ARTICLE AND THE MICHIGAN
5 MEDICAL MARIHUANA ACT. PHARMACEUTICAL-GRADE CANNABIS LICENSED
6 FACILITY DOES NOT INCLUDE A QUALIFYING PATIENT OR PRIMARY
7 CAREGIVER WHO POSSESSES OR CULTIVATES MARIHUANA IN THE MANNER
8 PRESCRIBED IN THE MICHIGAN MEDICAL MARIHUANA ACT OR AN ELIGIBLE
9 PATIENT WHO POSSESSES PHARMACEUTICAL-GRADE CANNABIS IN THE MANNER
10 PRESCRIBED IN THIS ARTICLE.

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

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

17 (3) "THC" MEANS DELTA-9-TETRAHYDROCANNABINOL AND
18 TETRAHYDROCANNABINOL ACID.

19 SEC. 8111. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS
20 ARTICLE, THE DIRECTOR MAY CHARGE A REASONABLE FEE FOR LICENSING,
21 REGISTRATION, INSPECTION, TESTING, OR OTHER ACTIVITY OR SERVICE
22 PROVIDED BY THE DEPARTMENT UNDER THIS ARTICLE. THE DEPARTMENT MAY
23 ESTABLISH SEPARATE OR ADDITIONAL ADMINISTRATIVE FEES UNDER THIS
24 SECTION TO PROCESS THE APPLICATION FOR AND THE ISSUANCE OF NEW OR
25 RENEWAL ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS
26 UNDER PART 84, OR SUBJECT TO SUBSECTION (2), THE DEPARTMENT MAY
27 UTILIZE FEES ESTABLISHED IN THE RULES PROMULGATED UNDER SECTION 5

1 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26425, FOR THAT
2 PURPOSE. ALL FEES PERMITTED UNDER THIS SECTION SHALL BE DELIVERED
3 TO THE STATE TREASURER ON A MONTHLY BASIS FOR DEPOSIT IN THE
4 PHARMACEUTICAL-GRADE CANNABIS FUND.

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

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

24 (2) THE DEPARTMENT IS THE ADMINISTRATOR OF THE
25 PHARMACEUTICAL-GRADE CANNABIS FUND FOR AUDITING PURPOSES AND THE
26 DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON APPROPRIATION,
27 ONLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH

1 IMPLEMENTING, ADMINISTERING, AND ENFORCING THIS ARTICLE.

2 SEC. 8115. THE DEPARTMENT SHALL PROMULGATE RULES NECESSARY
3 TO CARRY OUT THIS ARTICLE AND MAY APPOINT AN ADVISORY COMMITTEE
4 TO ASSIST IN RULE DEVELOPMENT. THE RULES SHALL ADDRESS, BUT ARE
5 NOT REQUIRED TO BE LIMITED TO ADDRESSING, ALL OF THE FOLLOWING
6 SUBJECTS:

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

13 (B) SPECIFICATION OF THE DUTIES OF THE EMPLOYEES, AGENTS,
14 AND CONTRACTORS OF THE DEPARTMENT.

15 (C) INSTRUCTIONS FOR LOCAL HEALTH DEPARTMENTS AND LAW
16 ENFORCEMENT OFFICERS.

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

19 (E) ACTIVITIES THAT CONSTITUTE OR RESULT IN
20 MISREPRESENTATION OR UNFAIR, DECEPTIVE PRACTICES.

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

27 (G) SPECIFICATION OF THE MINIMUM REQUIREMENTS FOR THE

1 CULTIVATION, DISTRIBUTION, AND SALE OF PHARMACEUTICAL-GRADE
2 CANNABIS, INCLUDING SPECIFICATIONS ON LEGITIMATE SOURCES OF SEEDS
3 TO CULTIVATE PHARMACEUTICAL-GRADE CANNABIS.

4 (H) REGULATION OF MANUFACTURING, INVENTORY CONTROL, STORAGE,
5 WAREHOUSING, DISTRIBUTION, AND TRANSPORTATION OF MARIHUANA UNDER
6 THIS ARTICLE.

7 (I) COMPLIANCE WITH FEDERAL REGULATORY REQUIREMENTS.

8 (J) HEALTH AND SANITARY REQUIREMENTS FOR PHARMACEUTICAL-
9 GRADE CANNABIS LICENSED FACILITIES.

10 (K) RECORD KEEPING, RECORD RETENTION, RECORD STORAGE, AND
11 RECORD SECURITY REQUIREMENTS FOR PHARMACEUTICAL-GRADE CANNABIS
12 LICENSED FACILITIES.

13 (L) AUDIT REQUIREMENTS FOR PHARMACEUTICAL-GRADE CANNABIS
14 LICENSED FACILITIES, WHICH SHALL INCLUDE SELF REPORTING OF
15 INVENTORY ON A MONTHLY BASIS, SUBJECT TO INSPECTION BY DESIGNATED
16 STATE AND FEDERAL AUTHORITIES.

17 (M) PHYSICAL SECURITY REQUIREMENTS FOR PHARMACEUTICAL-GRADE
18 CANNABIS THAT AT A MINIMUM INCLUDE LIGHTING AND ALARMS.

19 (N) STATE LICENSING PROCEDURES, INCLUDING RENEWALS, AND THE
20 FORM AND CONTENT OF LICENSING APPLICATIONS AND LICENSES.

21 (O) THE REPORTING AND TRANSMITTAL OF MONTHLY SALES AND
22 INCOME TAX PAYMENTS FOR PHARMACEUTICAL-GRADE CANNABIS LICENSED
23 FACILITIES.

24 (P) AUTHORIZATION FOR THE DEPARTMENT OF TREASURY TO HAVE
25 ACCESS TO LICENSING INFORMATION TO ENSURE SALES AND INCOME TAX
26 PAYMENTS FOR PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES.

27 (Q) ACTIVITIES THAT CONSTITUTE LAWFUL AND UNLAWFUL FINANCIAL

1 ARRANGEMENTS BETWEEN PHARMACEUTICAL-GRADE CANNABIS LICENSED
2 FACILITIES.

3 (R) THE SIZE, DIMENSIONS, AND ACCEPTABLE COLORS FOR
4 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SIGNAGE.

5 (S) THE QUANTITY OF PHARMACEUTICAL-GRADE CANNABIS PLANTS AND
6 DRIED PLANT MATERIAL THAT A PHARMACEUTICAL-GRADE CANNABIS
7 LICENSED FACILITY MAY POSSESS IN ITS INVENTORY AT ANY TIME.

8 (T) REGULATIONS REGARDING ADVERTISING, INCLUDING
9 PROHIBITIONS ON THE INCLUSION OF PRICING INFORMATION, THE USE OF
10 LOGOS OR OTHER FORMS OF BRANDING, OR THE DEPICTION OF ANY PART OF
11 A MARIHUANA PLANT, THE WHOLE MARIHUANA PLANT, MARIHUANA LEAVES,
12 OR SMOKING OR DRUG PARAPHERNALIA.

13 (U) A PROCESS TO REVOKE AN ENHANCED PHARMACEUTICAL-GRADE
14 CANNABIS REGISTRATION CARD ISSUED UNDER PART 84 IF A PATIENT IS
15 NO LONGER AN ELIGIBLE PATIENT UNDER THAT PART.

16 (V) OTHER MATTERS NECESSARY FOR THE FAIR, IMPARTIAL,
17 STRINGENT, AND COMPREHENSIVE IMPLEMENTATION, ADMINISTRATION, AND
18 ENFORCEMENT OF THIS ARTICLE TO PROTECT THE HEALTH, SAFETY, AND
19 WELFARE OF THE RESIDENTS OF THIS STATE.

20 SEC. 8117. THE DEPARTMENT SHALL ESTABLISH A PHARMACEUTICAL-
21 GRADE CANNABIS LICENSED FACILITY REGISTRY. THE REGISTRY SHALL BE
22 AN ONLINE DATABASE THAT CONTAINS INFORMATION REGARDING THE
23 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES LICENSED UNDER
24 PART 82.

25 SEC. 8119. BY JANUARY 31 OF EACH CALENDAR YEAR, THE
26 DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT FOR
27 THE PREVIOUS CALENDAR YEAR THAT CONTAINS ALL OF THE FOLLOWING

1 INFORMATION:

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

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

5 (C) THE NUMBER OF ENHANCED PHARMACEUTICAL-GRADE CANNABIS
6 REGISTRATION CARDS ISSUED TO ELIGIBLE PATIENTS IN EACH COUNTY.

7 THE DEPARTMENT SHALL NOT INCLUDE IN THE REPORT ANY IDENTIFYING
8 INFORMATION ABOUT ELIGIBLE PATIENTS OR PHYSICIANS PROVIDING
9 PHYSICIAN CERTIFICATIONS UNDER PART 84.

10 (D) THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE
11 ELIGIBLE PATIENTS.

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

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

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

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

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

21 (J) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS
22 APPROPRIATE UNDER THIS ARTICLE.

23 PART 82

24 FACILITY LICENSING

25 SEC. 8201. (1) TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF
26 RESIDENTS OF THIS STATE, THE DEPARTMENT SHALL LICENSE FACILITIES
27 UNDER THIS ARTICLE TO CULTIVATE, MANUFACTURE, AND TEST

1 PHARMACEUTICAL-GRADE CANNABIS IN THIS STATE. THE DEPARTMENT SHALL
2 IMPLEMENT, ADMINISTER, AND ENFORCE THIS ARTICLE TO ENSURE THAT A
3 SAFE, PURE, DOSAGE-CONSISTENT GRADE OF PHARMACEUTICAL-GRADE
4 CANNABIS IS AVAILABLE TO ELIGIBLE PATIENTS AND QUALIFYING
5 PATIENTS WHO ARE RESIDENTS OF THIS STATE.

6 (2) THIS ARTICLE DOES NOT APPLY TO CONDUCT WHILE IT IS BEING
7 ENGAGED IN UNDER THE MICHIGAN MEDICAL MARIHUANA ACT.

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

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

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

1 DEPARTMENT SHALL INSPECT THE BUILDINGS AND PREMISES AT WHICH THE
2 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY IS CONTEMPLATED.

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

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

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

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

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

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

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

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

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

1 (H) ANY OTHER CRITERIA ESTABLISHED IN RULES PROMULGATED
2 UNDER THIS ARTICLE.

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

24 SEC. 8207. THE DEPARTMENT MAY CONDUCT A PUBLIC HEARING UNDER
25 THE ADMINISTRATIVE PROCEDURES ACT OF 1969 BEFORE ISSUING A
26 LICENSE UNDER THIS PART. THE DEPARTMENT SHALL NOT ISSUE A LICENSE
27 UNDER THIS PART IF IT DETERMINES THAT THE NUMBER OF LICENSES

1 ISSUED THROUGHOUT THE STATE IS ADEQUATE FOR THE REASONABLE NEEDS
2 OF THE ELIGIBLE PATIENTS AND QUALIFYING PATIENTS IN THE COMMUNITY
3 BASED ON THE DEPARTMENT'S OWN INFORMATION OR ON TESTIMONY AND
4 EVIDENCE RECEIVED AT A PUBLIC HEARING HELD UNDER THIS SECTION.

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

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

1 SHALL ISSUE A RENEWAL LICENSE.

2 PART 83

3 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY OPERATIONS

4 SEC. 8301. A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY
5 SHALL ESTABLISH LEGAL CONTROL OF ITS PHYSICAL LOCATION. THE
6 PHYSICAL LOCATION SHALL MEET ALL APPLICABLE STATE AND LOCAL
7 ZONING LAWS.

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

15 (2) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
16 NOTIFY THE DEPARTMENT IN WRITING OF THE NAME, ADDRESS, AND DATE
17 OF BIRTH OF AN OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR
18 EMPLOYEE BEFORE THE INDIVIDUAL IS ASSOCIATED WITH OR BEGINS
19 WORKING AT THE LICENSED FACILITY. THE LICENSED FACILITY SHALL
20 OBTAIN THE INDIVIDUAL'S IDENTIFICATION AND HAVE A CRIMINAL
21 HISTORY CHECK CONDUCTED TO DETERMINE IF THAT INDIVIDUAL IS
22 QUALIFIED TO WORK AT OR BE ASSOCIATED WITH THE LICENSED FACILITY
23 UNDER THIS ARTICLE.

24 (3) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
25 NOT ACQUIRE, POSSESS, CULTIVATE, DELIVER, TRANSFER, TRANSPORT,
26 SUPPLY, SELL, OR DISPENSE PHARMACEUTICAL-GRADE CANNABIS FOR ANY
27 PURPOSE EXCEPT FOR THE MEDICAL USE BY ELIGIBLE PATIENTS AND

1 QUALIFYING PATIENTS AS PROVIDED IN THIS ARTICLE.

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

6 (5) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
7 DESTROY ALL MARIHUANA THAT IT CULTIVATES OR THAT IS OTHERWISE IN
8 ITS POSSESSION THAT IS DETERMINED NOT TO BE PHARMACEUTICAL-GRADE
9 CANNABIS. A LICENSED FACILITY SHALL KEEP RECORDS OF ITS
10 ACTIVITIES UNDER THIS SUBSECTION IN ORDER TO VERIFY ITS
11 COMPLIANCE TO THE DEPARTMENT.

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

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

17 (A) PROHIBIT SMOKING OR CONSUMPTION OF MARIHUANA ON ITS
18 PREMISES.

19 (B) MAINTAIN ALL RECORDS REQUIRED UNDER THIS ARTICLE ON ITS
20 PREMISES.

21 (C) ALLOW UNANNOUNCED INSPECTION OF ITS PREMISES DURING
22 REASONABLE BUSINESS HOURS BY ANY STATE, FEDERAL, OR LOCAL
23 GOVERNMENTAL AGENCY AUTHORIZED TO INSPECT THE LICENSED FACILITY
24 UNDER THIS ARTICLE.

25 SEC. 8309. IN ADDITION TO THE PROVISIONS OF SECTION 2946 OF
26 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2946, IN
27 A PRODUCT LIABILITY ACTION AGAINST A PHARMACEUTICAL-GRADE

1 CANNABIS LICENSED FACILITY, PHARMACEUTICAL-GRADE CANNABIS IS NOT
2 DEFECTIVE OR UNREASONABLY DANGEROUS, AND THE PHARMACEUTICAL-GRADE
3 CANNABIS LICENSED FACILITY IS NOT LIABLE, IF THE PRODUCT SOLD WAS
4 TESTED AND DETERMINED TO MEET THE STANDARDS FOR PHARMACEUTICAL-
5 GRADE CANNABIS UNDER THIS ARTICLE.

6 PART 84

7 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION

8 SEC. 8401. AS USED IN THIS PART:

9 (A) "DEBILITATING MEDICAL CONDITION" MEANS THAT TERM AS
10 DEFINED IN SECTION 3 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
11 333.26423, AND INCLUDES DEBILITATING MEDICAL CONDITIONS
12 ESTABLISHED IN RULES PROMULGATED UNDER THE MICHIGAN MEDICAL
13 MARIHUANA ACT OR, IF APPLICABLE, UNDER THIS PART.

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

16 (C) "PHYSICIAN CERTIFICATION" MEANS A DOCUMENT SIGNED BY A
17 PHYSICIAN REGARDING A PATIENT THAT INCLUDES ALL OF THE FOLLOWING
18 INFORMATION:

19 (i) THE PATIENT'S DEBILITATING MEDICAL CONDITION AS DIAGNOSED
20 BY THE PHYSICIAN.

21 (ii) A STATEMENT THAT THE PATIENT IS UNDER THE REGULAR AND
22 CONTINUING CARE OF THE PHYSICIAN FOR THAT DEBILITATING MEDICAL
23 CONDITION.

24 (iii) IF THE PATIENT HAS NOT BEEN USING MEDICAL MARIHUANA
25 UNDER THAT PHYSICIAN'S CARE, A STATEMENT THAT, IN THE PHYSICIAN'S
26 PROFESSIONAL OPINION, THE PATIENT IS LIKELY TO RECEIVE
27 THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE USE OF PHARMACEUTICAL-

1 GRADE CANNABIS TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING
2 MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING
3 MEDICAL CONDITION. IF THE PATIENT HAS BEEN USING PHARMACEUTICAL-
4 GRADE CANNABIS UNDER THAT PHYSICIAN'S CARE, A STATEMENT THAT, IN
5 THE PHYSICIAN'S PROFESSIONAL OPINION, THE PATIENT HAS RECEIVED
6 THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE USE OF PHARMACEUTICAL-
7 GRADE CANNABIS TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING
8 MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING
9 MEDICAL CONDITION.

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

12 SEC. 8403. NOTWITHSTANDING THE MICHIGAN MEDICAL MARIHUANA
13 ACT, THE DEPARTMENT SHALL ESTABLISH, IMPLEMENT, AND ADMINISTER A
14 PROCESS UNDER THIS PART TO ISSUE AN ENHANCED PHARMACEUTICAL-GRADE
15 CANNABIS REGISTRATION CARD TO AN ELIGIBLE PATIENT FOR THE USE OF
16 PHARMACEUTICAL-GRADE CANNABIS. AN INDIVIDUAL WHO IS ISSUED AN
17 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD UNDER
18 THIS PART IS ENTITLED TO PURCHASE PHARMACEUTICAL-GRADE CANNABIS
19 UNDER THIS ARTICLE AND SHALL BE AFFORDED ALL OF THE PROTECTIONS
20 AND RIGHTS GIVEN A QUALIFYING PATIENT FOR THE MEDICAL USE OF
21 MARIHUANA UNDER SECTIONS 4 AND 6(G) AND (H)(1) OF THE MICHIGAN
22 MEDICAL MARIHUANA ACT, MCL 333.26424 AND 333.26426.

23 SEC. 8405. (1) THE DEPARTMENT MAY UTILIZE RULES PROMULGATED
24 UNDER SECTION 5 OF THE MICHIGAN MEDICAL MARIHUANA ACT, MCL
25 333.26425, AND THE LIST OF DEBILITATING MEDICAL CONDITIONS
26 ESTABLISHED UNDER THE MICHIGAN MEDICAL MARIHUANA ACT AND THOSE
27 RULES, TO ADMINISTER THE ISSUANCE OF ENHANCED PHARMACEUTICAL-

1 GRADE CANNABIS REGISTRATION CARDS UNDER THIS PART.

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

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

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

15 (B) SUBMITS A PHYSICIAN CERTIFICATION TO THE DEPARTMENT. IF
16 THE ELIGIBLE PATIENT IS UNDER THE AGE OF 18, SUBMITS A PHYSICIAN
17 CERTIFICATION FROM 2 PHYSICIANS.

18 (C) SIGNS A WRITTEN STATEMENT CERTIFYING THAT THE ELIGIBLE
19 PATIENT WILL REMAIN UNDER THE REGULAR AND CONTINUING CARE OF A
20 PHYSICIAN AND AN ACKNOWLEDGMENT THAT THE ENHANCED PHARMACEUTICAL-
21 GRADE CANNABIS REGISTRATION CARD WILL BE REVOKED IF THE ELIGIBLE
22 PATIENT DOES NOT REMAIN UNDER THE REGULAR AND CONTINUING CARE OF
23 A PHYSICIAN.

24 (D) SUBMITS ANY OTHER INFORMATION TO THE DEPARTMENT THAT THE
25 DEPARTMENT DETERMINES IS NECESSARY TO ADMINISTER THE ISSUANCE OF
26 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER
27 THIS PART.

1 (2) THE DEPARTMENT SHALL PROVIDE FOR THE AUTOMATIC
2 REVOCATION OF AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS
3 REGISTRATION CARD UNDER THIS PART UNLESS THE ELIGIBLE PATIENT
4 SUBMITS A PHYSICIAN CERTIFICATION ON OR BEFORE THE EXPIRATION OF
5 60 DAYS AFTER THE DATE THE FIRST ENHANCED PHARMACEUTICAL-GRADE
6 CANNABIS REGISTRATION CARD IS ISSUED TO THAT ELIGIBLE PATIENT
7 UNDER THIS PART AND ON OR BEFORE THE EXPIRATION OF EVERY 8-MONTH
8 PERIOD AFTER THAT DATE.

9 (3) AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
10 CARD ISSUED UNDER THIS PART IS REVOKED IF THE DEPARTMENT RECEIVES
11 NOTIFICATION FROM A PHYSICIAN WHO SIGNED A PHYSICIAN
12 CERTIFICATION WITH REGARD TO AN ELIGIBLE PATIENT THAT STATES THAT
13 THE PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL
14 CONDITION AND THE DEPARTMENT NOTIFIES THE INDIVIDUAL WHO HOLDS
15 THE ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD OF
16 THAT REVOCATION.

17 SEC. 8409. (1) THE DEPARTMENT SHALL MAINTAIN A CONFIDENTIAL
18 LIST OF THE INDIVIDUALS TO WHOM THE DEPARTMENT HAS ISSUED
19 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARDS UNDER
20 THIS PART. INDIVIDUAL NAMES AND OTHER IDENTIFYING INFORMATION ON
21 THE LIST IS CONFIDENTIAL AND IS EXEMPT FROM DISCLOSURE UNDER THE
22 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

23 (2) THE DEPARTMENT SHALL VERIFY TO LAW ENFORCEMENT PERSONNEL
24 WHETHER AN ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION
25 CARD IS VALID, WITHOUT DISCLOSING MORE INFORMATION THAN IS
26 REASONABLY NECESSARY TO VERIFY THE AUTHENTICITY OF THAT AN
27 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD.

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

9 SEC. 8410. (1) A PHARMACEUTICAL-GRADE CANNABIS LICENSED
10 FACILITY SHALL NOT SELL OR OTHERWISE DISTRIBUTE PHARMACEUTICAL-
11 GRADE CANNABIS EXCEPT AS PROVIDED IN THIS SECTION.

12 (2) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
13 NOT SELL OR OTHERWISE DISTRIBUTE PHARMACEUTICAL-GRADE CANNABIS
14 DIRECTLY TO THE PUBLIC.

15 (3) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY SHALL
16 NOT SELL OR OTHERWISE DISTRIBUTE PHARMACEUTICAL-GRADE CANNABIS TO
17 THE PUBLIC THROUGH A PERSON OR ANY ENTITY OWNED, OPERATED, OR
18 CONTROLLED BY THAT PHARMACEUTICAL-GRADE CANNABIS LICENSED
19 FACILITY, OTHER THAN A PERSON OR ENTITY DESCRIBED IN SUBSECTION
20 (4) OR (5).

21 (4) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY MAY
22 SELL OR OTHERWISE DISTRIBUTE PHARMACEUTICAL-GRADE CANNABIS TO A
23 PRACTITIONER OR PRESCRIBER AS THOSE TERMS ARE DEFINED IN SECTION
24 7109 FOR SALE OR DISTRIBUTION TO THE PUBLIC ONLY AS PROVIDED IN
25 THIS ARTICLE.

26 (5) A PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY MAY
27 SELL OR OTHERWISE DISTRIBUTE PHARMACEUTICAL-GRADE CANNABIS TO

1 OTHER PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES FOR
2 PURPOSES PROVIDED FOR UNDER THIS ARTICLE.

3 SEC. 8411. (1) THE SALE, PURCHASE, AND USE OF
4 PHARMACEUTICAL-GRADE CANNABIS IS ALLOWED IN THIS STATE TO THE
5 EXTENT THAT THEY ARE CARRIED OUT IN COMPLIANCE WITH THIS ARTICLE.
6 AN ELIGIBLE PATIENT MAY ACQUIRE, POSSESS, AND USE PHARMACEUTICAL-
7 GRADE CANNABIS AS PRESCRIBED IN THIS ARTICLE UNDER A VALID
8 ENHANCED PHARMACEUTICAL-GRADE CANNABIS REGISTRATION CARD.

9 (2) A PHYSICIAN MAY INCLUDE IN A STATEMENT THAT IS A PART OF
10 HIS OR HER PHYSICIAN CERTIFICATION UNDER THIS PART ANY LIMITATION
11 ON THAT PATIENT'S ACTIVITIES WHILE USING PHARMACEUTICAL-GRADE
12 CANNABIS.

13 (3) AN EMPLOYER SHALL NOT TAKE ANY RETALIATORY OR ADVERSE
14 PERSONNEL ACTION AGAINST AN EMPLOYEE WHO IS AN ELIGIBLE PATIENT
15 OR AN APPLICANT FOR EMPLOYMENT WHO IS AN ELIGIBLE PATIENT ON THE
16 BASIS OF THE ELIGIBLE PATIENT'S EXERCISE OF OR ATTEMPT TO
17 EXERCISE HIS OR HER RIGHTS UNDER THIS ARTICLE WITH RESPECT TO THE
18 USE OF PHARMACEUTICAL-GRADE CANNABIS.

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

21 (A) UNDERTAKE ANY TASK WHILE USING PHARMACEUTICAL-GRADE
22 CANNABIS IF DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL
23 MALPRACTICE.

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

25 (i) IN A SCHOOL BUS.

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

1 (iii) IN ANY CORRECTIONAL FACILITY.

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

6 (D) OPERATE, NAVIGATE, OR BE IN ACTUAL PHYSICAL CONTROL OF A
7 MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE USING PHARMACEUTICAL-
8 GRADE CANNABIS.

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

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

12 (A) A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR A COMMERCIAL
13 INSURER, HEALTH MAINTENANCE ORGANIZATION, NONPROFIT HEALTH CARE
14 CORPORATION, OR OTHER THIRD PARTY PAYER TO REIMBURSE AN
15 INDIVIDUAL FOR COSTS ASSOCIATED WITH THE USE OF PHARMACEUTICAL-
16 GRADE CANNABIS.

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

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

23 SEC. 8415. A PERSON WHO MAKES A FRAUDULENT REPRESENTATION TO
24 A LAW ENFORCEMENT OFFICIAL REGARDING ANY FACT OR CIRCUMSTANCE
25 RELATING TO THE USE OF PHARMACEUTICAL-GRADE CANNABIS TO AVOID
26 ARREST OR PROSECUTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION
27 AND MAY BE FINED NOT MORE THAN \$500.00, WHICH SHALL BE IN

1 ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE
2 STATEMENT TO A LAW ENFORCEMENT OFFICIAL OR FOR THE UNLAWFUL USE
3 OF MARIHUANA.

4 PART 85

5 ENFORCEMENT

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

10 (2) UPON A FINDING THAT AN EMERGENCY EXISTS REQUIRING
11 IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, SAFETY, AND
12 WELFARE, THE DEPARTMENT MAY ISSUE AN ORDER, WITHOUT NOTICE OR
13 HEARING, RECITING THE EXISTENCE OF THE EMERGENCY AND PROVIDING
14 FOR THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE.
15 NOTWITHSTANDING THIS ACT OR THE ADMINISTRATIVE PROCEDURES ACT OF
16 1969, THE ORDER SHALL BE EFFECTIVE IMMEDIATELY. A PERSON TO WHOM
17 THE ORDER IS DIRECTED SHALL COMPLY IMMEDIATELY BUT, ON
18 APPLICATION TO THE DEPARTMENT, SHALL BE AFFORDED A HEARING WITHIN
19 15 DAYS. ON THE BASIS OF THE HEARING, THE EMERGENCY ORDER SHALL
20 BE CONTINUED, MODIFIED, OR REVOKED NOT LATER THAN 30 DAYS AFTER
21 THE HEARING.

22 SEC. 8503. (1) IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED
23 OR REMEDIES PROVIDED IN THIS ARTICLE, THE DEPARTMENT MAY, ON ITS
24 OWN MOTION OR ON RECEIPT OF A COMPLAINT, AND AFTER AN
25 INVESTIGATION AND PUBLIC HEARING AT WHICH THE PHARMACEUTICAL-
26 GRADE CANNABIS LICENSED FACILITY LICENSEE IS AFFORDED AN
27 OPPORTUNITY TO BE HEARD, SUSPEND OR REVOKE A FACILITY LICENSE

1 ISSUED UNDER THIS ARTICLE. THE DEPARTMENT MAY SUSPEND OR REVOKE A
2 LICENSE FOR ANY VIOLATION BY THE LICENSEE, A BOARD MEMBER, AN
3 AGENT, OR AN EMPLOYEE OF THE LICENSED FACILITY OR OF ANY OF THE
4 TERMS, CONDITIONS, OR PROVISIONS OF THE LICENSE ISSUED BY THE
5 DEPARTMENT. THE DEPARTMENT MAY ADMINISTER OATHS AND ISSUE
6 SUBPOENAS TO REQUIRE THE PRESENCE OF PERSONS AND THE PRODUCTION
7 OF PAPERS, BOOKS, AND RECORDS NECESSARY TO THE DETERMINATION OF
8 ANY HEARING THAT THE DEPARTMENT IS AUTHORIZED TO CONDUCT.

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

20 (3) IF A DECISION OF THE DEPARTMENT SUSPENDING A FACILITY
21 LICENSE FOR 14 DAYS OR LESS BECOMES FINAL, WHETHER BY FAILURE OF
22 THE LICENSEE TO APPEAL THE DECISION OR BY EXHAUSTION OF ALL
23 APPEALS AND JUDICIAL REVIEW, THE LICENSEE MAY, BEFORE THE
24 OPERATIVE DATE OF THE SUSPENSION, PETITION FOR PERMISSION TO PAY
25 AN ADMINISTRATIVE FINE IN LIEU OF HAVING THE LICENSE SUSPENDED
26 FOR ALL OR PART OF THE SUSPENSION PERIOD. UPON THE RECEIPT OF THE
27 PETITION, THE DEPARTMENT MAY, IN ITS SOLE DISCRETION, STAY THE

1 PROPOSED SUSPENSION AND CAUSE ANY INVESTIGATION TO BE MADE THAT
2 IT CONSIDERS APPROPRIATE AND MAY, IN ITS SOLE DISCRETION, GRANT
3 THE PETITION IF THE DEPARTMENT DETERMINES THAT ALL OF THE
4 FOLLOWING REQUIREMENTS ARE MET:

5 (A) THE PUBLIC HEALTH, SAFETY, AND WELFARE WOULD NOT BE
6 IMPAIRED BY PERMITTING THE LICENSED FACILITY TO OPERATE DURING
7 THE PERIOD SET FOR SUSPENSION AND THE PAYMENT OF THE
8 ADMINISTRATIVE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY
9 PURPOSES.

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

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

19 (4) THE DEPARTMENT SHALL ESTABLISH THE ADMINISTRATIVE FINE
20 IN LIEU OF SUSPENSION UNDER SUBSECTION (3) AT AN AMOUNT OF NOT
21 LESS THAN \$500.00 OR MORE THAN \$1,000.00. THE LICENSED FACILITY
22 SHALL PAY THE ADMINISTRATIVE FINE IN LIEU OF SUSPENSION UNDER
23 SUBSECTION (3) IN THE FORM OF CASH OR IN THE FORM OF A CERTIFIED
24 CHECK OR CASHIER'S CHECK MADE PAYABLE TO THE STATE OF MICHIGAN.
25 UPON PAYMENT OF THE ADMINISTRATIVE FINE IN LIEU OF SUSPENSION
26 UNDER SUBSECTION (3), THE DEPARTMENT SHALL ENTER ITS FURTHER
27 ORDER PERMANENTLY STAYING THE IMPOSITION OF THE SUSPENSION. FINES

1 COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE
2 PHARMACEUTICAL-GRADE CANNABIS FUND.

3 (5) IN CONNECTION WITH ANY PETITION UNDER SUBSECTION (3),
4 THE DEPARTMENT IS LIMITED TO THE GRANTING OF A STAY AS NECESSARY
5 FOR IT TO COMPLETE ITS INVESTIGATION AND MAKE ITS FINDINGS AND,
6 IF IT MAKES ANY FINDINGS, TO THE GRANTING OF AN ORDER PERMANENTLY
7 STAYING THE IMPOSITION OF THE ENTIRE SUSPENSION OR THAT PORTION
8 OF THE SUSPENSION NOT OTHERWISE CONDITIONALLY STAYED. IF THE
9 DEPARTMENT DOES NOT MAKE THE FINDINGS REQUIRED IN SUBSECTION (3)
10 AND DOES NOT ORDER THE SUSPENSION PERMANENTLY STAYED, THE
11 SUSPENSION SHALL GO INTO EFFECT ON THE OPERATIVE DATE FINALLY SET
12 BY THE DEPARTMENT.

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

25 SEC. 8507. THE OWNER, OPERATOR, OR AGENT OF A
26 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY WHO KNOWINGLY
27 VIOLATES THIS ARTICLE OR WHO ESTABLISHES OR OPERATES A

1 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY IN VIOLATION OF
2 THIS ARTICLE IS GUILTY OF A CRIME AS FOLLOWS:

3 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE
4 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
5 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$10,000.00, OR
6 BOTH.

7 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), IF THE PERSON HAS
8 1 PRIOR CONVICTION FOR VIOLATING THIS ARTICLE, THE PERSON IS
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 180 DAYS OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.

11 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS FOR
12 VIOLATING THIS ARTICLE, OR INTENTIONALLY VIOLATES THIS ARTICLE,
13 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
14 FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$100,000.00,
15 OR BOTH.

16 SEC. 8509. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A
17 PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITY THAT HAS BEEN
18 ISSUED A LICENSE UNDER THIS ARTICLE, OR ANY OWNER, OPERATOR,
19 OFFICER, DIRECTOR, PARTNER, MEMBER, MANAGER, OR EMPLOYEE OF THE
20 LICENSED FACILITY, IS NOT SUBJECT TO ARREST, PROSECUTION, OR
21 PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE,
22 INCLUDING, BUT NOT LIMITED TO, CIVIL PENALTY OR DISCIPLINARY
23 ACTION BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING
24 BOARD OR BUREAU, FOR THE CULTIVATION, DISTRIBUTION, AND SALE OF
25 PHARMACEUTICAL-GRADE CANNABIS UNDER THIS ARTICLE FOR USE BY
26 QUALIFYING PATIENTS IN THE MANNER PRESCRIBED IN THE MICHIGAN
27 MEDICAL MARIHUANA ACT AND BY ELIGIBLE PATIENTS IN THE MANNER

1 PRESCRIBED IN THIS ARTICLE.

2 SEC. 8511. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
3 LOCAL GOVERNMENTAL UNIT SHALL NOT ENACT OR ENFORCE AN ORDINANCE
4 REGARDING PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES. A
5 LOCAL GOVERNMENTAL UNIT MAY LIMIT THE NUMBER OF PHARMACEUTICAL-
6 GRADE CANNABIS LICENSED FACILITIES THAT MAY OPERATE IN THE LOCAL
7 GOVERNMENTAL UNIT AND MAY ENACT REASONABLE ZONING REGULATIONS
8 APPLICABLE TO PHARMACEUTICAL-GRADE CANNABIS LICENSED FACILITIES
9 BASED ON LOCAL GOVERNMENT ZONING, HEALTH, AND SAFETY LAWS FOR THE
10 CULTIVATION, DISTRIBUTION, AND SALE OF PHARMACEUTICAL-GRADE
11 CANNABIS.

12 Enacting section 1. Sections 7335 and 7336 of the public
13 health code, 1978 PA 368, MCL 333.7335 and 333.7336, are
14 repealed.