

HOUSE BILL NO. 6474

November 09, 2022, Introduced by Rep. Carra and referred to the Committee on Regulatory Reform.

A bill to prohibit municipalities from adopting or enforcing certain ordinances related to primary caregivers, qualifying patients, or the medical use of marihuana.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "medical marihuana
2 municipal ordinance act".

3 Sec. 3. As used in this act:

4 (a) "Cultivate" means that term as used in the Michigan
5 Medical Marihuana Act.

1 (b) "Marihuana plant" means that term as defined in section 3
2 of the Michigan Medical Marihuana Act, MCL 333.26423.

3 (c) "Medical use of marihuana" means that term as defined in
4 section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

5 (d) "Michigan Medical Marihuana Act" means the Michigan
6 Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

7 (e) "Municipality" means any of the following:

8 (i) A city, village, township, or county.

9 (ii) A political subdivision of 1 or more of the entities
10 described in subparagraph (i).

11 (f) "Ordinance" means an ordinance and includes any rule,
12 regulation, or law.

13 (g) "Primary caregiver" means that term as defined in section
14 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

15 (h) "Qualifying patient" means that term as defined in section
16 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

17 Sec. 5. (1) Except as otherwise provided in subsection (2), a
18 municipality shall not adopt or enforce an ordinance if the
19 ordinance does any of the following:

20 (a) Prohibits or restricts an individual from entering real
21 property that is owned, leased, or otherwise controlled by a
22 primary caregiver or qualifying patient.

23 (b) Prohibits or restricts a primary caregiver or qualifying
24 patient from allowing an individual to enter real property that is
25 owned, leased, or otherwise controlled by the primary caregiver or
26 qualifying patient.

27 (c) Requires a primary caregiver or qualifying patient to
28 receive the municipality's approval to engage in the medical use of
29 marihuana.

1 (d) Requires an individual to register as a primary caregiver,
2 qualifying patient, or other similar designation with the
3 municipality.

4 (e) Requires an individual to inform the municipality of any
5 of the following:

6 (i) That the individual was, is, or will be a primary caregiver
7 or qualifying patient.

8 (ii) That the individual has engaged in, is engaging in, or
9 will be engaging in the medical use of marihuana.

10 (f) Requires a primary caregiver or qualifying patient to
11 cultivate a marihuana plant under a condition or in accordance with
12 a requirement that is not included in the Michigan Medical
13 Marihuana Act.

14 (g) Requires an inspection of real or personal property that
15 is owned, leased, or otherwise controlled by a primary caregiver or
16 qualifying patient.

17 (h) Requires a primary caregiver or qualifying patient to pay
18 a tax or fee.

19 (i) Requires a primary caregiver or qualifying patient to
20 engage in the medical use of marihuana, or prohibits a primary
21 caregiver or qualifying patient from engaging in the medical use of
22 marihuana, within or outside a structure or type of structure.

23 (j) Requires a primary caregiver or qualifying patient to
24 dispose of, move, or remove organic material related to the primary
25 caregiver's or qualifying patient's medical use of marihuana under
26 a condition or in accordance with a requirement that is not
27 included in the Michigan Medical Marihuana Act.

28 (k) Requires a primary caregiver or qualifying patient to pay
29 a tax or fee to dispose of, move, or remove organic material

1 described in subdivision (j).

2 (l) Requires a primary caregiver or qualifying patient to
3 engage in the medical use of marihuana on real property that meets
4 a certain zoning requirement.

5 (m) Requires a primary caregiver or qualifying patient to
6 engage in the medical use of marihuana in accordance with a setback
7 or other requirement that affects the location at which the primary
8 caregiver or qualifying patient can engage in the medical use of
9 marihuana on real property.

10 (n) Classifies or otherwise treats a primary caregiver's or
11 qualifying patient's medical use of marihuana as a home occupation
12 or other classification.

13 (o) Otherwise requires a primary caregiver's or qualifying
14 patient's medical use of marihuana to be conducted under a
15 condition or in accordance with a requirement that is not included
16 in the Michigan Medical Marihuana Act.

17 (2) Subsection (1) does not apply to an ordinance of general
18 applicability if the ordinance or enforcement of the ordinance does
19 not do either of the following:

20 (a) Unduly burden a primary caregiver's or qualifying
21 patient's medical use of marihuana.

22 (b) Have the effect of applying to only any of the following:

23 (i) A primary caregiver.

24 (ii) A qualifying patient.

25 (iii) The medical use of marihuana.