

Legislative Analysis



APPROVAL OF ADULT RECREATIONAL MARIJUANA ESTABLISHMENT LOCATED NEAR SCHOOL

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5766 as introduced
Sponsor: Rep. Pamela Hornberger
Committee: Regulatory Reform
Complete to 3-7-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5766 would amend the Michigan Regulation and Taxation of Marihuana Act to provide that an exception that would allow a licensed adult recreational marijuana establishment to be located within 1,000 feet of a K-12 school must have the approval of the school's governing body. (As under current law, the municipality where the establishment is proposed to be located also would have to adopt an ordinance reducing the 1,000-foot distance requirement.)

Currently, an applicant must meet certain conditions to be approved for a state license as a marijuana retailer, safety compliance facility, secure transporter, processor, microbusiness, or Class A, B, or C marijuana grower. Among other conditions, the property where the applicant's proposed marijuana establishment will be located cannot be either of the following:

- Within an area zoned exclusively for residential use.
- Within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 to 12, *unless* the municipality where the establishment will be located adopts an ordinance that reduces the 1,000-foot distance requirement.

The bill would provide that the property where the applicant's proposed marijuana establishment will be located cannot be either of the following:

- Within an area zoned exclusively for residential use.
- Within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 to 12, *unless both* of the following conditions are met:
 - The municipality where the establishment will be located adopts an ordinance that reduces the 1,000-foot distance requirement.
 - The governing body of the school approves of the location of the applicant's proposed marijuana establishment.

MCL 333.27959

FISCAL IMPACT:

House Bill 5766 would not have a fiscal impact on any state or local government units.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.