

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
Part 85
ENFORCEMENT

333.8501 Enforcement; inspection; finding of emergency; suspension of license; order.

Sec. 8501.

(1) The department shall enforce this article and the applicable provisions of article 7 and shall conduct at least 1 inspection of each pharmaceutical-grade cannabis licensed facility during the term of its license to ensure compliance with the requirements of this article and article 7.

(2) Upon a finding that an emergency exists requiring immediate action to protect the public health, safety, and welfare, the department may issue an order to suspend the license of a pharmaceutical-grade cannabis licensed facility without notice or hearing. The order shall recite the existence of the emergency and the facts supporting a determination of the need to protect public health, safety, and welfare. Notwithstanding this act or the administrative procedures act of 1969, the order shall be effective immediately. A person to whom the order is directed shall comply immediately but, on application to the department, shall be afforded a hearing within 15 days. On the basis of the hearing, the order of summary suspension shall be continued, modified, or dissolved not later than 30 days after the hearing.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8503 Suspension or revocation of facility license; oaths and subpoenas; notice; fees; summary suspension.

Sec. 8503.

(1) In addition to any other penalties prescribed or remedies provided in this article, article 7, and article 15, the department may, on its own motion or on receipt of a complaint, and after an investigation and a hearing before an administrative law judge at which the pharmaceutical-grade cannabis licensed facility licensee is afforded an opportunity to be heard, suspend or revoke a facility license issued under this article. The department may suspend or revoke a license for any violation by the licensee, a board member, an agent, or an employee of the licensed facility or of any of the terms, conditions, or provisions of the license issued by the department. The department may administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the department is authorized to conduct.

(2) The department shall provide notice of suspension or revocation, as well as any required notice of a hearing, by mailing the same in writing to the licensed facility at the address contained in the license. If a license is suspended or revoked, no part of the fees paid for the license under this article or under article 7 shall be returned to the licensee. The department may summarily suspend a license without notice pending any prosecution, investigation, or public hearing.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8505 Licensing hearing; testimony; self-incrimination; use in criminal prosecution; refusal as grounds for suspension or revocation.

Sec. 8505.

In any licensing hearing held by the department under this article, a person shall not refuse, upon request of the department, to testify or provide other information on the grounds of self-incrimination. Any testimony or other

information produced in the hearing and any information directly or indirectly derived from the testimony or other information shall not be used against the person in any criminal prosecution based on a violation of this article except a prosecution for perjury committed while testifying. Continued refusal to testify or provide other information is grounds for the suspension or revocation of a license or registration card issued under this article.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8507 Violation; penalty; other violations.

Sec. 8507.

(1) The owner, operator, or agent of a pharmaceutical-grade cannabis licensed facility who knowingly violates this article or who establishes or operates a pharmaceutical-grade cannabis licensed facility in violation of this article is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$10,000.00, or both.

(b) Except as provided in subdivision (c), if the person has 1 prior conviction for violating this article, the person is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$50,000.00, or both.

(c) If the person has 2 or more prior convictions for violating this article, or intentionally violates this article, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$100,000.00, or both.

(2) Subsection (1) does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by the person while violating this section.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8509 Facility or individuals not subject to arrest, prosecution, or penalty.

Sec. 8509.

Except as otherwise provided in this article, a pharmaceutical-grade cannabis licensed facility that has been issued a license under this article, or any owner, operator, officer, director, partner, member, manager, or employee of the licensed facility, is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the cultivation, distribution, and sale of pharmaceutical-grade cannabis under this article for use by eligible patients in the manner prescribed in this article.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8511 Local ordinances and regulations.

Sec. 8511.

Except as otherwise provided in this section, a local governmental unit shall not enact or enforce an ordinance regarding pharmaceutical-grade cannabis licensed facilities. A local governmental unit may limit the number of pharmaceutical-grade cannabis licensed facilities that may operate in the local governmental unit and may enact

reasonable zoning regulations applicable to pharmaceutical-grade cannabis licensed facilities based on local government zoning, health, and safety laws for the cultivation, distribution, and sale of pharmaceutical-grade cannabis.

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