



AGENDA
Committee on Public Safety
Friday, December 16, 2016 @ 3:30 p.m.
City Hall, Council Conference Room

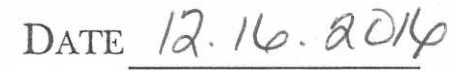
Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - December 2, 2016
4. **Public Comment on Agenda Items**
5. **Discussion:**
 - A.) Building and Occupant Safety in Vacant Buildings
 - B.) ORDINANCE – Draft #6A- Medical Marihuana Licensing
 - C.) City Attorney Update – Medical Marihuana Moratorium Log
6. **Adjourn**



DATE 12.16.2014

[illegible]





MINUTES
Committee on Public Safety
Friday, December 2, 2016 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:30 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member- absent

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney
Dick Peffley, BWL
Michael Tobin, Emergency Management Chief LFD
Chief Talifarro, LFD
Marshaun Blake, LFD Fire Marshall
Daniella Farrell
Harriet Clawson
Teisha Doyle
Lauren Delcamp
J. Richter-Bolz
Mary Ellen Purificato
Jason Durham
Gowoon Lee
Steve Green
Kelly Brown
Elaine Womboldt, Rejuvenating South Lansing
Kyle Summrall
Ricky Brown
James McGillie
Claude Beavers
Jason Durham
Debbie Garvey
Jacara Embry
Tasha Embry

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM NOVEMBER 17, 2016 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION:

Emergency Management to discuss weather preparation for Silver Bells

Councilmember Wood asked the LFD for a presentation on how they prepare for weather events such as Silver Bells.

Chief Talifarro stated there is an extensive process regarding planning and it begins as soon as the last event is over to determine what worked well what changes need to happen for the future events. There is a difference between this event similar to Common Ground and Silver Bells, because Silver Bells is not held in a confined space.

Emergency Management Chief Tobin outlined the 2016 plans which he stated began in December 2015 after that event and the event encompasses over 14 blocks in the downtown area. The LFD was in contact with the National Weather Service 72 hours before the event, and at no time did they ever get any warning until 2 pm that day, 3 hours before the event. At 5:30 p.m. they were informed any storm was 100 miles away. When the LFD plan for events they look at every aspect, including law, medical emergencies, and any high profile situation. The biggest concern has always been cold temperatures, and snow so it was unusual situation to have a severe thunderstorm. When the call came at 5:30 p.m. that the storm was 100 miles away, they began discussions, but because the scope of the event is a vast area, they did not create an evacuation, because most visitors/residents had already started to leave on their own or seek shelter from the rain. Chief Talifarro added that the LFD does plan for all events, and based on recent meetings they have planned for what can happen next time.

Council member Hussain noted he had not heard from any residents or knew of any injuries or issues. Fire Marshall Tobin confirmed there were no injuries related to the weather.

Councilmember Wood asked about their plan for the disability viewing area and complaints she had gotten that no one was assisting them when the storm hit. Chief Tobin confirmed that area is part of their plan, and there is significant staff to offer assistance. Most people reacted once it become too significant, people take care of their own.

Councilmember Hussain asked about potentially seeking out alternative dates in the future based on the recent weather patterns of warmer falls, moving the event into December. Mr. Peffley confirmed they had not, but would be open to suggestions, and can look at future dates and time.

Home Occupation Ordinance

Councilmember Wood asked the Fire Department Chiefs if they had any comments on the topic or witnessed anything they think the Committee should be aware of.

Fire Marshall Blake acknowledged they do not classify specific home grow fires, but do note fires that are electrical in nature, however LFD has seen an increase in electrical fires over recent years. The fires are usually limited to specific rooms. The fires he referenced were a result of a power surge, not anything occupied by an explosion. Lastly, Mr. Blake confirmed

they are not required to report their business so these could be going on without the LFD knowledge. It was also noted that if a residence is producing over 3,500 KWH it implies they should have more than a 110 watt service in the building.

Councilmember Wood asked the LFD if statistics continue to increase if they could then research and indicate if it was the electrical from the grower. Fire Marshal Blake state they could, Chief Talifarro added that they can investigate and if it is in a house, and if it was determined to be an electrical overload, it would be deemed an electrical fire. However, the LFD does not want to track grow operation, hair shop, etc. The LFD wants to make sure the electrical loads are correct, and permits are pulled to upgrade if necessary. Any determination on the proposed 3,500 KWH in the ordinance would be better explained by the BWL.

Councilmember Wood asked whether there has been an increase of electrical fires in the City. Fire Marshal Blake confirmed there had been since 2013. Chief Talifarro pointed out that prior to the State law on medical marihuana and home grows, and caregivers, some activities were illegal, so some people were less inclined to do it. When the State law changed allowing for medical use, and allowing caregivers, then there were more people engaged in that activity.

Councilmember Wood asked if there is anything under the maintenance or the International Fire Code that addresses residential electrical use. Fire Marshal noted it does not speak to residential use, but potential for an electrical overload. Chief Talifarro added that the LFD is doing ongoing research, and with items always changing, experienced communications and however many respects have not been towards the residential.

Councilmember Wood asked about the recommended change from 5,000 KWH to 3,500 KWH. Mr. Peffley answered that BWL met with engineering to see what the distributor was designed for. BWL can supply 3,500 KWH per month and not overload the Board's equipment. Anything over 3,500 KWH per month will overload the system and can damage the equipment. BWL will upgrade a resident's service at the owner's request. A transformer feeds 3-10 houses depending on the neighborhood, so BWL feels comfortable stating that anything over 3,500 KWH is a hazard to BWL equipment.

Councilmember Hussain asked if the information was evidence based, and reminded that BWL at the last meeting would research the matter and calculate recent home fires. Mr. Peffley confirmed he did reach out to the LFD and asked for a list of home fires over the last 2 years and determined that 6 of them were electrical related. The BWL engineers stated that all six (6) exceeded 3,500 KWH consumption levels.

Chief Talifarro then stated that if wattage caused the problem with BWL equipment, then they are consistent points of concern. Regardless if it is a home occupation or home grow operation, even if someone installed a commercial kitchen, it would still represent the same fire hazard. With all the thresholds noted, the owners can upgrade.

Mr. Smiertka began the review of draft #2 of the ordinance amendments, clarifying for the Committee and the public the amended changes for any home occupation, as defined in the zoning ordinance and referenced here. It is not focused on caregivers, caregivers is one of the occupations.

Councilmember Wood stated that this is not part of the zoning ordinance, but adding Home Occupation under Code Compliance, which was confirmed again by Mr. Smiertka adding that there is no necessity for Planning Board review. He also explained there are no changes to the Zoning portion of the Home Occupation Ordinance. Beginning on page 1, line 6-8 which were structural changes adding "per month" after 3,500 KWH, and this same change was

made wherever this claim appeared again in the ordinance. This appears in line 17-18, and line 34-35.

Councilmember Hussain asked for clarification in the ordinance on the odors on property line and the ability to enforce. Mr. Smiertka confirmed it does reference the subject's property line, the sidewalk it is not their property line.

On Line 61-62 addresses the civil infraction penalty to be set by Resolution. Mr. Smiertka noted that the codified ordinance of the City requires civil infract by ordinance. So if it is not enacted, it is \$150 for first offense.

Councilmember Wood asked if they register do they have to have an inspection, and since there is no fee set yet by Code Compliance for these type of inspections, the resolution will give the Council the ability to add a fee. Mr. Smiertka clarified that the fee does not have to be in the ordinance, but all fees can come to Council in a group. Therefore any new fees with Code Compliance, this can be added to that fee structure.

Councilmember Wood asked if with the registration if they just list only the names and address it would eliminate the problem of declaring the type of business. Mr. Smiertka confirmed that topic is covered on line 45 on page 2 then again on line 56 on page 3. The intent is not to look at a particular home occupation, but the fact that there is a home occupation and exceeds the limits. At that point there will then be contact with the home owner. Only in extreme cases, where other measures would need to be taken and court orders would be searched.

Mr. Peffley stated that BWL customer records are private and they will not release information without a subpoena. BWL plans in this process are to look at this ordinance for anything over 3,500 KWH they will notify the customer and give them the option to correct this before they take action.

Councilmember Hussain asked for confirmation that there was no piece of the ordinance that violates a person's rights for search and seizure. Mr. Smiertka noted that clearly an inspection of the building falls under the civil infraction ordinance. He again noted that there is no mention of medical marihuana in this ordinance it applies to all home occupations. In regards to Medical Marihuana, the City Attorney's office has been reviewing case law on it, in regards to what other States are struggling with.

The Committee had no further amendments.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET THE PUBLIC HEARING FOR JANUARY 23, 2017 FOR THE ORDINANCE AMENDMENTS TO THE HOME OCCUPATION ORDINANCE AS PRESENTED IN DRAFT 2. MOTION CARRIED 2-0.

City Attorney Office Update

Commercial Medical Marihuana 60 day suspension analysis

Councilmember Wood referred back to a letter sent to the Planning Board 60 days ago from the City Attorney office that asked for an extension so he could do further review. December 4th would be the end of the 60 days. Mr. Smiertka confirmed that he had written a letter to the Mayor's office and the Council President but did not, and does not know how it was presented to the Planning Board at that meeting 60 days ago. His request at that time was to continue the research on the new laws, State Bar Medical Marihuana case law and ongoing decisions in other States. Currently he is evaluating the new State Statue with respect to areas that may not be necessary to include with the City of Lansing. Currently the State is bidding tracking systems, the discussion on labeling is being done by the State Statue, and there are additional

areas under discussion, therefore these areas will not be needed in the City ordinance. The City Attorney office has conducted group interviews with interest groups, the City Clerk on what they will need and their role in the process. Mr. Smiertka stated that the Clerk's office could be looking at 4-5 months to implement and process applications if they proceed as the ordinance is drafted at this point. He added that if the ordinance currently on the books is modified so the criteria can be covered by the State Board, it could be eliminated from the draft City ordinance. Mr. Smiertka stated his opinion that he foresees the State rules to occur in the beginning of January 2017. This Board will fill its appointments by the end of December and begin to meet in January. Lastly the Planning Board will provide input and their next meeting is December 6th, however Mr. Smiertka was not aware if the item was on their agenda.

Councilmember Wood and Hussain asked if Planning Office had confirmed it would back before the Board at their next meeting. Mr. Smiertka stated his office was not asked for any input yet from the Planning Board for this upcoming meeting. Councilmember Hussain asked Mr. Smiertka to reach out to the Planning Board.

Medical Marihuana Moratorium Log

Mr. Dotson approached the Committee on an update on the log, stating they have segregated the log out, and will forward to them the most recent version. Since there was nothing distributed, Mr. Dotson noted the only formatting changes from the last meeting were with the separation from home issues and dispensary moratorium violations. Mr. Dotson went on to state that the only complaint his office had received from the last meeting was a repeat complaint and a letter will be sent out the week of December 5, 2016.

Councilmember Wood asked that Law continue to look at all those that come in. Councilmember Hussain asked if Law was still waiting on the lease and utility bills from "Lansing Tribute". Mr. Dotson stated they were not waiting.

Councilmember Hussain then asked if "Hello Wellness" was open yet. Mr. Dotson stated it was not, but has not called there in a week. He confirmed he would take note to follow up. Councilmember Hussain asked Mr. Dotson, for an affidavit what area are they attesting to. Mr. Dotson confirmed it would be if they are a continuation of a business and not a new business, or new name. They are attesting to when they started, and utility bills depending on the circumstances.

Councilmember Wood asked if the letters were sent on the odor complaints. Mr. Dotson stated the only letters that go out are to a confirmed odor issues, so if Code doesn't come back with and odor issues, then law does not send a letter. Councilmember Wood asked if they were still looking at the "smell" equipment. Mr. Dotson acknowledged they did look into it, but will let Council make the final determination, and his communication on the opinions of using it or not, have concurred a person should perform the test not equipment.

Councilmember Wood referenced other nuisance situations where code compliance sends out a letter on the complaint to the owner and offering information if they call the Code office. Mr. Dotson was not aware of this practice through zoning, and Mr. Smiertka stated a complaint can be filed with the City Attorney office on this odor nuisance, and they can then talk to the individual, gather facts, send a letter and if needed, set up a conference.

Councilmember Wood asked that the proposed practice just introduced by Mr. Smiertka be address the current list of complaints, and Mr. Smiertka and Mr. Dotson confirmed.

Public Comment

Ms. Farrell spoke in opposition to the ordinance and stated her opinion that the ordinance was in violating their rights.

Ms. Clawson asked the Committee to consider the other odors in the area such as food, and asked for more work on the ordinance to be done before action.

Ms. Doyle spoke in opposition to the ordinance and support of medical marihuana as a patient and caregiver.

Mr. Durham spoke as the Vice President of the Ann Arbor Sub-chapter of *Normal*. Mr. Durham spoke on the electricity needed for the home grower in comparison to other household appliances. Mr. Durham also asked the Committee to consider that it was stated there were only 6 fires in 2 years. Mr. Durham stated lastly that he was opposed to inspections.

Mr. Green spoke in support of better planning for the Silver Bells event. Mr. Green then spoke in opposition of the enforcement of odors on medical marihuana with his opinion there are just as many odors from food. Lastly he stated his opposition to annual inspections.

Mr. Beavers acknowledged the Committee for their work, asked for future meetings to be on CityTV, and asked for clarification on the difference between medical marihuana and recreational use. Mr. Beavers also asked for the limitation on the number of dispensaries in the City.

Ms. Garvey spoke in support of the ordinance amendments, and asked for further enforcement on landlords.

Ms. Brown spoke in support of an ordinance that represents the growers.

Ms. Womboldt spoke in support of the ordinance, and asked for clarification on Section 1460 noted in the ordinance. Councilmember Wood clarified it is in addition to the current zoning, and this draft will be added to code compliance section of our ordinances.

Mr. Brown outlined his opinion on what amount of electricity is needed for a home grower, and asked about the enforcement of odors from home growers who grow outside. Last Mr. Brown asked when the moratorium would be lifted. Councilmember Wood stated it would not be lifted until they have an ordinance which has been adopted by City Council.

Mr. Williams stated his frustrations as a landlord in renting when there are odors in adjoining units.

Ms. Miles spoke in opposition to the odor enforcement that is currently being done and asked the Committee to protect everyone's rights.

Mr. Covert stated his opinion that the Committee needs to look at all home occupations, and spoke in opposition of in home inspections.

Ms. Purificato spoke in support of the ordinance.

Councilmember Wood reminded the public the next meeting will be Friday, December 9, 2016, and the Ordinance amendments from this meeting will heard at a public hearing on January 23, 2017.

ADJOURN

The meeting was adjourned 5:10 p.m.
Submitted by, Sherrie Boak,
Recording Secretary
Lansing City Council
Approved: _____

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

**CITY OF LANSING, MICHIGAN
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO REPLACE CHAPTER 1300 OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA ESTABLISHMENTS; TO ESTABLISH LAND USE AND ZONING REQUIREMENTS ATTENDANT THERETO; TO ESTABLISH AND PROVIDE FOR THE COMPOSITION OF A MEDICAL MARIHUANA COMMISSION AND TO DEFINE ITS FUNCTIONS AND RESPONSIBILITIES; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY OF LANSING; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY OF LANSING ORDAINS:

SECTION ONE: Chapter 1300 of the Lansing Code of Ordinances is hereby replaced in its entirety to read as follows:

- 1300.1 Legislative Intent.
- 1300.2 Definitions, Interpretation and Conflicts.
- 1300.3 Establishment of The Medical Marihuana Commission; membership; chairperson; meetings.
- 1300.4 Operation without License Prohibited.
- 1300.5 License Application Submission.
- 1300.6 License Application Evaluation.
- 1300.7 License Renewal Application.
- 1300.8 Licenses Generally.
- 1300.9 Minimum Operational Standards of A Medical Marihuana Provisioning Center .
- 1300.10 Minimum Operational Standards of A Medical Marihuana Grower Facility.
- 1300.11 Minimum Operational Standards of A Medical Marihuana Safety Compliance Facility.
- 1300.12 Minimum Operational Standards of A Medical Marihuana Processor Facility.
- 1300.13 Location of Medical Marihuana Provisioning Centers. .
- 1300.14 Location of Medical Marihuana Safety Compliance Facilities, Medical Marihuana Processor Facilities and Medical Marihuana Grower Facilities.
- 1300.15 Denial and Revocation.
- 1300.16 Penalties.
- 1300.17 No Vested Rights.
- 1300.18 Zoning Board of Appeals.
- 1300.19 Sunset.

1300.1 –LEGISLATIVE INTENT.

THE PURPOSE OF THIS CHAPTER IS TO EXERCISE THE POLICE, REGULATORY, AND LAND USE POWERS OF THE CITY OF LANSING BY LICENSING AND REGULATING MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA COMPLIANCE FACILITIES, AND MEDICAL MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING; AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

THE CITY FINDS THAT THE ACTIVITIES DESCRIBED IN THIS CHAPTER ARE SIGNIFICANTLY CONNECTED TO THE PUBLIC HEALTH, SAFETY, SECURITY AND WELFARE OF ITS CITIZENS AND IT IS THEREFORE NECESSARY TO REGULATE AND ENFORCE SAFETY, SECURITY, FIRE, POLICING, HEALTH AND SANITATION PRACTICES RELATED TO SUCH ACTIVITIES AND ALSO TO PROVIDE A METHOD TO DEFRAY ADMINISTRATIVE COSTS INCURRED BY SUCH REGULATION AND ENFORCEMENT.

IT IS NOT THE INTENT OF THIS CHAPTER TO DIMINISH, ABROGATE, OR RESTRICT THE PROTECTIONS FOR MEDICAL USE OF MARIHUANA FOUND IN THE MICHIGAN MEDICAL MARIHUANA ACT OR IN THE LANSING CITY CHARTER AT SECTION 8-501.

1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.

FOR THE PURPOSES OF THIS CHAPTER:

(A) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ., AS AMENDED (“MMMA”), SHALL HAVE THE DEFINITION GIVEN IN THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS CHAPTER CONFLICTS WITH THE DEFINITION IN THE MMMA, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA, THEN THE DEFINITION IN THE MMMA SHALL APPLY.

(B) ANY TERM DEFINED BY 21 USC 860(E) REFERENCED IN THIS CHAPTER SHALL HAVE THE DEFINITION GIVEN BY 21 USC 860(E).

1 (C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL'S OR ENTITY'S
2 RIGHTS UNDER THE MMMA. THE MMMA SUPERSEDES THIS ORDINANCE WHERE
3 THERE IS A CONFLICT BETWEEN THEM.
4

5 (D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE
6 RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL
7 MARIHUANA CULTIVATION FACILITY, SECURE TRANSPORTER, PROCESSOR OR A
8 SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE WITH THE RULES OF
9 THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS OR
10 ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY OF
11 LANSING, AND THE MMMA.
12

13 (E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR
14 PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE
15 DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL
16 MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER BUT
17 WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS CHAPTER
18 SHALL BE DEEMED TO NOT BE A LEGALLY ESTABLISHED USE AND THEREFORE
19 NOT ENTITLED TO LEGAL NONCONFORMING STATUS UNDER THE PROVISIONS OF
20 THIS CHAPTER AND AND/OR STATE LAW. THE CITY FINDS AND DETERMINES
21 THAT IT HAS NOT HERETOFORE AUTHORIZED OR LICENSED THE EXISTENCE OF
22 ANY MEDICAL MARIHUANA ESTABLISHMENT, AS DEFINED HEREIN, IN THE CITY.
23

24 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:
25

26 "BUILDING" MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A
27 ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR
28 SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A
29 STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY
30 DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH
31 PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE,
32 REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE
33 COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS.
34 THIS DEFINITION REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT
35 INCLUDE TENTS, SHEDS, GREENHOUSES AND PRIVATE GARAGES ON
36 RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A
37 BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT
38 NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS,
39 SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS
40 OR SIMILAR STRUCTURES.
41

42 "CHAPTER" MEANS THIS CHAPTER 1300.
43

44 "CITY" MEANS THE CITY OF LANSING, MICHIGAN.
45

1 “COMMISSION” MEANS THE MEDICAL MARIHUANA COMMISSION
2 ESTABLISHED UNDER THIS CHAPTER.

3
4 “COUNCIL, OR CITY COUNCIL,” MEANS THE CITY COUNCIL OF LANSING,
5 MICHIGAN.

6
7 “CULTIVATION” OR “CULTIVATE” AS USED IN THIS ORDINANCE MEANS: (1)
8 ALL PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST; OR (2)
9 PREPARING, PACKAGING OR REPACKAGING, LABELING, OR RELABELING OF ANY
10 FORM OF MARIHUANA; OR (3) TO THE EXTENT PERMITTED BY THE MMMA, IF AT
11 ALL, THE EXTRACTION OF RESIN FROM THE MARIHUANA OR THE CREATION OF
12 MARIHUANA INFUSED PRODUCTS FOR SALE OR PACKAGED FORM TO A MEDICAL
13 MARIHUANA PROVISIONING CENTER.

14
15 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL
16 INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE
17 MMMA OR OTHER APPLICABLE STATE LAW.

18
19 “MEDICAL MARIHUANA” MEANS ANY MARIHUANA INTENDED FOR MEDICAL
20 USE THAT MEETS ALL REQUIREMENTS FOR MEDICAL MARIHUANA CONTAINED
21 IN THE MMMA AND ANY OTHER APPLICABLE LAW.

22
23 “MEDICAL MARIHUANA COMMISSION” OR “COMMISSION” MEANS THE
24 MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3 OF
25 THIS CHAPTER.

26
27 “MEDICAL MARIHUANA PROVISIONING CENTER,” OR A “MEDICAL
28 MARIHUANA CAREGIVER CENTER,” MEANS A COMMERCIAL ENTITY LOCATED IN
29 THE CITY THAT HAS A LICENSE TO OPERATE FROM THE STATE (TO THE EXTENT
30 ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT SELLS, SUPPLIES,
31 OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS, ONLY AS
32 PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING CENTER, AS
33 DEFINED IN THE MMMA, INCLUDES ANY COMMERCIAL PROPERTY WHERE
34 MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND REGULATION. A
35 NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A
36 QUALIFYING PATIENT, AS DEFINED IN THE MMMA, CONNECTED TO THE
37 CAREGIVER THROUGH THE DEPARTMENT’S MARIHUANA REGISTRATION
38 PROCESS IN ACCORDANCE WITH THE MMMA IS NOT A MEDICAL MARIHUANA
39 PROVISIONING CENTER OR A MEDICAL MARIHUANA CAREGIVER CENTER FOR
40 PURPOSES OF THIS CHAPTER.

41
42 “MEDICAL MARIHUANA GROWER FACILITY,” ALSO KNOWN AS “MEDICAL
43 MARIHUANA CULTIVATION FACILITY,” MEANS A COMMERCIAL ENTITY
44 LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE, (TO THE
45 EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT

1 CULTIVATES, DRIES, TRIMS OR CURES AND PACKAGES MARIHUANA IN
2 ACCORDANCE WITH STATE LAW.

3
4 “MEDICAL MARIHUANA ESTABLISHMENT(S), OR, “ESTABLISHMENT,” MEANS
5 ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE
6 LICENSED UNDER THIS CHAPTER INCLUDING A MEDICAL MARIHUANA
7 PROVISIONING CENTER OR MEDICAL MARIHUANA CAREGIVER CENTER, A
8 MEDICAL MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR
9 FACILITY AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

10
11 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

12
13 “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
14 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
15 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

16
17 “ LICENSE APPLICATION” REFERS TO THE REQUIREMENTS AND PROCEDURES
18 SET FORTH IN SECTIONS 1300.5 AND 1300.6.

19
20
21 “PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY” MEANS A
22 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT HAS A LICENSE TO OPERATE
23 ISSUED BY THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE
24 FROM THE CITY, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A
25 MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW..”

26
27 “SAFETY COMPLIANCE FACILITY” OR “MEDICAL MARIHUANA SAFETY
28 COMPLIANCE FACILITY” MEANS A COMMERCIAL ENTITY THAT HAS A LICENSE
29 TO OPERATE ISSUED BY THE STATE (TO THE EXTENT ONE IS REQUIRED) AND
30 HAS A LICENSE FROM THE CITY, THAT RECEIVES MARIHUANA FROM A MEDICAL
31 MARIHUANA ESTABLISHMENT OR A REGISTERED QUALIFYING PATIENT OR A
32 REGISTERED PRIMARY CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR
33 TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANCE WITH
34 STATE LAW.

35
36 “SECURE TRANSPORTER” MEANS A COMMERCIAL ENTITY THAT HAS A
37 LICENSE TO OPERATE ISSUED BY THE STATE (TO THE EXTENT THAT ONE IS
38 REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT IS A COMMERCIAL
39 ENTITY LOCATED IN THIS CITY THAT STORES MARIHUANA AND TRANSPORTS
40 MARIHUANA BETWEEN MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN
41 ACCORDANCE WITH STATE LAW.

42
43 “STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES,
44 WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR
45 MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-
46 PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO

1 A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH
2 GENERAL AND LIMITED.

3
4 “STATE” MEANS THE STATE OF MICHIGAN.

5
6 “RESTRICTED/LIMITED ACCESS AREA” MEANS A BUILDING, ROOM OR OTHER
7 AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE
8 MMMA OR OTHER APPLICABLE STATE LAW.

9
10 (G) ANY TERM DEFINED BY THE MMMA AND NOT DEFINED IN THIS CHAPTER
11 SHALL HAVE THE DEFINITION GIVEN IN THE MMMA.

12 **1300.3 – ESTABLISHMENT OF THE MEDICAL MARIHUANA COMMISSION;**
13 **MEMBERSHIP; CHAIRPERSON; MEETINGS.**
14

15 (A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE
16 COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS, WHO SHALL BE
17 APPOINTED BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL
18 SERVE FOR TERMS OF OFFICE OF THREE (3) YEARS. EXCEPT FOR THE INITIAL
19 APPOINTMENTS TO THE COMMISSION, TWO MEMBERS SHALL SERVE FOR A
20 TERM OF ONE (1) YEAR, TWO MEMBERS SHALL SERVE FOR A TERM OF TWO (2)
21 YEARS, AND THREE MEMBERS SHALL SERVE FOR A TERM OF THREE YEARS.

22
23 (B) THE MEMBERS OF THE COMMISSION SHALL INCLUDE THE FOLLOWING:

- 24
25 (1) FOUR (4) MEMBERS, ONE FROM EACH WARD OF THE CITY, UPON
26 BEING RECOMMENDED TO THE MAYOR BY THE COUNCIL PERSON IN
27 THAT WARD, EACH WHO REPRESENTS A DULY ORGANIZED AND
28 EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION OR
29 NEIGHBORHOOD WATCH GROUP;
30
31 (2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING
32 MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;
33
34
35 (3) TWO (2) MEMBERS POSSESSING BUSINESS EXPERIENCE FROM THE
36 GENERAL POPULATION OF THE CITY.
37

38 (C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY
39 BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE
40 COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE
41 OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL
42 ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS
43 PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE OF
44 EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE
45 COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN

1 MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A
2 RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF FOUR (4)
3 MEMBERS SHALL CONSTITUTE A QUORUM FOR VOTING PURPOSES.
4

5 (D) NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER
6 PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF
7 GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN
8 PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT
9 FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.
10

11 (E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE
12 FORWARDED TO IT BY THE CITY CLERK UNDER THIS CHAPTER. A LICENSE
13 SHALL NOT BE ISSUED UNTIL THE COMMISSION HAS ACTED ON THE
14 APPLICATION BY ISSUING A CERTIFICATE OF APPROVAL BY A MAJORITY VOTE
15 OF THE COMMISSION MEMBERS VOTING AT A MEETING.
16

17 (F) THE COMMISSION MAY PROPOSE CHANGES TO THIS CHAPTER TO THE CITY
18 COUNCIL AND MAY RECOMMEND RULES AND REGULATIONS RELATED TO THIS
19 CHAPTER FOR COUNCIL APPROVAL.
20

21 (G) THE CHIEF OF POLICE (OR A DESIGNEE), THE CHIEF OF THE FIRE
22 DEPARTMENT (OR A DESIGNEE) AND THE DIRECTOR OF PLANNING AND
23 NEIGHBORHOOD DEVELOPMENT (OR A DESIGNEE) SHALL ALSO SERVE THE
24 COMMISSION IN AN EX OFFICIO NON-VOTING CAPACITY.
25
26
27

28 **1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**
29

30 (A) EVERY MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING
31 SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH
32 IN THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(b), NO PERSON
33 SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY
34 WITHOUT FIRST OBTAINING A LICENSE FOR THE MEDICAL MARIHUANA
35 ESTABLISHMENT FROM THE CITY CLERK. A MEDICAL MARIHUANA
36 ESTABLISHMENT OPERATING WITHOUT A LICENSE UNDER THE PROVISIONS
37 OF THIS CHAPTER IS DEEMED A PUBLIC NUISANCE.
38

39 (B) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE
40 EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE CITY'S
41 MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE 1202) MAY
42 CONTINUE TO OPERATE DURING THE APPLICATION SUBMISSION AND REVIEW
43 PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, ONLY SO LONG AS IT
44 SUBMITS ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE
45 EFFECTIVE DATE OF THIS CHAPTER AND ONLY SO LONG AS IT HAS NOT BEEN
46 NOTIFIED BY THE CITY CLERK THAT IT WOULD NOT BE RECEIVING A LICENSE

1 OR THAT ITS APPLICATION WOULD NOT BE SUBMITTED TO THE COMMISSION
2 FOR CONSIDERATION PURSUANT TO 1300.5 (C) AND (E). ONCE A MEDICAL
3 MARIHUANA ESTABLISHMENT IS NOTIFIED BY THE CITY CLERK THAT IT WILL
4 NOT RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE
5 SUBMITTED TO THE COMMISSION FOR CONSIDERATION, THE MEDICAL
6 MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN 30
7 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.
8

9 (C) THE CITY CLERK SHALL ISSUE A NEW LICENSE FOR A MEDICAL
10 MARIHUANA ESTABLISHMENT ONLY AFTER THE COMMISSION HAS ISSUED A
11 CERTIFICATE OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE
12 YEAR.
13

14
15 **1300.5– LICENSE APPLICATION SUBMISSION.**
16

17 (A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY
18 THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO
19 THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK SHALL
20 BE CONSIDERED FOR THE ISSUANCE OF A LICENSE.
21

22 (B) AN APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL BE
23 MADE UNDER OATH ON FORMS PROVIDED BY THE CITY, AND SHALL CONTAIN
24 ALL OF THE FOLLOWING:
25

26 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME,
27 DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR MORE PHONE
28 NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION, A COPY OF A
29 GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THE APPLICANT,
30 AND A COPY OF THE APPLICANT'S CAREGIVER REGISTRY IDENTIFICATION
31 CARD ISSUED PURSUANT TO THE MMMA;
32

33 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
34 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE
35 NUMBERS OF EACH STAKEHOLDER OF THE APPLICANT, INCLUDING
36 DESIGNATION OF A STAKEHOLDER AS AN EMERGENCY CONTACT PERSON
37 AND CONTACT INFORMATION FOR THE EMERGENCY CONTACT PERSON,
38 ARTICLES OF INCORPORATION, INTERNAL REVENUE SERVICE SS-4 EIN
39 CONFIRMATION LETTER, AND THE OPERATING AGREEMENT OF THE
40 APPLICANT, IF A LIMITED LIABILITY COMPANY, AND A COPY OF AT LEAST
41 ONE STAKEHOLDER'S CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED
42 PURSUANT TO THE MMMA;
43

44 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
45 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
46 NECESSARY BY THE CITY CLERK;

1
2 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
3 FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE APPLICANT,
4 AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN
5 CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
6 FELONY. WITH RESPECT TO ALL OTHER MEDICAL MARIHUANA
7 ESTABLISHMENTS, FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
8 APPLICANT, AN AFFIRMATION THAT EACH AND EACH AGENT OR EMPLOYEE
9 IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN CONVICTED OF OR PLED
10 GUILTY OR NO CONTEST TO A DISQUALIFYING FELONY;
11

12 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
13 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
14 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
15 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
16 CRITERIA SET FORTH IN THIS CHAPTER;
17

18 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
19 THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
20 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
21 IF OTHER THAN THE APPLICANT;
22

23 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT
24 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND
25 IF REVOKED OR SUSPENDED, THEN THE REASON THEREFORE;
26

27 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
28 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
29 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
30 INDUSTRY;
31

32 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
33 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS
34 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH
35 IN THE MICHIGAN MEDICAL MARIHUANA ACT;
36

37 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
38 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;
39

40 (11) A COPY OF THE PROPOSED BUSINESS PLAN FOR THE
41 ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:
42

43 (I) THE PROPOSED OWNERSHIP STRUCTURE OF THE
44 ESTABLISHMENT, INCLUDING PERCENTAGE OWNERSHIP OF
45 EACH PERSON OR ENTITY; AND
46

(II) A CURRENT ORGANIZATION CHART THAT INCLUDES POSITION DESCRIPTIONS AND THE NAMES OF EACH PERSON HOLDING EACH POSITION.

(12) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE OF THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS CHAPTER ALONG WITH A COPY OF THE LEASE FOR THE PREMISES;

(13) A DESCRIPTION OF THE SECURITY PLAN FOR THE MEDICAL MARIHUANA ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, ANY LIGHTING ALARMS, BARRIERS, RECORDING/MONITORING DEVICES, AND/OR SECURITY GUARD ARRANGEMENTS PROPOSED FOR THE ESTABLISHMENT AND PREMISES. THE SECURITY MUST CONTAIN THE SPECIFICATION DETAILS OF EACH PIECE OF SECURITY EQUIPMENT. EACH MEDICAL MARIHUANA ESTABLISHMENT MUST HAVE A SECURITY GUARD PRESENT DURING BUSINESS HOURS;

(14) A FLOOR PLAN OF THE MEDICAL MARIHUANA ESTABLISHMENT, AS WELL AS A SCALE DIAGRAM ILLUSTRATING THE PROPERTY UPON WHICH THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE OPERATED, INCLUDING ALL AVAILABLE PARKING SPACES, AND SPECIFYING WHICH PARKING SPACES, IF ANY, ARE HANDICAPPED-ACCESSIBLE;

(15) ANY PROPOSED TEXT OR GRAPHICAL MATERIALS TO BE SHOWN ON THE EXTERIOR OF THE PROPOSED MEDICAL MARIHUANA ESTABLISHMENT;

(16) A LOCATION AREA MAP OF THE MEDICAL MARIHUANA ESTABLISHMENT AND SURROUNDING AREA THAT IDENTIFIES THE RELATIVE LOCATIONS AND THE DISTANCES (CLOSEST PROPERTY LINE TO THE SUBJECT ESTABLISHMENT'S PROPERTY LINE) FROM THE SUBJECT MEDICAL MARIHUANA ESTABLISHMENT TO THE CLOSEST REAL PROPERTY OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL, CHURCH, PARK, A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ANOTHER LICENSED MEDICAL MARIHUANA ESTABLISHMENT OR A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES;

(17) A FACILITY SANITATION PLAN TO PROTECT AGAINST ANY MARIHUANA BEING INGESTED BY ANY PERSON OR ANIMAL, INDICATING HOW THE WASTE WILL BE STORED AND DISPOSED OF, AND HOW ANY MARIHUANA WILL BE RENDERED UNUSABLE UPON DISPOSAL. DISPOSAL BY

1 ON-SITE BURNING OR INTRODUCTION IN THE SEWERAGE SYSTEM IS
2 PROHIBITED;

3
4 (18) A PROPOSED PATIENT RECORDKEEPING PLAN THAT WILL TRACK
5 QUANTITIES SOLD TO INDIVIDUAL PATIENTS AND CAREGIVERS, AND WILL
6 MONITOR INVENTORY;

7
8 (19) A DESCRIPTION OF PROCEDURES FOR TESTING OF CONTAMINANTS,
9 INCLUDING MOLD AND PESTICIDES;

10
11 (20) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY
12 STAKEHOLDER OF THE APPLICANT IS IN DEFAULT TO THE CITY.
13 SPECIFICALLY, THAT THE APPLICANT OR STAKEHOLDER OF THE APPLICANT
14 HAS NOT FAILED TO PAY ANY PROPERTY TAXES, SPECIAL ASSESSMENTS,
15 FINES, FEE OR OTHER FINANCIAL OBLIGATIONS TO THE CITY;

16
17 (21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS,
18 SHOWING THAT THE APPLICANT HAS LIQUID FUNDS IN THE APPLICANT'S
19 NAME IN THE AMOUNT NEEDED TO COMPLETE THE MEDICAL MARIHUANA
20 ESTABLISHMENT, BUT IN NO EVENT LESS THAN TWENTY-FIVE (\$25,000)
21 THOUSAND DOLLARS IN IMMEDIATELY AVAILABLE FUNDS;

22
23 (22) AN ESTIMATE OF THE NUMBER AND TYPE OF JOBS THAT THE
24 MEDICAL MARIHUANA ESTABLISHMENT IS EXPECTED TO CREATE, THE
25 AMOUNT AND TYPE OF COMPENSATION EXPECTED TO BE PAID FOR SUCH
26 JOBS, AND THE PROJECTED ANNUAL BUDGET AND REVENUE OF THE
27 MEDICAL MARIHUANA ESTABLISHMENT; AND

28
29 (23) AS IT RELATES TO A MEDICAL MARIHUANA GROWER FACILITY, THE
30 FOLLOWING ADDITIONAL ITEMS SHALL BE REQUIRED:

31
32 (I) A CULTIVATION PLAN THAT INCLUDES AT A MINIMUM A
33 DESCRIPTION OF THE CULTIVATION METHODS TO BE USED, INCLUDING
34 PLANS FOR THE GROWING MEDIUMS, TREATMENTS, AND / OR ADDITIVES;

35
36 (II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A
37 DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING
38 BY AN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION
39 ACCREDITED TESTING FACILITY WILL BE SELECTED, WHAT TYPE OF
40 TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE
41 USED;

42
43 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
44 CONFORMANCE WITH THE MMMA OR OTHER APPLICABLE STATE LAW;

(IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED PESTICIDES;

(V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING.

(24) PROOF OF AN INSURANCE POLICY COVERING THE ESTABLISHMENT AND NAMING THE CITY AS AN ADDITIONAL INSURED PARTY, AVAILABLE FOR THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN ACT OR OMISSION OF THE APPLICANT OR ITS STAKEHOLDERS, AGENTS, EMPLOYEES, OR SUBCONTRACTORS, IN THE AMOUNT OF (A) AT LEAST ONE MILLION DOLLARS FOR PROPERTY DAMAGE; (B) AT LEAST ONE MILLION DOLLARS FOR INJURY TO ONE PERSON; AND (C) AT LEAST TWO MILLION DOLLARS FOR INJURY TO TWO OR MORE PERSON RESULTING FROM THE SAME OCCURRENCE. THE INSURANCE POLICY UNDERWRITER MUST HAVE A MINIMUM A.M. BEST COMPANY INSURANCE RANKING OF B+, CONSISTENT WITH STATE LAW.

(25) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.

(C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A LICENSE APPLICATION FEE IN AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION. SHOULD THE APPLICANT NOT RECEIVE A LICENSE, ONE-HALF OF THE APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE IN AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION. THE APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO DEFRAY THE COSTS OF ADMINISTRATION OF THIS CHAPTER.

(D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER.

(E) NO APPLICATION SHALL BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION UNLESS:

(1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS

FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT AND FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER;

(2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED LOCATION COMPLIES WITH THE ZONING CODE;

(3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND EACH STAKEHOLDER OF THE APPLICANT ARE NOT IN DEFAULT TO THE CITY;

(4) THE POLICE DEPARTMENT HAS DETERMINED THAT THE APPLICANT HAS MET THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE BACKGROUND CHECK AND SECURITY PLAN.

(F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION TO THE COMMISSION FOR ITS CONSIDERATION.

1300.6-LICENSE APPLICATION EVALUATION.

(A) EXCEPT AS PROVIDED IN SECTION 1300.8 (A), THE COMMISSION WILL ASSESS ALL APPLICATIONS REFERRED TO IT BY THE CITY CLERK PURSUANT TO SECTION 1300.5.

(B) IN ITS APPLICATION DELIBERATIONS, THE COMMISSION SHALL ASSESS EACH APPLICATION IN EACH OF THE FOLLOWING CATEGORIES:

(1) WHETHER THE REPORTS ISSUED BY THE FIRE, POLICE, BUILDING SAFETY, ZONING AND TREASURY DEPARTMENTS INDICATE THAT THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE SATISFIED THE REQUIREMENTS OF 1300.5 (E) (1-4) AND SUFFICIENTLY ADDRESSED THE CONSIDERATIONS OF 1300.5 (B) (1-24).

(2) WHETHER THE PROPOSED ESTABLISHMENT WILL NEGATIVELY IMPACT THE CHARACTER AND AESTHETICS OF THE SURROUNDING NEIGHBORHOOD AND COMMUNITY, INCLUDING WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE ENGAGED IN POSITIVE COMMUNITY OUTREACH ON BEHALF OF THE PROPOSED ESTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;

(3) WHETHER THE APPLICANT AND ITS STAKEHOLDERS ARE PERSONS OF GOOD CHARACTER, HONESTY, AND INTEGRITY WHO DO NOT DISCREDIT OR TEND TO DISCREDIT PUBLIC CONFIDENCE AND TRUST

1 IN THE MEDICAL MARIHUANA INDUSTRY, OR POSE A THREAT TO
2 THE PUBLIC HEALTH, SECURITY, SAFETY, MORALS, GOOD ORDER, OR
3 GENERAL WELFARE.
4

5 (C) IF THE COMMISSION ISSUES A CERTIFICATE OF APPROVAL TO AN
6 APPLICANT, THE CITY CLERK SHALL ISSUE AN INITIAL LICENSE TO
7 THAT APPLICANT WITHIN TEN (10) BUSINESS DAYS.
8

9 (D) NOTHING IN THIS SECTION IS INTENDED TO CONFER A PROPERTY OR
10 OTHER RIGHT, DUTY, PRIVILEGE OR INTEREST ENTITLING AN
11 APPLICANT TO AN ADMINISTRATIVE HEARING UPON DENIAL OF AN
12 APPLICATION OR WITH REGARD TO ANY SCORING DECISION.
13

14
15 **1300.7 – LICENSE RENEWAL APPLICATION.**
16

17 (A) APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS
18 CHAPTER SHALL BE MADE IN WRITING TO THE CITY CLERK AT LEAST THIRTY
19 (30) DAYS PRIOR TO THE EXPIRATION OF AN EXISTING LICENSE.
20

21 (B) AN APPLICATION FOR A LICENSE RENEWAL REQUIRED BY THIS
22 CHAPTER SHALL BE MADE UNDER OATH ON A FORM PROVIDED BY THE CITY,
23 AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(b).
24

25 (C) AN APPLICATION SHALL BE ACCOMPANIED BY A RENEWAL FEE IN
26 AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION, OF WHICH HALF
27 WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE RENEWAL
28 FEE IS ESTABLISHED TO DEFRAID THE COSTS OF THE ADMINISTRATION OF THIS
29 CHAPTER.
30

31 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
32 REQUIREMENTS OF THIS CHAPTER AND THE LICENSE RENEWAL FEE, THE CITY
33 CLERK SHALL REFER A COPY OF THE RENEWAL APPLICATION TO EACH OF THE
34 FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING
35 SAFETY OFFICE, THE LANSING POLICE DEPARTMENT, THE ZONING
36 ADMINISTRATOR, THE CITY TREASURER, AND THE MEDICAL MARIHUANA
37 COMMISSION.
38

39 (E) NO RENEWAL APPLICATION SHALL BE APPROVED UNLESS:
40

41 (1) THE FIRE DEPARTMENT AND THE BUILDING SAFETY OFFICE HAVE
42 INSPECTED THE PROPOSED LOCATION FOR COMPLIANCE WITH ALL
43 LAWS FOR WHICH THEY ARE CHARGED WITH ENFORCEMENT WITHIN
44 THE PAST CALENDAR YEAR;
45

(2) THE ZONING ADMINISTRATOR HAS CONFIRMED THAT THE PROPOSED LOCATION CURRENTLY COMPLIES WITH THE ZONING CODE AND THIS CHAPTER;

(3) THE CITY TREASURER HAS CONFIRMED THAT THE APPLICANT AND EACH STAKEHOLDER OF THE APPLICANT ARE NOT CURRENTLY IN DEFAULT TO THE CITY;

(4) THE POLICE DEPARTMENT HAS REVIEWED THE APPLICATION AND DETERMINED THAT THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF THIS CHAPTER WITH RESPECT TO THE BACKGROUND CHECK AND SECURITY PLAN;

(5) THE MEDICAL MARIHUANA COMMISSION HAS REVIEWED THE APPLICATION FOR COMPLIANCE WITH 1300.6 (B)(1-3).

(F) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT IDENTIFIED IN SUBSECTION (E), THE CITY CLERK SHALL ISSUE A LICENSE RENEWAL TO THE APPLICANT. IF NO RENEWAL LICENSE IS ISSUED, HALF OF THE RENEWAL FEE SHALL BE RETURNED. THE RENEWAL SHALL BE DEEMED APPROVED IF THE CITY HAS NOT ISSUED FORMAL NOTICE OF APPROVAL WITHIN 60 DAYS OF THE APPLICATION BEING FILED.

1300.8 – LICENSES GENERALLY.

(A) TO THE EXTENT PERMISSIBLE, ALL INFORMATION SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ. FURTHERMORE, NO PERSONAL INFORMATION CONCERNING THE APPLICANT SHALL BE SUBMITTED TO THE MEDICAL MARIHUANA COMMISSION.

(B) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL FROM THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT, THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR, THE CITY TREASURER, AND THE MEDICAL MARIHUANA COMMISSION. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE STANDARDS IDENTIFIED IN 1300.5(E) AND THE MEDICAL

MARIHUANA COMMISSION HAS DETERMINED THAT THE PROPOSED LOCATION MEETS THE REQUIREMENTS OF 1300.6 (B)(2).

(C) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL CONSIDER THE REQUEST AS A NEW APPLICATION FOR A LICENSE AND THE PROCEDURES SET FORTH IN 1300.5 AND 1300.6 SHALL BE FOLLOWED.

(D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10) BUSINESS DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN SUSPENSION OR REVOCATION OF THE LICENSE.

1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA PROVISIONING CENTER.

(A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED IN A BUILDING.

(B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;

(C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING CENTER EXCEPT AS PERMITTED BY LANSING CITY CHARTER SECTION 8-501 AND STATE LAW;

(D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A PERIOD OF 14 DAYS;

(E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN AREA ACCESSIBLE TO THE GENERAL PUBLIC;

(F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY

1 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
2 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
3 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
4 AREA ONLY IF PERMITTED BY THE MMMA;

5
6 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
7 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
8 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
9 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

10
11 (H) DRIVE-THROUGH WINDOW ON THE PREMISES OF A MEDICAL MARIHUANA
12 PROVISIONING CENTER SHALL NOT BE PERMITTED;

13
14 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
15 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
16 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
17 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED;

18
19 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
20 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
21 CENTER;

22
23 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A
24 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT
25 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;

26
27 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
28 PACKAGED AND LABELED AS PROVIDED BY STATE LAW AND THIS CHAPTER.
29 THE LABEL SHALL INCLUDE:

- 30
31 (1) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE PERSON TO WHOM IT
32 IS BEING DELIVERED;
- 33 (2) A UNIQUE ALPHA NUMERIC IDENTIFIER FOR THE CULTIVATION
34 SOURCE OF THE MARIHUANA;
- 35 (3) THAT THE PACKAGE CONTAINS MARIHUANA;
- 36 (4) THE DATE OF DELIVERY, WEIGHT, TYPE OF MARIHUANA AND DOLLAR
37 AMOUNT OR OTHER CONSIDERATION BEING EXCHANGED IN THE
38 TRANSACTION;
- 39 (5) A CERTIFICATION THAT ALL MARIHUANA IN ANY FORM CONTAINED IN
40 THE PACKAGE WAS CULTIVATED, MANUFACTURED, AND PACKAGED IN
41 THE STATE OF MICHIGAN;
- 42 (6) THE WARNING THAT; "THIS PRODUCT IS MANUFACTURED WITHOUT
43 ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY.
44 THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR
45 USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE
46 DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE

1 USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF
2 CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES
3 NOT COMPLY WITH STATE LAW OR BY PERSON WHO DOES NOT
4 POSSESS A VALID MEDICAL MARIHUANA PATIENT REGISTRY CARD.”

5 (7) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF
6 AN AUTHORIZED REPRESENTATIVE OF THE DISPENSARY WHOM A
7 PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE
8 PRODUCT.

9
10
11 (M) LICENSEE SHALL REQUIRE ALL REGISTERED PATIENTS PRESENT BOTH
12 THEIR MICHIGAN MEDICAL MARIHUANA PATIENT/CAREGIVER ID CARD AND
13 STATE IDENTIFICATION PRIOR TO ENTERING RESTRICTED/LIMITED AREAS OR
14 NON-PUBLIC AREAS OF THE MEDICAL MARIHUANA PROVISIONING CENTER, AND
15 IF NO RESTRICTED/LIMITED AREA IS REQUIRED, THEN PROMPTLY UPON
16 ENTERING THE MEDICAL MARIHUANA PROVISIONING CENTER.

17
18 (N) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
19 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON
20 THE PREMISES.

21
22 (O) IT SHALL BE PROHIBITED TO DISPLAY ANY SIGNS THAT ARE
23 INCONSISTENT WITH LOCAL LAWS OR REGULATIONS OR STATE LAW.

24
25 (P) IT SHALL BE PROHIBITED TO USE ADVERTISING MATERIAL THAT IS
26 MISLEADING, DECEPTIVE, OR FALSE, OR THAT IS DESIGNED TO APPEAL TO
27 MINORS.

28
29 (Q) IT SHALL BE PROHIBITED TO USE THE SYMBOL OR IMAGE OF A
30 MARIHUANA LEAF IN ANY EXTERIOR BUILDING SIGNAGE.

31
32 (R) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL
33 PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN
34 ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY
35 MEDIUM:

36
37 (1) WITHIN ONE THOUSAND (1,000) FEET MEASURED PROPERTY LINE TO
38 PROPERTY LINE OF THE REAL PROPERTY LINE COMPRISING AN OPERATIONAL
39 PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; A COMMERCIAL
40 CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED
41 TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF
42 HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE
43 CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ; OR

44
45 (2) WITHIN FIVE HUNDRED (500) FEET, MEASURED PROPERTY LINE TO
46 PROPERTY LINE, OF A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION

SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.

(S) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL CANNABINOID TESTING RESULTS, AND A PASS/FAIL RATING BASED ON THE CERTIFIED LABORATORY'S STATE-REQUIRED TESTING MUST BE AVAILABLE TO ALL MEDICAL MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON REQUEST AND PROMINENTLY DISPLAYED.

1300.10 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA GROWER FACILITY.

(A) THE FOLLOWING MINIMUM STANDARDS FOR MEDICAL MARIHUANA GROWER FACILITIES SHALL APPLY:

(1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

(2) EXCEPT AS PROVIDED BY STATE LAW AND LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE CULTIVATION FACILITY;

(3) ALL ACTIVITY RELATED TO THE CULTIVATION FACILITY SHALL BE DONE IN A BUILDING;

(4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON THE PREMISES;

(5) ANY MEDICAL MARIHUANA GROWER FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA AND THE NUMBER OF MEDICAL MARIHUANA PLANTS ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED UNDER THE GROWER LICENSE ISSUED BY THE STATE OF MICHIGAN. THIS LOG SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE MEDICAL MARIHUANA GROWER DOES NOT HAVE MORE MEDICAL MARIHUANA THAN AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE MORE INFORMATION THAN IS REASONABLY NECESSARY

1 TO VERIFY THE LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE
2 FACILITY;

3
4 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
5 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MICHIGAN
6 MEDICAL MARIHUANA ACT, AS AMENDED;

7
8 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
9 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
10 WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING DEVICES THAT
11 SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF MARIHUANA ARE
12 LOCATED;

13
14 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS SUCH AS
15 HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED SHALL BE SUBJECT
16 TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO
17 INSURE COMPLIANCE WITH THE MICHIGAN FIRE PROTECTION CODE;

18
19 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
20 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;

21
22 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
23 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
24 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT
25 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
26 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;

27
28 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
29 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
30 INCLUDING BUT NOT LIMITED TO:

31
32 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

33
34 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
35 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
36 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

37
38 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
39 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
40 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
41 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
42 CONDITION IS CORRECTED.

43
44 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
45 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN

1 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
2 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
3

4 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
5 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
6 IN GOOD REPAIR;
7

8 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
9 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
10 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
11 WASTE DEVELOPMENT AND MINIMIZE THE POTENTIAL FOR WASTE
12 BECOMING AN ATTRACTANT, HARBORAGE OR BREEDING PLACE FOR PESTS;
13

14 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
15 MAINTAINED IN A SANITARY CONDITION;
16

17 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
18 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
19 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
20

21 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
22 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
23 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
24

25 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
26 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
27

28 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
29 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
30 HUMAN CONSUMPTION.
31

32 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
33 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.
34

35 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
36 **SAFETY COMPLIANCE FACILITY.**
37

38 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE
39 FACILITIES SHALL APPLY:
40

41 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES
42 AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA
43 ACT AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND
44 REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;
45

1 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
2 LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL
3 MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;
4

5 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
6 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
7 ON THE PREMISES;
8

9 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK
10 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL
11 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.
12 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING
13 PATIENTS IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT,
14 AS AMENDED;
15

16 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
17 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE
18 MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;
19

20 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE
21 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL
22 MARIHUANA;
23

24 (7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
25 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;
26

27 (8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
28 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
29 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
30 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
31

32 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
33 MANNER THAT THEY MAY ADEQUATELY CLEANED AND KEPT CLEAN AND IN
34 GOOD REPAIR;
35

36 (10) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
37 MAINTAINED IN A SANITARY CONDITION;
38

39 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
40 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
41 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
42

43 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
44 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.
45

1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA PROCESSOR FACILITY.

(A) THE FOLLOWING MINIMUM STANDARDS FOR PROCESSOR SHALL APPLY:

(1) THE PROCESSOR SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

(2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE LANSING CITY CHARTER, CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE PROCESSOR FACILITY;

(3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE PERFORMED INDOORS;

(4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON THE PREMISES;

(5) ANY PROCESSOR FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL NOT EXCEED THE AMOUNT PERMITTED UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE OF MICHIGAN, TO THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;

(6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE IDENTIFICATION.

(7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED;

(8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING OF MARIHUANA ARE LOCATED;

(9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY CHEMICALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE

1 LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN
2 FIRE PROTECTION CODE;

3
4 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
5 MARIHUANA PROCESSOR FACILITY SHALL BE PROHIBITED EXCEPT AS
6 AUTHORIZED BY LANSING CITY CHARTER AND STATE LAW;

7
8 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
9 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH PROCESSING.
10 MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN
11 SUITES SEGREGATED FROM THE PROCESSOR FACILITY;

12
13 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
14 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
15 INCLUDING BUT NOT LIMITED TO:

16
17 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

18
19 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
20 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
21 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.

22
23 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
24 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
25 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
26 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
27 CONDITION IS CORRECTED.

28
29 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
30 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
31 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
32 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;

33
34 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
35 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
36 IN GOOD REPAIR;

37
38 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
39 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
40 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
41 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
42 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
43 FOR PESTS;

44
45 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
46 MAINTAINED IN A SANITARY CONDITION;

(17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

(18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

(19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

(20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.

(B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A PROCESSOR FACILITY SHALL BE PROHIBITED.

1300.13 - LOCATION OF MEDICAL MARIJUANA PROVISIONING CENTERS .

(A) NO MEDICAL MARIJUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN:

(1) ONE THOUSAND (1000) FEET, MEASURED FROM PROPERTY LINE TO PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; PARK; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ.;

(2) FIVE HUNDRED (500) FEET, MEASURED FROM PROPERTY LINE TO PROPERTY LINE, OF ; A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.

(B) MEDICAL MARIHUANA PROVISIONING CENTERS SHALL BE LIMITED TO F AND F1-COMMERCIAL, G2-WHOLESALE, H-LIGHT INDUSTRIAL, AND I-HEAVY

INDUSTRIAL AS PROVIDED BY THE ZONING PROVISIONS OF THE LANSING
CODIFIED ORDINANCES.

**1300.14 - LOCATION OF MEDICAL MARIHUANA SAFETY COMPLIANCE
FACILITIES, MEDICAL MARIHUANA PROCESSOR FACILITIES AND MEDICAL
MARIHUANA GROWER FACILITIES.**

(A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY, MEDICAL
MARIHUANA PROCESSOR FACILITY, OR MEDICAL MARIHUANA GROWER
FACILITY SHALL BE LOCATED WITHIN

(1) ONE THOUSAND (1,000) FEET, MEASURED FROM THE PROPERTY LINE
OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF
AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY
SCHOOL; PARK; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME
OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS
SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA
116, MCL 722.11 ET SEQ.; OR

(2) FIVE HUNDRED (500) FEET, MEASURED FROM THE PROPERTY LINE
OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF
A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR
SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE
TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE
OFFERED; OR A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS
SERVICES ARE CONDUCTED OR ANOTHER MEDICAL MARIHUANA
ESTABLISHMENT.

(B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL
MARIHUANA GROWER FACILITIES AND MEDICAL MARIHUANA PROCESSOR
FACILITIES SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO
THE H-LIGHT INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING
DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

1300.15 - DENIAL AND REVOCATION.

(A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN
ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY
GROUNDS FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE
TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST
BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE
HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE
APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);

1
2 (B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE
3 DENIED OR REVOKED ON ANY OF THE FOLLOWING BASES:

4
5 (1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER;

6
7 (2) ANY CONVICTION OF A DISQUALIFYING FELONY;

8
9 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF
10 A FALSE STATEMENT BY THE APPLICANT OR ANY STAKEHOLDER OF THE
11 APPLICANT WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER
12 REQUIRES A LICENSE;

13
14 (4) FAILURE TO OBTAIN A CERTIFICATE OF APPROVAL FROM THE
15 MEDICAL MARIHUANA COMMISSION ;

16
17 (5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE
18 CITY TO HAVE BECOME A PUBLIC NUISANCE.

19
20 (C) APPEAL OF DENIAL OF APPLICATION: THE CITY CLERK SHALL NOTIFY
21 AN APPLICANT OF THE REASON (S) FOR DENIAL OF AN APPLICATION AND
22 PROVIDE THE APPLICANT WITH THE OPPORTUNITY TO BE HEARD. ANY
23 APPLICANT AGGRIEVED BY THE DENIAL OF A LICENSE UNDER THIS CHAPTER
24 MAY APPEAL TO THE CITY CLERK. SUCH APPEAL SHALL BE TAKEN BY FILING
25 WITH THE CITY CLERK, WITHIN 14 DAYS AFTER NOTICE OF THE ACTION
26 COMPLAINED OF HAS BEEN MAILED TO THE APPLICANT'S LAST KNOWN
27 ADDRESS, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS
28 FOR THE APPEAL. THE REVIEW ON APPEAL SHALL BE LIMITED TO WHETHER
29 THERE HAS BEEN AN ABUSE OF DISCRETION IN THE DECISION TO DENY THE
30 APPLICATION. THE DECISION AND ORDER OF THE CITY CLERK ON APPEAL
31 SHALL BE FINAL AND CONCLUSIVE.

32
33
34
35 **1300.16 - PENALTIES.**

36
37 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A
38 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY
39 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR
40 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED
41 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE
42 REVOCATION;

43
44 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL
45 BE SUBJECT TO A CIVIL FINE AND COSTS. INCREASED CIVIL FINES MAY BE
46 IMPOSED FOR A REPEAT VIOLATION. AS USED IN THIS SECTION "REPEAT

VIOLATION” SHALL MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE SAME REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR ESTABLISHMENT WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THIS CHAPTER OR ANY OTHER CHAPTER FOR A MUNICIPAL INFRACTION, THE PENALTY SCHEDULE IS AS FOLLOWS:

1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;
2. \$750, PLUS COSTS, FOR A REPEAT VIOLATION;
3. \$750, PLUS COSTS, PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT CONTINUES FOR MORE THAN ONE DAY.

(C) ALL FINES IMPOSED UNDER THIS CHAPTER SHALL BE PAID WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THE ORDER IMPOSING THE FINE OR AS OTHERWISE SPECIFIED IN THE ORDER;

(D) THE CITY CLERK MAY TEMPORARILY SUSPEND A MEDICAL MARIHUANA ESTABLISHMENT LICENSE WITHOUT A PRIOR HEARING IF THE CITY CLERK FINDS THAT PUBLIC SAFETY OR WELFARE REQUIRES EMERGENCY ACTION AFFECTING THE PUBLIC HEALTH, SAFETY, OR WELFARE. THE CITY CLERK SHALL CAUSE THE TEMPORARY SUSPENSION BY ISSUING A SUSPENSION NOTICE IN CONNECTION WITH INSTITUTION OF PROCEEDINGS FOR NOTICE AND A HEARING;

(E) IF THE CITY CLERK TEMPORARILY SUSPENDS A LICENSE WITHOUT A PRIOR HEARING, THE LICENSEE IS ENTITLED TO A HEARING WITHIN THIRTY (30) DAYS AFTER THE SUSPENSION NOTICE HAS BEEN ISSUED. THE HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE;

(F) IF THE CITY CLERK DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS AFTER THE DATE OF SUSPENSION WAS ISSUED, THEN THE SUSPENDED LICENSE SHALL BE AUTOMATICALLY REINSTATED AND THE SUSPENSION VACATED.

(G) THE PENALTY PROVISIONS OF THIS CHAPTER ARE NOT INTENDED TO FORECLOSE ANY OTHER REMEDY OR SANCTION THAT MIGHT BE AVAILABLE TO, OR IMPOSED BY THE CITY, INCLUDING CRIMINAL PROSECUTION.

1300.17 -NO VESTED RIGHTS

A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NONCONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS CHAPTER OR ANY AMENDMENT OF THIS CHAPTER.

1300.18 –ZONING BOARD OF APPEALS

THE DISTANCE REQUIREMENTS UNDER THIS CHAPTER SHALL BE REVIEWABLE BY THE BOARD OF ZONING APPEALS FOLLOWING THE CRITERIA PROVIDED IN SECTION 1244.06(C).

1300.19-SUNSET

PURSUANT TO SECTION 3-307 OF THE LANSING CITY CHARTER, THIS CHAPTER
SHALL EXPIRE DECEMBER 1, 2026.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules,
inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no
effect.

Section 3. Should any section, clause or phrase of this Ordinance be declared to be invalid, the
same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part
declared to be invalid.

Section 4. This Ordinance shall take effect on the 30th day after enactment unless given
immediate effect by the City Council.

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 72

A bill to amend 2008 IL 1, entitled
"Michigan medical marihuana act,"
by amending section 7 (MCL 333.26427), as amended by 2016 PA 283.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 7. Scope of Act.

2 Sec. 7. (a) The medical use of marihuana is allowed under
3 state law to the extent that it is carried out in accordance with
4 the provisions of this act.

5 (b) This act does not permit any person to do any of the
6 following:

7 (1) Undertake any task under the influence of marihuana, when
8 doing so would constitute negligence or professional malpractice.

9 (2) Possess marihuana, or otherwise engage in the medical use

submitted @ mty

1 of marihuana at any of the following locations:

2 (A) In a school bus.

3 (B) On the grounds of any preschool or primary or secondary
4 school.

5 (C) In any correctional facility.

6 (3) Smoke marihuana at any of the following locations:

7 (A) On any form of public transportation.

8 (B) In any public place.

9 (4) Operate, navigate, or be in actual physical control of any
10 motor vehicle, aircraft, snowmobile, off-road recreational vehicle,
11 or motorboat while under the influence of marihuana.

12 (5) Use marihuana if that person does not have a serious or
13 debilitating medical condition.

14 (6) Separate plant resin from a marihuana plant by butane
15 extraction in any public place or motor vehicle, or inside or
16 within the curtilage of any residential structure.

17 (7) Separate plant resin from a marihuana plant by butane
18 extraction in a manner that demonstrates a failure to exercise
19 reasonable care or reckless disregard for the safety of others.

20 (c) Nothing in this act shall be construed to require any of
21 the following:

22 (1) A government medical assistance program or commercial or
23 non-profit health insurer to reimburse a person for costs
24 associated with the medical use of marihuana.

25 (2) An employer to accommodate the ingestion of marihuana in
26 any workplace or any employee working while under the influence of
27 marihuana.

1 (3) A PRIVATE PROPERTY OWNER TO LEASE RESIDENTIAL PROPERTY TO
2 ANY PERSON WHO SMOKES OR CULTIVATES MARIHUANA ON THE PREMISES, IF
3 THE PROHIBITION AGAINST SMOKING OR CULTIVATING MARIHUANA IS IN THE
4 WRITTEN LEASE.

5 (d) Fraudulent representation to a law enforcement official of
6 any fact or circumstance relating to the medical use of marihuana
7 to avoid arrest or prosecution is punishable by a fine of \$500.00,
8 which is in addition to any other penalties that may apply for
9 making a false statement or for the use of marihuana other than use
10 undertaken pursuant to this act.

11 (e) All other acts and parts of acts inconsistent with this
12 act do not apply to the medical use of marihuana as provided for by
13 this act.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.