



AGENDA
Committee on Public Safety
Wednesday, May 17, 2017 @ 3:30 p.m.
City Hall, Council Chambers

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - May 2, 2017
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - A.) DISCUSSION – Needle Exchange Program; Ingham County Health Department Recommendations
 - B.) DISCUSSION- Draft Ordinance #6D–Medical Marihuana Licensing
 - C.) DISCUSSION – Medical Marihuana Moratorium
 - D.) DISCUSSION – Request to Change Trespassing Ordinance
 - E.) DISCUSSION – Window Signage
6. **Other**
7. **Adjourn**



MINUTES
Committee on Public Safety
Tuesday, May 2, 2017 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:34 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member- arrived at 3:35 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Heather Sumner, Assistant City Attorney
Mark Dotson, Deputy City Attorney
Mary Ann Prince
Jody Washington, Council Member
Jason Durham
Rev. Jeremy Hall
Steven Monty
Brant Johnson

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM APRIL 5, 2017 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM APRIL 18, 2017 WITH THE CHANGE TO PAGE 3, 4TH PARAGRAPH, 2ND SENTENCE TO STATE "MAY 22, 2016". MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION:

ORDINANCE DRAFT #6c Medical Marihuana Licensing

Council Member Hussain recapped for the public, the last meeting progress of vetting Draft 6B section by section, and the goal for this meeting being to address questions and concerns of the Committee. The next step, Council Member Hussain, had planned was to pass all those corrections back to the City Attorney office for Draft 6D. The Committee will review those

changes at the May 17th meeting, and plan to take action to pass a resolution out of Committee to introduce and set a public hearing for the May Introduction and setting of public hearing at the May 22, 2017 Council meeting for the June 12, 2017 meeting. Two points made by Council Member Hussain at this time, that will be addressed include the correction to the distance being 1,000 for parks to 500, and the discussion from the last meeting that the "Commission" aspect was to be the wording from Draft 7 which removed the "Commission" and changed it to Clerk.

Council Member Wood started the questions, with comments on page 9, line 42, stating in Draft 7 it stated "complete application" and asked if it should be changed to reflect that. Ms. Sumner stated based on the direction from the last meeting, the City Attorney office went back to Draft 6a, and "complete" was not in that version. Council Member Wood asked if it would make it more comprehensible to add "complete". Mr. Smiertka admitted that when doing a draft-by-draft comparison she would notice grammar and style changes, however if the Committee chose to add it back it, it can be added. The Committee consensus was to keep it as written in the most recent Draft 6c.

Council Member Wood moved onto page 12, line 38 item (21) and read the language from Draft 7; "Verification, with copies of actual bank statements, showing that the applicant has tangible financial capital in the applicant's name in the amount sufficient to complete the medial marihuana establishment and to fund the business plan and other plans required by this section 1300.5". She then asked the other Committee members if they were okay with the language in Draft 6c or would consider going to what she just read from Draft 7. Council Member Hussain agreed to stay with what is present in the recent Draft 6c because that was the original language that was already vetted by the Committee in 2016. Council Member Houghton asked if Law had anything to add to the explanation why it was changed from 6a to 7. Ms. Sumner stated that the wording in Draft 7 did not set an amount, and there was nothing in the State statue to refer to. Council Member Wood did point out the State does comment on financial sustainability, but they have not determined their rule yet. Mr. Smiertka added that under Draft 7 it also asked for a business plan. Council Member Houghton stated that based on the information provided, she would prefer the language read by Council Member Wood from Draft 7. The consensus of the Committee was to revert to Draft 7 language for (21).

Council Member Wood referred the Committee to page 20, (Q) where "park" is not listed. Council Member Hussain directed law to add it back it, and Ms. Sumner stated that where ever it is noted a 500' setback "park" will be added back in. Ms. Sumner also asked the Committee to consider the removal of "public or private elementary or secondary" on line 15. The consensus of the Committee was to approve those changes.

Council Member Wood asked the Committee to look at line 44 on page 20, and asked Law for consistency when stating the compliance with "the Medical Marihuana Licensing Board and the Department of Licensing and Regulatory Affairs."

Council Member Wood then referred the group to Draft 7, page 19 which was Section 1300.9, and Draft 7 had "(K) Licensee shall not display any sign, or signage, or message, that is prohibited under local laws and local regulations or state law and state regulations." And "(L) Licensee is prohibited from displaying or distributing in any manner, physically or electronically, advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors." The question was asked of Law on why those two items were removed from Draft 6c. Ms. Sumner stated again that they were directed to go back to Draft 6a, and those items were added in Draft 7, so not in the recent Draft 6c. The consensus of the Committee was to add those two items back in under Section 1300.9

Council Member Wood pointed out that “shall” was missing from page 21, line 12 (5).

Council Member Wood pointed to the same page, line 29-30, where in Draft 7 it referenced other government authorities. Mr. Smiertka confirmed it could be added in to state “from the City and other applicable governmental authorities.”

On page 23, line 34, “MTA” was included, along with on page 24, line 30.

Council Member Wood asked to add “and regulatory affairs as they may be amended from time to time” on page 24, line 31, but Mr. Smiertka recommended it not be added, and the consensus of the Committee was not to add it.

On page 25, line 1 the Committee consensus to change “or” to “and/or”. On the same page, there was a question on if “secure transporter” should be added to (8) on line 22 and (11) on line 37. Mr. Smiertka stated it would not hurt to add, but it may not be applicable. The consensus of the Committee was to put it in both places.

Council Member Wood moved onto page 27, line 11, where the consensus was to remove “park” in line 11 and add to (2) and also remove “public or private elementary or secondary” n (1). In addition, remove “park” from line 44 on page 27 and add it on page 28 under (2)

The Committee reviewed the fact that in Draft 7 there was a (c) under 1300.13 “No Medical Marihuana Provisioning Center shall be located within another business.” But removed from Draft 6c, and should be added back.

Council Member Wood asked if on page 28, line 38 “license” should state “licensee”. The consensus was to keep it as written, “license”.

Council Member Wood referred the group to Draft 7, page 25, lines 15-22 which did not appear in Draft 6c. Mr. Smiertka acknowledged it was removed because the charge the City Attorney office received from the Committee was to go back to Draft 6a, and those two items in lines 15-22 in Draft 7 were not in Draft 6a. Council Member Wood asked why it was added to Draft 7. Mr. Smiertka stated it was added because it was recognized there may be an issue. The only unzoned property in the City is the State Capital which is what lines 15-17 speak to, and lines 19-22 speak to ACT 425 parcels which are in other jurisdictions. The consensus of the Committee was to add those two items into the recent draft.

Council Member Wood had not further comments, and Council Member Houghton had no comments at this time.

Council Member Hussain referred the Committee and Law to the minutes from the last meeting April 18th, page 2 in paragraph 2 and 3 where it stated the Committee discussed and agreed to have the Clerk evaluate the licenses and deal with the appeals. Council Member Hussain read the minutes; *Council Member Hussain began the discussion on the “commission”, and asked in terms of the Committee on Public Safety, if the consensus was to have a “commission”. Council Member Wood stated her opinion that after seeing the changes in draft 7 with the Clerk and provisions for the Clerk to have adequate staffing and ability to hire people to vet those applications, she was now comfortable to repeal that section on “commission” and keep it as a RESERVE for the future.*

Council Member Houghton asked for a history on what the discussion was in 2016 and what the public thought. Council Member Wood told her that it was put in to be consistent with the State Legislation at that time, and they did not hear any angst from the public when it was

removed. Council Member Houghton stated her agreement to having it removed. Mr. Smiertka stated that since draft 6a had the Commission, the current draft 6b refers to the Commission, so his office will have to make the changes to reflect draft 7 references to the Clerk and not the Commission. Council Member Wood asked if there will be a hearing process similar to the Cabaret License process. Mr. Smiertka confirmed that the process currently written has the appeal to Council. The consensus of the Committee was to follow the same process as Cabaret License. Mr. Smiertka recapped the suggested changes, those being to take out "Commission", have the Clerk handle everything, and in the case of denial or revocation the Clerk can appoint a revocation officer and report back to the Clerk. Council Member Wood asked that any denial, revocation or appeal go through a hearing officer then that recommendation come to Council. Mr. Smiertka confirmed he would amend the ordinance to reflect that, and asked if the Committee wants to review on the record or review with no ability to offer new evidence. The consensus was for review only by Council and on the record.

Ms. Sumner stated she did not remember the conversation on this change, and Mr. Smiertka confirmed he remembered the conversation, and reiterated that if the Committee wants to make the change then the "Commission" will need to come out of all the document, and it will now note that the application will run through the Clerk's office, and if denied or revoked under the grounds of the ordinance, the Clerk will appoint the hearing officer. The hearing officer will make the decision which will go to Council. Ms. Sumner referred to the 25 items under 1300.5 and if those were not met then per 1300.6 it will be decided by the Clerk. Council Member Hussain confirmed, and also confirmed for Council Member Houghton that this change will take this similar to Draft 7.

Council Member Hussain stated the Committee will review the next draft at the May 17th meeting, at which point will plan to move out of Committee and send to Council to introduce and Set the Public Hearing.

Council Member Wood asked the Committee about the rest of the ordinance as it speaks to the number of facilities, or capping facilities, or limiting the type of facilities. Council Member Hussain stated his opinion that he prefers to move as it is written, because it was already vetted in 2016 as Draft 6a and it will strike a balance. He continued by acknowledging that once the full Council reviews it, there will be more input. Council Member Hussain stated again he is okay with how it is written with all five (5) uses, the zoning, and no cap limitation on certain types. Council Member Houghton agreed she too was comfortable the way it is currently written. Council Member Wood stated she had a concern with grow facilities, and asked Mr. Smiertka if the ordinance went through without setting caps, are there any regulation that would stop the Council from setting caps later. Mr. Smiertka reminded the Committee that once the ordinance is passed, it has to be filed with the State, so he would prefer amending the ordinance to make it cleaner. The consensus of Council Member Houghton and Hussain to not make any changes to the topics just brought up by Council Member Wood until they hear from all Council Members and the public at the hearing.

Council Member Hussain asked when Law could have Draft 6D to them prior to the next meeting. Ms. Sumner stated she could have it to the Committee by the end of day on May 5th.

Medical Marihuana Moratorium

Council Member Hussain called Mr. Dotson to the table and began the discussion on the policy of enforcement on dispensaries after the moratorium was placed into effect. The questions included if the moratorium allowed for transfers of ownership, and if it allows a business to close and move to another location. Mr. Smiertka answered that Law would allow a transfer, but not two locations for one business owner. He added it is a matter of interpretation, and can be changed. Mr. Smiertka stated the intent of the moratorium was to

control the number of dispensaries. Mr. Dotson concurred that the concern was with the number of operations popping up, so the moratorium takes into consideration that the number of new could not increase. In regards to a transfer from one location to two, Mr. Dotson stated that would be in violation because that would increase the number of establishments in operation. Mr. Dotson continued by stating that if a business transferred from one location to another, that would not increase the number and therefore Law believes that would not be in violation of the moratorium. Council Member Hussain asked for clarification again on the situation where a business owner moves his business to a new location, and if that is permitted. Mr. Dotson confirmed that is allowed if the first one is shut down, also it is permitted if a transfer of ownership is continuing operation. Mr. Smiertka quoted the Ordinance 1202 "The City Council has determined that (c) A moratorium on new medical marihuana establishments starting operations after the effective date of this ordinance, until the City has completed its study of the Michigan Medical Marihuana Act and its implications for the City, is in the best interest of the public health, safety and welfare." Definitions "(2) Medical Marihuana Establishment means any nonresidential land use involving the growth, distribution, storage or use of marihuana." (3) "New means any medical marihuana establishment that began operating after the effective date of this ordinance."

Council Member Wood referred the group back to 2010 when the City did not have a registry, and when holding discussions on a moratorium in 2016 Mr. Abood with the City Attorney office told Council they could not have a registry, because it would list an illegal operation without a license. Mr. Smiertka stated it is a policy issue, however that has been an interpretation and if Council wants a new policy it can be changed. Council Member Hussain asked if changing the policy would open up to any legal implications. Also noting that the moratorium put tools in place for the administration to check the businesses, and his understanding that if they were open in that location with operations before the moratorium they stayed and it would not allow them to transfer ownerships or move. Mr. Smiertka confirmed that there was nothing in the 2016 moratorium that discusses new locations for a business after the moratorium and no mention of a transfer of ownership. He again read the definitions in the moratorium ordinance noting, it speaks to "new uses" and "new establishments", so his interpretation was that a transfer of location is not prohibited. Council Member Wood asked if a new establishment moved to a new location if that would be considered a new establishment. Mr. Dotson stated the ordinance prohibits against "new" operations. Mr. Smiertka again read the Ordinance 1202. Council Member Hussain and Wood both confirmed they believed when voting for the ordinance it was clear no transfers of ownership or location. Council Member Houghton admitted the language was vague and suggested the possibility of specific language on transfers. Mr. Smiertka admitted that to make changes, it would be up to the Committee to change the policy on how the Law Department enforced how someone already operating can move to a new location. He added that the Law Department has been allowing transfer to ownership, but the can change that policy. Ms. Sumner asked what the effect of a City Attorney opinion would do. Mr. Smiertka stated he was providing his opinion at this moment, and the best interpretation would be that one owner can move locations, but no new businesses and no transfer of ownership. Council Member Hussain asked what the unintended consequences would be if opening up the Ordinance on Memorandum to change the specifics of it. Mr. Smiertka gave his opinion that they should stay with the Ordinance as written, the policy can be changed for no transfer of ownership, but he was hesitant on disallowing a current business to transfer to a new location. Mr. Smiertka then confirmed that new policy was effective from this moment forward. Mr. Smiertka then clarified to the Committee that the basis of the Ordinance on Moratorium is the presumption that these locations are operating within the parameters of the MMMA. There are no licenses being granted under that, no buying a license, or purchasing of a business. Council Member Houghton agreed with leaving the Ordinance on Moratorium as it is and encouraged Law to do their best to enforce what they can, with a Committee focus on the pending Medical

Marihuana Ordinance. Mr. Smiertka concluded the discussion assuring the Committee that the Law Department has been enforcing on one view point and after hearing the recent discussion, they can change their viewpoint. The Committee had consensus on the new policy.

Council Member Hussain moved the discussion to the pending list of items directed to Law at the last meeting. The first was if the department was generating letters on the establishment and if there was a list. Mr. Smiertka stated that there were 5 locations in question, and based on the investigation, 3 were clearly in existence prior to the moratorium, and the remaining 2 they do not have enough info to make a determination. Mr. Dotson added details on KOLA, which he stated the reviews pre-date the issuance of the moratorium; Superior Genetics was confirmed with a call to the owner, reviews that pre-date the moratorium and invoices from the weed app that predate the moratorium. Mr. Dotson was still working the owner of MMMP on Miller, who stated he was operating with a few patients prior to moratorium, but just recently put up a sign. He confirmed he has not done any construction and the property and offered to provide patients records, which Law is still waiting on. Mr. Dotson added that MMMP is a popular name, and admitted there is more than one, but not all under the same owner. Lastly Mr. Dotson stated the MMMP on Grand River near the airport he has not been able to make contact with.

Council Member Hussain voiced his frustration in the process.

Mr. Smiertka moved onto the next pending question which spoke to lists. In 2010 the ordinance had a list of establishments as part of it, but the 2016 Ordinance on Moratorium did not have a list. Law has obtained two lists from pre-moratorium 2016. He admitted he was not aware of the source and it was compiled prior to May 2016 and did not include anything in the 4th Ward. They also obtained an anonymous list three weeks ago from the medical marihuana industry that was dated May 9, 2015. Mr. Smiertka stated his office has combined those lists and created a new list and currently has staff cross checking it to determine the veracity of the combined list. Currently there are 54 establishments on the list. Ms. Sumner stated her opinion that Law is assuming all establishments are operating under the MMMMA. Council Member Hussain reminded Law that in 2016 the Committee was told they could not establish a list but that is why Committee keeps asking for the list. Mr. Smiertka pointed out that there is still the discussion to be had on zoning. Council Member Wood asked if they are located in an improper zoning district if they are being addressed. Mr. Smiertka answered that if matters like that come to planning and zoning, they are addressing those matters. Council Member Wood informed Law and the Committee that she was told that the department is being told not to address anything that is in the wrong zoning. Council Member Hussain added to her comment, that there is a question on the table on it the City is closing them down due to improper zoning, are they and can they asked to be rezoned.

Council Member Hussain asked Ms. Sumner for an update on the signage questions from the last meeting and restricting to less than 20% coverage. Ms. Sumner stated she had not new information and had not done any work on the topic.

Mr. Dotson referred the Committee back to the ordinance discussion, noting the financial responsibility is for the State requirements, and \$100,000 would cover personal injury and could be satisfied by cash or insurance. Mr. Dotson also asked for clarification on if two businesses can be combined, such as a grower and dispensary in one location. Council Member Hussain stated the current draft is clear. Council Member Houghton stated her understanding was that the use could be in with other kinds of businesses but not together.

Council Member Hussain referred to the last meeting where Ms. Sumner stated restricting signage would be a violation of freedom speech, and asked why tobacco advertisements are not allowed to advertise. Ms. Sumner stated the restrictions on the tobacco industry were a Federal case, and at this time a City would lose if they tried to limit signage the same way with marihuana.

Council Member Wood asked Council Member Hussain to invite Mr. Macon with the Police Commissioners to the May 17th meeting to discuss the Citizen Investigator Position. She reminded the Committee that there is an ordinance that speaks to the position, and the former employee has retired, but continuing to do the work under contract and also working for HRCS. Council Staff was directed to invite Mr. Macon to the meeting.

PUBLIC COMMENT

Rev. Hall spoke in opposition of the ordinance. The Reverend asked the Committee what the purpose of the ordinance was and questioned what expertise the Committee had.

Mr. Durham introduced himself as the Council candidate for the 4th Ward, and spoke in support of allowing drive-thru and grow facilities. Mr. Durham concluded by offering his assistance to the Committee if they need it.

Ms. Womboldt acknowledged Council Member Wood for her work on comparing all drafts of the ordinance. Ms. Womboldt then voiced her confusion with the process and enforcement of the moratorium ordinance, and then quoted an article and her opinion that there is a conflict of interest with a planning board member and his personal interest with the industry.

Mr. Monty asked the Committee to consider a City tax to be incorporated into the ordinance. Mr. Monty asked the Committee to listen to their constituents and understand the broad spectrum.

Mr. Johnson stated his opinion that the ordinance does not cover grower facilities, transporters and those that want to participate. Mr. Johnson also asked the Committee to lift the moratorium.

Council Member Wood answered the question on the City taxes, stated that there is an ordinance that does require property taxes to be paid, and incomes taxes have to be paid for any employees. In regards to the statement on lifting the moratorium, once the ordinance is adopted, the moratorium will be lifted and the business will have a time slot to apply.

Council Member Hussain spoke in support of the Committees efforts, noting they do more than just attend meetings, but do resident and business outreach and engagement.

Mr. Aereizie asked questions on the processing of edibles and restrictions, because they will not be open to sell to the public and neither would a testing center. He questioned why they would be subject to distance requirements since there are no products disbursed from use. Mr. Smiertka stated the language is from the Federal level, and a State provision on the Drug Free Zone. Council Member Hussain assured the resident that the topic will be a discussion point at the Council level also.

ADJOURN

The meeting was adjourned 5:35 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: _____



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**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 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 Reserved.
- 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, a Medical Marihuana Safety Compliance Facility, and Medical Marihuana Secure Transporter.
- 1300.13 Location of Medical Marihuana Provisioning Centers. .
- 1300.14 Location of Medical Marihuana Safety Compliance Facilities, Medical Marihuana Processor Facilities, Medical Marihuana Grower Facilities, and Medical Marihuana Secure Transporters.
- 1300.15 Revocation; Bases for Revocation; Appeal of License Denial.
- 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 SAFETY COMPLIANCE FACILITIES, MEDICAL MARIHUANA SECURE TRANSPORTERS, 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, POLICE, 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”), OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.2701, ET SEQ. (MMFLA) SHALL HAVE THE DEFINITION GIVEN IN THOSE ACTS, AS AMENDED. IF THE DEFINITION OF A WORD OR PHRASE SET FORTH IN THIS CHAPTER CONFLICTS WITH THE DEFINITION IN THE MMMA OR MMFLA, OR IF A TERM IS NOT DEFINED BUT IS DEFINED IN THE MMMA OR MMFLA, THEN THE DEFINITION IN THE MMMA OR MMFLA 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).

(C) THIS ORDINANCE SHALL NOT LIMIT AN INDIVIDUAL’S OR ENTITY’S RIGHTS UNDER THE MMMA. THE MMMA AND THE MMFLA SUPERSEDE THIS ORDINANCE WHERE THERE IS A CONFLICT BETWEEN THEM.

(D) ALL ACTIVITIES RELATED TO MEDICAL MARIHUANA, INCLUDING THOSE RELATED TO A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL

1 MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA SECURE
2 TRANSPORTER, A MEDICAL MARIHUANA PROCESSOR OR A MEDICAL
3 MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE
4 WITH THE RULES OF THE MEDICAL MARIHUANA LICENSING BOARD, THE
5 MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR
6 ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY OF
7 LANSING, THE MMMA, AND THE MMFLA.
8

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

22 (F) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:
23

24 “APPLICATION” MEANS AN APPLICATION FOR A LICENSE PURSUANT TO THE
25 TERMS AND CONDITIONS SET FORTH IN SECTIONS 1300.5 AND 1300.6.
26

27 “APPLICATION FOR A LICENSE RENEWAL” MEANS AN APPLICATION FOR A
28 LICENSE RENEWAL PURSUANT TO THE TERMS AND CONDITIONS OF SECTION
29 1300.7.
30

31 “BUILDING” MEANS AN INDEPENDENT, ENCLOSED STRUCTURE HAVING A
32 ROOF SUPPORTED BY COLUMNS OR WALLS, INTENDED AND / OR USED FOR
33 SHELTER OR ENCLOSURE OF PERSONS OR CHATTELS. WHEN ANY PORTION OF A
34 STRUCTURE IS COMPLETELY SEPARATED FROM EVERY OTHER PART BY
35 DIVIDING WALLS FROM THE GROUND UP, AND WITHOUT OPENINGS, EACH
36 PORTION OF SUCH STRUCTURE SHALL BE DEEMED A SEPARATE STRUCTURE,
37 REGARDLESS OF WHETHER THE PORTIONS OF SUCH STRUCTURE SHARE
38 COMMON PIPES, DUCTS, BOILERS, TANKS, FURNACES, OR OTHER SUCH SYSTEMS.
39 THIS DEFINITION REFERS ONLY TO PERMANENT STRUCTURES, AND DOES NOT
40 INCLUDE TENTS, SHEDS, GREENHOUSES AND PRIVATE GARAGES ON
41 RESIDENTIAL PROPERTY, STABLES, OR OTHER ACCESSORY STRUCTURES. A
42 BUILDING DOES NOT INCLUDE SUCH STRUCTURES WITH INTERIOR AREAS NOT
43 NORMALLY ACCESSIBLE FOR HUMAN USE, SUCH AS GAS HOLDERS, TANKS,
44 SMOKE STACKS, GRAIN ELEVATORS, COAL BUNKERS, OIL CRACKING TOWERS
45 OR SIMILAR STRUCTURES.
46

1 “CHAPTER” MEANS THIS CHAPTER 1300.

2
3 “CHURCH” MEANS AN ENTIRE BUILDING SET APART PRIMARILY FOR
4 PURPOSES OF PUBLIC WORSHIP, AND WHICH IS TAX EXEMPT UNDER THE LAWS
5 OF THIS STATE, AND IN WHICH RELIGIOUS SERVICES ARE HELD, AND THE
6 ENTIRE BUILDING STRUCTURE OF WHICH IS KEPT FOR THAT USE AND NOT PUT
7 TO ANY OTHER USE INCONSISTENT WITH THAT USE.

8
9 “CITY” MEANS THE CITY OF LANSING, MICHIGAN.

10
11 “COUNCIL, OR CITY COUNCIL,” MEANS THE CITY COUNCIL OF LANSING,
12 MICHIGAN.

13
14 “CULTIVATION” OR “CULTIVATE” AS USED IN THIS CHAPTER MEANS: (1) ALL
15 PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST.

16
17 “DISQUALIFYING FELONY” MEANS A FELONY THAT MAKES AN INDIVIDUAL
18 INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE
19 MMMA OR MMFLA.

20
21 “EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER
22 IN RETURN FOR THE PAYMENT OF DIRECT OR INDIRECT MONETARY WAGES OR
23 PROFIT, UNDER CONTRACT, AND ANY INDIVIDUAL WHO VOLUNTEERS HIS OR
24 HER SERVICES TO AN EMPLOYER FOR NO MONETARY COMPENSATION, OR ANY
25 INDIVIDUAL WHO PERFORMS WORK OR RENDERS SERVICES, FOR ANY PERIOD
26 OF TIME, AT THE DIRRECTION OF AN OWNER, LESSEE, OF OTHER PERSON IN
27 CHARGE OF A PLACE.

28
29 “LICENSE” OR “MEDICAL MARIHUANA BUSINESS LICENSE” MEANS A LICENSE
30 ISSUED FOR THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT
31 PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER AND INCLUDES A
32 LICENSE WHICH HAS BEEN RENEWED PURSUANT TO SECTION 1300.7.

33
34 “LICENSE APPLICATION” MEANS AN APPLICATION SUBMITTED FOR A
35 LICENSE PURSUANT TO THE REQUIREMENTS AND PROCEDURES SET FORTH IN
36 SECTIONS 1300.5 AND 1300.6.

37
38 “LICENSEE” MEANS A PERSON ISSUED A LICENSE FOR AN ESTABLISHMENT
39 PURSUANT TO THIS CHAPTER.

40
41 “MARIHUANA-INFUSED PRODUCT” MEANS AS DEFINED IN THE MMMA AND
42 THE MMFLA.

43
44 “MARIHUANA TRACKING ACT” OR “MTA” MEANS PUBLIC ACT 282 OF 2016.

1 “MEDICAL MARIHUANA” MEANS ANY MARIHUANA INTENDED FOR MEDICAL
2 USE THAT MEETS ALL REQUIREMENTS FOR MEDICAL MARIHUANA CONTAINED
3 IN THE MMMA AND THE MMFLA.

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

11
12 “MEDICAL MARIHUANA FACILITIES LICENSING ACT” OR “MMFLA” MEANS
13 PUBLIC ACT 281 OF 2016, MCL 333.27101, ET. SEQ.

14
15 “MEDICAL MARIHUANA GROWER FACILITY,” MEANS A COMMERCIAL ENTITY
16 LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE PURSUANT
17 TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO THIS CHAPTER
18 THAT CULTIVATES, DRIES, TRIMS OR CURES AND PACKAGES MARIHUANA IN
19 ACCORDANCE WITH STATE LAW.

20
21 “MEDICAL MARIHUANA LICENSING BOARD” MEANS THAT CERTAIN BOARD
22 ESTABLISHED BY THE MMFLA.

23
24 “MEDICAL MARIHUANA PROVISIONING CENTER,” MEANS A COMMERCIAL
25 ENTITY LOCATED IN THE CITY THAT IS LICENSED TO OPERATE BY THE STATE
26 PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY PURSUANT TO THIS
27 CHAPTER, THAT SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED
28 QUALIFYING PATIENTS ONLY AS PERMITTED BY STATE LAW. MEDICAL
29 MARIHUANA PROVISIONING CENTER, AS DEFINED IN THE MMFLA, INCLUDES
30 ANY COMMERCIAL PROPERTY WHERE MARIHUANA IS SOLD IN CONFORMANCE
31 WITH STATE LAW AND REGULATION. A NONCOMMERCIAL LOCATION USED BY A
32 PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE
33 MMMA, AND CONNECTED TO THE CAREGIVER THROUGH THE DEPARTMENT’S
34 MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA, IS
35 NOT A MEDICAL MARIHUANA PROVISIONING CENTER.

36
37 “MMMA” MEANS THE MICHIGAN MEDICAL MARIHUANA ACT, AS AMENDED,
38 AT MCL 333.26421.

39
40 “ORDINANCE” MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

41
42 “PARK” MEANS AN AREA OF LAND DESIGNATED BY THE CITY AS A PARK ON
43 ITS MASTER PLAN OR ON A COUNCIL-APPROVED LIST OF CITY PARKS.

1 “PERSON” MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY,
2 CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY
3 COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.
4

5 “PROCESSOR” OR “MEDICAL MARIHUANA PROCESSOR FACILITY” MEANS A
6 COMMERCIAL ENTITY LOCATED IN THIS CITY THAT IS LICENSED TO OPERATE
7 BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE CITY
8 PURSUANT TO THIS CHAPTER, THAT EXTRACTS RESIN FROM THE MARIHUANA
9 OR CREATES A MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY
10 STATE LAW.”
11

12 “SAFETY COMPLIANCE FACILITY” OR “MEDICAL MARIHUANA SAFETY
13 COMPLIANCE FACILITY” MEANS A COMMERCIAL ENTITY THAT IS LICENSED TO
14 OPERATE BY THE STATE PURSUANT TO THE MMFLA AND IS LICENSED BY THE
15 CITY PURSUANT TO THIS CHAPTER, THAT RECEIVES MARIHUANA FROM A
16 MEDICAL MARIHUANA ESTABLISHMENT OR A REGISTERED QUALIFYING
17 PATIENT OR A REGISTERED PRIMARY CAREGIVER, TESTS IT FOR
18 CONTAMINANTS AND FOR TETRAHYDROCANNABINOL AND OTHER
19 CANNABINOIDS IN ACCORDANCE WITH STATE LAW.
20

21 “SCHOOL’ MEANS AND INCLUDES BUILDINGS USED FOR SCHOOL PURPOSES
22 TO PROVIDE INSTRUCTION TO CHILDREN AND YOUTH IN GRADES PRE-
23 KINDERGARTEN THROUGH 12, AND HEADSTART WHEN THAT INSTRUCTION IS
24 PROVIDED BY A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL.
25

26 “SECURE TRANSPORTER” OR “MEDICAL MARIHUANA SECURE TRANSPORTER”
27 MEANS A COMMERCIAL ENTITY THAT IS LICENSED TO OPERATE BY THE STATE
28 PURSUANT TO THE MMFLA AND IS LICENSED TO OPERATE BY THE CITY
29 PURSUANT TO THIS CHAPTER, THAT IS A COMMERCIAL ENTITY LOCATED IN THIS
30 CITY THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN
31 MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE
32 LAW.
33

34 “STAKEHOLDER” MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES,
35 WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR
36 MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-
37 PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO
38 A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH
39 GENERAL AND LIMITED.
40

41 “STATE” MEANS THE STATE OF MICHIGAN.
42

43 (G) ANY TERM DEFINED BY THE MMMA, THE MMFLA, OR THE MTA AND NOT
44 DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITION PROVIDED IN THOSE
45 ACTS.

1300.3 – RESERVED.**1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.**

(A) IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN THE OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY UNLESS SUCH PERSON HAS OBTAINED A LICENSE FROM THE CITY UNDER THIS CHAPTER TO DO SO FOR EACH LOCATION AND ADDITIONALLY HAS A LICENSE TO OPERATE FROM THE STATE PURSUANT TO MMFLA. EVERY MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY OF LANSING SHALL BE LICENSED PURSUANT TO THE TERMS AND PROVISIONS SET FORTH IN THIS CHAPTER. EXCEPT AS PROVIDED IN SUBSECTION 1300.4(B), NO PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN THE CITY WITHOUT FIRST OBTAINING A LICENSE. A MEDICAL MARIHUANA ESTABLISHMENT OPERATING WITHOUT A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER IS DEEMED A PUBLIC NUISANCE.

(B) A MEDICAL MARIHUANA ESTABLISHMENT THAT IS OPERATING ON THE EFFECTIVE DATE OF THIS CHAPTER AND IS NOT IN VIOLATION OF THE CITY'S MORATORIUM ON STARTING NEW OPERATIONS (CITY ORDINANCE 1202) MAY CONTINUE TO OPERATE DURING THE APPLICATION SUBMISSION AND REVIEW PERIODS PROVIDED FOR IN SECTIONS 1300.5 AND 1300.6, ONLY SO LONG AS IT SUBMITS ITS APPLICATION FOR A LICENSE WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER AND ONLY SO LONG AS IT HAS NOT BEEN NOTIFIED BY THE CITY CLERK THAT IT WOULD NOT BE RECEIVING A LICENSE OR THAT ITS APPLICATION **WOULD NOT BE SUBMITTED FOR CONSIDERATION** PURSUANT TO 1300.5 (C) AND (E). ONCE A MEDICAL MARIHUANA ESTABLISHMENT IS **NOTIFIED BY THE CITY CLERK THAT IT WILL NOT RECEIVE A LICENSE OR THAT ITS APPLICATION WILL NOT BE ACCEPTED FOR CONSIDERATION,** THE MEDICAL MARIHUANA ESTABLISHMENT MUST CEASE OPERATING WITHIN 30 CALENDAR DAYS FROM THE DATE OF SUCH NOTIFICATION.

(C) THE CITY CLERK SHALL ISSUE A LICENSE FOR A MEDICAL MARIHUANA ESTABLISHMENT **ONLY AFTER THE CITY CLERK DETERMINES THAT THE APPLICATION AND PROPOSED FACILITY ARE IN COMPLIANCE WITH THE TERMS, CONDITIONS, AND PROVISIONS OF THIS CHAPTER.** THE TERM OF EACH LICENSE SHALL BE ONE YEAR. A LICENSE ISSUED UNDER THIS CHAPTER MAY BE CONDITIONED ON THE APPROVAL OF THE OPERATOR BY THE STATE AT THE LOCATION UNDER THE MMFLA.

1300.5– LICENSE APPLICATION SUBMISSION.

(A) EACH MEDICAL MARIHUANA ESTABLISHMENT MUST BE LICENSED BY THE CITY. APPLICATIONS FOR A LICENSE SHALL BE MADE IN WRITING TO THE CITY CLERK. ALL APPLICATIONS SUBMITTED TO THE CITY CLERK IN

1 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER SHALL BE
 2 CONSIDERED FOR THE ISSUANCE OF A LICENSE. EACH APPLICATION
 3 SHALL CONTAIN A SIGNED ACKNOWLEDGEMENT THAT THE APPLICANT IS
 4 AWARE AND UNDERSTANDS THAT ALL MATTERS RELATED TO
 5 MARIHUANA GROWING, CULTIVATION, POSSESSION, DISPENSING,
 6 TESTING, SAFETY COMPLIANCE, TRANSPORTING, DISTRIBUTION, AND USE
 7 ARE CURRENTLY SUBJECT TO STATE AND FEDERAL LAWS, RULES, AND
 8 REGULATIONS, AND THAT THE APPROVAL OR GRANTING OF A LICENSE
 9 HEREUNDER DOES NOT EXONERATE OR EXCULPATE THE APPLICANT
 10 FROM ABIDING BY THE PROVISIONS AND REQUIREMENTS AND PENALTIES
 11 ASSOCIATED WITH THOSE LAWS, RULES, AND REGULATIONS OR
 12 EXPOSURE TO ANY PENALTIES ASSOCIATED THEREWITH; AND FURTHER
 13 THE APPLICANT WAIVES AND FOREVER RELEASES ANY CLAIM, DEMAND,
 14 ACTION, LEGAL REDRESS, OR RECOURSE AGAINST THE CITY OF LANSING,
 15 ITS ELECTED AND APPOINTED OFFICIALS AND ITS EMPLOYEES AND
 16 AGENTS FOR ANY CLAIMS, DAMAGES, LIABILITIES, CAUSES OF ACTION,
 17 DAMAGES, AND ATTORNEY FEES THE APPLICANT MAY OCCUR AS A
 18 RESULT OF THE VIOLATION BY APPLICANT, ITS OFFICIALS, MEMBERS,
 19 PARTNERS, SHAREHOLDERS, EMPLOYEES AND AGENTS OF THOSE LAWS,
 20 RULES, AND REGULATIONS AND HEREBY WAIVES, AND ASSUMES THE
 21 RISK OF, ANY SUCH CLAIMS AND DAMAGES, AND LACK OF RECOURSE
 22 AGAINST THE CITY OF LANSING, ITS ELECTED AND APPOINTED
 23 OFFICIALS, EMPLOYEES, ATTORNEYS, AND AGENTS.

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

- 28
 29 (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME,
 30 DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR
 31 MORE PHONE NUMBERS, INCLUDING EMERGENCY CONTACT
 32 INFORMATION, A COPY OF A GOVERNMENT ISSUED PHOTO
 33 IDENTIFICATION CARD OF THE APPLICANT, AND A COPY OF THE
 34 APPLICANT'S CAREGIVER REGISTRY IDENTIFICATION CARD ISSUED
 35 PURSUANT TO THE MMMA;
 36
- 37 (2) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, DATES OF
 38 BIRTH, PHYSICAL ADDRESSES, EMAIL ADDRESSES, AND ONE OR
 39 MORE PHONE NUMBERS OF EACH STAKEHOLDER OF THE
 40 APPLICANT, INCLUDING DESIGNATION OF A STAKEHOLDER AS AN
 41 EMERGENCY CONTACT PERSON AND CONTACT INFORMATION FOR
 42 THE EMERGENCY CONTACT PERSON, ARTICLES OF INCORPORATION,
 43 INTERNAL REVENUE SERVICE SS-4 EIN CONFIRMATION LETTER, AND
 44 THE OPERATING AGREEMENT OF THE APPLICANT, IF A LIMITED
 45 LIABILITY COMPANY, AND A COPY OF AT LEAST ONE

1 STAKEHOLDER'S CAREGIVER REGISTRY IDENTIFICATION CARD
2 ISSUED PURSUANT TO THE MMMA;
3

4 (3) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
5 ESTABLISHMENT AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
6 NECESSARY BY THE CITY CLERK;
7

8 (4) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
9 FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE APPLICANT,
10 AFFIRMATION THAT EACH IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN
11 CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING
12 FELONY. WITH RESPECT TO ALL OTHER MEDICAL MARIHUANA
13 ESTABLISHMENTS, FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
14 APPLICANT, AN AFFIRMATION THAT EACH AND EVERY AGENT OR EMPLOYEE
15 IS AT LEAST 18 YEARS OF AGE AND HAS NOT BEEN CONVICTED OF OR PLED
16 GUILTY OR NO CONTEST TO A DISQUALIFYING FELONY;
17

18 (5) A SIGNED RELEASE AUTHORIZING THE CITY OF LANSING POLICE
19 DEPARTMENT TO PERFORM A CRIMINAL BACKGROUND CHECK TO
20 ASCERTAIN WHETHER THE APPLICANT, EACH STAKEHOLDER OF THE
21 APPLICANT, EACH OPERATOR AND EMPLOYEE OF THE APPLICANT MEET THE
22 CRITERIA SET FORTH IN THIS CHAPTER;
23

24 (6) WITH RESPECT TO MEDICAL MARIHUANA PROVISIONING CENTERS,
25 THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO
26 IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE
27 IF OTHER THAN THE APPLICANT;
28

29 (7) AN AFFIRMATION UNDER OATH AS TO WHETHER THE APPLICANT
30 OR OPERATOR HAS HAD A BUSINESS LICENSE REVOKED OR SUSPENDED, AND
31 IF REVOKED OR SUSPENDED, THEN THE REASON THEREFORE;
32

33 (8) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE
34 APPLICANT, A RESUME THAT INCLUDES WHETHER THE INDIVIDUAL HAS ANY
35 RELEVANT EXPERIENCE WITH MEDICAL MARIHUANA OR A RELATED
36 INDUSTRY;
37

38 (9) A PATIENT EDUCATION PLAN TO DETAIL TO PATIENTS THE
39 BENEFITS OR DRAWBACKS OF CERTAIN MARIHUANA STRAINS OR PRODUCTS
40 IN CONNECTION WITH THE DEBILITATING MEDICAL CONDITIONS SET FORTH
41 IN THE MICHIGAN MEDICAL MARIHUANA ACT;
42

43 (10) A WRITTEN DESCRIPTION OF THE TRAINING AND EDUCATION THAT
44 THE APPLICANT WILL PROVIDE TO ALL EMPLOYEES;
45

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

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

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

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

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

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

(21) VERIFICATION, WITH COPIES OF ACTUAL BANK STATEMENTS, SHOWING THAT THE APPLICANT HAS TANGIBLE FINANCIAL CAPITAL IN THE APPLICANT'S NAME IN THE AMOUNT SUFFICIENT TO COMPLETE THE MEDICAL MARIHUANA ESTABLISHMENT AND TO FUND THE BUSINESS PLAN AND OTHER PLANS REQUIRED BY THIS SECTION 1300.5;

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

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

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

(II) A PRODUCTION TESTING PLAN THAT INCLUDES AT A MINIMUM A DESCRIPTION OF HOW AND WHEN SAMPLES FOR LABORATORY TESTING BY AN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION ACCREDITED TESTING FACILITY WILL BE SELECTED, WHAT TYPE OF

1 TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE
2 USED;

3
4 (III) AN AFFIDAVIT THAT ALL OPERATIONS WILL BE CONDUCTED IN
5 CONFORMANCE WITH THE MMMA, THE MMFLA, AND OTHER APPLICABLE
6 STATE LAW;

7
8 (IV) A CHEMICAL AND PESTICIDE STORAGE PLAN THAT STATES THE
9 NAMES OF THE PESTICIDES TO BE USED IN CULTIVATION AND WHERE AND
10 HOW PESTICIDES AND CHEMICALS WILL BE STORED IN THE
11 ESTABLISHMENT, ALONG WITH A PLAN FOR THE DISPOSAL OF UNUSED
12 PESTICIDES;

13
14 (V) ALL CULTIVATION MUST BE PERFORMED IN A BUILDING.

15
16 (24) PROOF OF AN INSURANCE POLICY COVERING THE ESTABLISHMENT
17 AND NAMING THE CITY, ITS ELECTED AND APPOINTED OFFICIALS,
18 EMPLOYEES, AND AGENTS, AS ADDITIONAL INSURED PARTIES,
19 AVAILABLE FOR THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN
20 ACT OR OMISSION OF THE APPLICANT OR ITS STAKEHOLDERS, AGENTS,
21 EMPLOYEES, OR SUBCONTRACTORS, IN THE AMOUNT OF (A) AT LEAST
22 ONE MILLION DOLLARS FOR PROPERTY DAMAGE; (B) AT LEAST ONE
23 MILLION DOLLARS FOR INJURY TO ONE PERSON; AND (C) AT LEAST TWO
24 MILLION DOLLARS FOR INJURY TO TWO OR MORE PERSON RESULTING
25 FROM THE SAME OCCURRENCE. THE INSURANCE POLICY UNDERWRITER
26 MUST HAVE A MINIMUM A.M. BEST COMPANY INSURANCE RANKING OF
27 B+, CONSISTENT WITH STATE LAW.

28
29 (25) ANY OTHER INFORMATION DEEMED NECESSARY BY THE CITY.

30
31 (C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A LICENSE
32 APPLICATION FEE IN AN AMOUNT ESTABLISHED BY CITY COUNCIL RESOLUTION.
33 SHOULD THE APPLICANT NOT RECEIVE A LICENSE, ONE-HALF OF THE
34 APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND
35 A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE IN AN AMOUNT
36 ESTABLISHED BY CITY COUNCIL RESOLUTION. THE APPLICATION FEE AND THE
37 ANNUAL FEE ARE ESTABLISHED TO DEFRAY THE COSTS OF ADMINISTRATION OF
38 THIS CHAPTER.

39
40 (D) UPON RECEIPT OF A COMPLETED APPLICATION MEETING THE
41 REQUIREMENTS OF THIS SECTION AND APPROPRIATE NONREFUNDABLE LICENSE
42 APPLICATION FEE, THE CITY CLERK SHALL REFER A COPY OF THE APPLICATION
43 TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,
44 THE BUILDING SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING
45 ADMINISTRATOR, AND THE CITY TREASURER.

(E) NO APPLICATION SHALL BE ACCEPTED BY THE CITY CLERK
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 ACCEPT A COPY OF THE
APPLICATION FOR CONSIDERATION.

1300.6-LICENSE APPLICATION EVALUATION.

(A) EXCEPT AS PROVIDED IN 1300.8(A), THE CITY CLERK WILL ASSESS ALL
APPLICATIONS PURSUANT TO THE PROVISIONS, REQUIREMENTS, AND
CRITERIA SET FORTH IN THIS CHAPTER AND SHALL CONSULT WITH THE
POLICE DEPARTMENT, THE FIRE DEPARTMENT, THE BUILDING SAFETY
OFFICE, THE ZONING ADMINISTRATOR, AND THE FINANCE DEPARTMENT. THE
CITY CLERK MAY CONSULT WITH OUTSIDE PROFESSIONALS IN THE BUSINESS
AND FINANCE DISCIPLINES.

(B) IN ITS APPLICATION DELIBERATIONS, THE CITY CLERK 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) (1-25).

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

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

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

1300.7 – LICENSE RENEWAL APPLICATION.

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

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

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

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

(E) NO RENEWAL APPLICATION SHALL BE APPROVED 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 WITHIN THE PAST CALENDAR YEAR;
- (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 AND THE PROPOSED LOCATION OF THE FACILITY 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 CITY CLERK 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 UNDER LAW, 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.

(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

1 SAFETY OFFICE, THE POLICE DEPARTMENT, THE ZONING ADMINISTRATOR,
2 AND THE CITY TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED
3 UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN
4 APPROVAL THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION
5 MEET THE STANDARDS IDENTIFIED IN 1300.5(E) AND THE CITY CLERK HAS
6 DETERMINED THAT THE PROPOSED LOCATION MEETS THE REQUIREMENTS
7 OF 1300.6 (B)(2).
8

9 (C) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO
10 A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL
11 BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A
12 LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST
13 MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT
14 LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE WRITTEN
15 REQUEST, THE CITY CLERK SHALL CONSIDER THE REQUEST AS A NEW
16 APPLICATION FOR A LICENSE AND THE PROCEDURES SET FORTH IN 1300.5
17 AND 1300.6 SHALL BE FOLLOWED.
18

19 (D) LICENSEES SHALL REPORT ANY OTHER CHANGE IN THE INFORMATION
20 REQUIRED BY THIS CHAPTER TO THE CITY CLERK WITHIN TEN (10)
21 BUSINESS DAYS OF THE CHANGE. FAILURE TO DO SO MAY RESULT IN
22 SUSPENSION OR REVOCATION OF THE LICENSE.
23

24 **1300.9 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
25 **PROVISIONING CENTER.**
26

27 (A) EVERY MEDICAL MARIHUANA PROVISIONING CENTER MUST BE LOCATED
28 IN A BUILDING.
29

30 (B) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPEN
31 BETWEEN THE HOURS OF 10 P.M. AND 9 A.M.;
32

33 (C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES
34 OF A MEDICAL MARIHUANA PROVISIONING CENTER EXCEPT AS PERMITTED BY
35 LANSING CITY CHARTER SECTION 8-501 AND STATE LAW;
36

37 (D) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL CONTINUOUSLY
38 MONITOR THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH
39 SURVEILLANCE SYSTEMS THAT INCLUDE SECURITY CAMERAS. THE VIDEO
40 RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE LOCATION FOR A
41 PERIOD OF 14 DAYS;
42

43 (E) UNLESS PERMITTED BY THE MMMA, PUBLIC OR COMMON AREAS OF THE
44 MEDICAL MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM
45 RESTRICTED OR NON-PUBLIC AREAS OF THE PROVISIONING CENTER BY A
46 PERMANENT BARRIER. UNLESS PERMITTED BY THE MMMA, NO MEDICAL

1 MARIHUANA IS PERMITTED TO BE STORED, DISPLAYED, OR TRANSFERRED IN AN
2 AREA ACCESSIBLE TO THE GENERAL PUBLIC;

3
4 (F) ALL MEDICAL MARIHUANA STORAGE AREAS WITHIN MEDICAL
5 MARIHUANA PROVISIONING CENTER MUST BE SEPARATED FROM ANY
6 CUSTOMER/PATIENT AREAS BY A PERMANENT BARRIER. UNLESS PERMITTED BY
7 THE MMMA, NO MEDICAL MARIHUANA IS PERMITTED TO BE STORED IN AN
8 AREA ACCESSIBLE BY THE GENERAL PUBLIC OR REGISTERED
9 CUSTOMERS/PATIENTS. MEDICAL MARIHUANA MAY BE DISPLAYED IN A SALES
10 AREA ONLY IF PERMITTED BY THE MMFLA;

11
12 (G) ANY USABLE MEDICAL MARIHUANA REMAINING ON THE PREMISES OF A
13 MEDICAL MARIHUANA PROVISIONING CENTER WHILE THE MEDICAL
14 MARIHUANA PROVISIONING CENTER IS NOT IN OPERATION SHALL BE SECURED
15 IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;

16
17 (H) DRIVE-THRU WINDOWS ON THE PREMISES OF A MEDICAL MARIHUANA
18 PROVISIONING CENTER SHALL NOT BE PERMITTED;

19
20 (I) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE OPERATED IN
21 A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
22 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
23 ON WHICH THE MEDICAL MARIHUANA PROVISIONING CENTER IS OPERATED;

24
25 (J) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
26 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING
27 CENTER;

28
29 (K) DISPOSAL OF MEDICAL MARIHUANA SHALL BE ACCOMPLISHED IN A
30 MANNER THAT PREVENTS ITS ACQUISITION BY ANY PERSON WHO MAY NOT
31 LAWFULLY POSSESS IT AND OTHERWISE IN CONFORMANCE WITH STATE LAW;

32
33 (L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE
34 PACKAGED AND LABELED AS PROVIDED BY STATE LAW AND THIS CHAPTER.
35 THE LABEL SHALL INCLUDE:

- 36
37 (1) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE PERSON TO WHOM IT
38 IS BEING DELIVERED;
39 (2) A UNIQUE ALPHA NUMERIC IDENTIFIER FOR THE CULTIVATION
40 SOURCE OF THE MARIHUANA;
41 (3) THAT THE PACKAGE CONTAINS MARIHUANA;
42 (4) THE DATE OF DELIVERY, WEIGHT, TYPE OF MARIHUANA AND DOLLAR
43 AMOUNT OR OTHER CONSIDERATION BEING EXCHANGED IN THE
44 TRANSACTION;

- (5) A CERTIFICATION THAT ALL MARIHUANA IN ANY FORM CONTAINED IN THE PACKAGE WAS CULTIVATED, MANUFACTURED, AND PACKAGED IN THE STATE OF MICHIGAN;
- (6) THE WARNING THAT; "THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES NOT COMPLY WITH STATE LAW OR BY PERSON WHO DOES NOT POSSESS A VALID MEDICAL MARIHUANA PATIENT REGISTRY CARD."
- (7) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF AN AUTHORIZED REPRESENTATIVE OF THE DISPENSARY WHOM A PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE PRODUCT.

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

(N) 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.

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

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

(Q) NO LICENSED MEDICAL MARIHUANA PROVISIONING CENTER SHALL PLACE OR MAINTAIN, OR CAUSE TO BE PLACED OR MAINTAINED, AN ADVERTISEMENT OF MEDICAL MARIHUANA IN ANY FORM OR THROUGH ANY MEDIUM:

- (1) WITHIN ONE THOUSAND (1,000) FEET MEASURED PROPERTY LINE TO PROPERTY LINE OF THE REAL PROPERTY LINE COMPRISING AN OPERATIONAL SCHOOL; 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) WITHIN FIVE HUNDRED (500) FEET, MEASURED 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; **PARKS**; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT.

(R) 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 MMMA, THE MMFLA, THE MTA, AND THE GENERAL RULES OF THE **MEDICAL MARIHUANA LICENSING BOARD AND THE** DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, **OR THEIR SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS 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 GROWER FACILITY;

(3) ALL GROWER ACTIVITY RELATED TO THE GROWER FACILITY SHALL BE PERFORMED 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** COMPLY WITH THE MTA AND 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

1 NOT EXCEED THE AMOUNT PERMITTED UNDER THE GROWER LICENSE
2 ISSUED BY THE STATE OF MICHIGAN. THIS LOG SHALL BE AVAILABLE TO
3 LAW ENFORCEMENT PERSONNEL TO CONFIRM THAT THE MEDICAL
4 MARIHUANA GROWER DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
5 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
6 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
7 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;
8

9 (6) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
10 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
11 MMFLA, AND THE RULES AND REGUALTIONS OF THE MEDICAL MARIHUANA
12 LICENSING BOARD, AS AMENDED;
13

14 (7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
15 PERMITS SHALL BE OBTAINED FROM THE CITY OF LANSING OR OTHER
16 APPLICABLE GOVERNMENT AUTHORITY FOR ANY PORTION OF THE
17 STRUCTURE IN WHICH ELECTRICAL WIRING, LIGHTING AND/OR WATERING
18 DEVICES THAT SUPPORT THE CULTIVATION, GROWING OR HARVESTING OF
19 MARIHUANA ARE LOCATED;
20

21 (8) THAT PORTION OF THE STRUCTURE WHERE ANY CHEMICALS SUCH AS
22 HERBICIDES, PESTICIDES, AND FERTILIZERS ARE STORED SHALL BE SUBJECT
23 TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO
24 INSURE COMPLIANCE WITH THE MICHIGAN FIRE CODES;
25

26 (9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
27 MARIHUANA GROWER FACILITY SHALL BE PROHIBITED;
28

29 (10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
30 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH CULTIVATING,
31 PROCESSING, OR TESTING MEDICAL MARIHUANA. MULTI-TENANT
32 COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
33 SEGREGATED FROM MEDICAL MARIHUANA GROWER FACILITY;
34

35 (11) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
36 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
37 INCLUDING BUT NOT LIMITED TO:
38

39 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
40

41 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
42 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
43 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
44

45 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
46 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN

1 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
2 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
3 CONDITION IS CORRECTED.
4

5 (12) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
6 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
7 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
8 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
9

10 (13) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
11 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
12 IN GOOD REPAIR;
13

14 (14) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
15 AGAINST THE ENTRY OF PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
16 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
17 WASTE DEVELOPMENT AND MINIMIZE THE POTENTIAL FOR WASTE
18 BECOMING AN ATTRACTANT, HARBORAGE OR BREEDING PLACE FOR PESTS;
19

20 (15) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
21 MAINTAINED IN A SANITARY CONDITION;
22

23 (16) EACH CULTIVATION CENTER SHALL PROVIDE ITS OCCUPANTS WITH
24 ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE
25 MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;
26

27 (17) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
28 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
29 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
30

31 (18) MEDICAL MARIHUANA GROWER FACILITIES SHALL BE FREE FROM
32 INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
33

34 (19) MEDICAL MARIHUANA GROWER FACILITIES SHALL PRODUCE NO
35 PRODUCTS OTHER THAN USEABLE MEDICAL MARIHUANA INTENDED FOR
36 HUMAN CONSUMPTION.
37

38 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
39 MEDICAL MARIHUANA GROWER FACILITY SHALL BE PROHIBITED.
40

41 **1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
42 **SAFETY COMPLIANCE FACILITY.**
43

44 (A) THE FOLLOWING MINIMUM STANDARDS FOR SAFETY COMPLIANCE
45 FACILITIES SHALL APPLY:
46

1 (1) THE SAFETY COMPLIANCE FACILITY SHALL COMPLY AT ALL TIMES
2 AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, THE MTA, AND
3 THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD AND
4 THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR
5 SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS MAY BE
6 AMENDED FROM TIME TO TIME
7

8 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
9 LANSING CITY CHARTER CONSUMPTION AND/OR USE OF MEDICAL
10 MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;
11

12 (3) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
13 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
14 ON THE PREMISES;
15

16 (4) ANY SAFETY COMPLIANCE FACILITY SHALL MAINTAIN A LOG BOOK
17 AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL
18 MARIHUANA ON THE PREMISES AND FROM WHICH PARTICULAR SOURCE.
19 THE FACILITY SHALL MAINTAIN THE CONFIDENTIALITY OF QUALIFYING
20 PATIENTS IN COMPLIANCE WITH THE MMMA, MMFLA, AND MTA, AS
21 AMENDED;
22

23 (5) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
24 BUILDING IN AN ENCLOSED, LOCKED FACILITY IN ACCORDANCE WITH THE
25 MMMA, THE MMFLA, THE MTA, AND THE RULES AND REGULATIONS OF THE
26 MEDICAL MARIHUANA LICENSING BOARD, AS AMENDED;
27

28 (6) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE
29 SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH TESTING MEDICAL
30 MARIHUANA;
31

32 (7) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
33 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY;
34

35 (8) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
36 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
37 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
38 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
39

40 (9) FLOORS, WALLS AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
41 MANNER THAT THEY MAY ADEQUATELY CLEANED AND KEPT CLEAN AND IN
42 GOOD REPAIR;
43

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

1 (11) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
2 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
3 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
4

5 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
6 MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY SHALL BE PROHIBITED.
7

8 **1300.12 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA**
9 **PROCESSOR FACILITY AND A MEDICAL MARIHUANA SECURE TRANSPORTER.**
10

11 (A) THE FOLLOWING MINIMUM STANDARDS FOR PROCESSOR AND A SECURE
12 TRANSPORTER SHALL APPLY:
13

14 (1) THE PROCESSOR AND SECURE TRANSPORTER SHALL COMPLY AT ALL
15 TIMES AND IN ALL CIRCUMSTANCES WITH THE MMMA, THE MMFLA, MTA
16 AND THE GENERAL RULES OF THE MEDICAL MARIHUANA LICENSING BOARD
17 AND THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, OR THEIR
18 SUCCESSORS, AS THE FOREGOING LAWS AND REGULATIONS MAY BE
19 AMENDED FROM TIME TO TIME;
20

21 (2) EXCEPT AS PROVIDED BY STATE LAW AND SECTION 8-501 OF THE
22 LANSING CITY CHARTER, CONSUMPTION AND/OR USE OF MEDICAL
23 MARIHUANA SHALL BE PROHIBITED AT THE PROCESSOR OR SECURE
24 TRANSPORTER FACILITY;
25

26 (3) ALL ACTIVITY RELATED TO THE PROCESSOR FACILITY SHALL BE
27 PERFORMED INDOORS IN A BUILDING;
28

29 (4) THE PREMISES SHALL BE OPEN FOR INSPECTION DURING THE STATED
30 HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT
31 ON THE PREMISES;
32

33 (5) ANY PROCESSOR AND/OR SECURE TRANSPORTER FACILITY SHALL
34 MAINTAIN A LOG BOOK AND/OR DATABASE IN ACCORDANCE WITH THE
35 MMFLA, THE MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
36 MARIHUANA LICENSING BOARD IDENTIFYING BY DATE THE AMOUNT OF
37 MEDICAL MARIHUANA ON THE PREMISES WHICH SHALL NOT EXCEED THE
38 AMOUNT PERMITTED UNDER THE PROCESSOR LICENSE ISSUED BY THE STATE
39 OF MICHIGAN, TO THE EXTENT A STATE PERMIT PROCESS EXISTS. THIS LOG
40 SHALL BE AVAILABLE TO LAW ENFORCEMENT PERSONNEL TO CONFIRM
41 THAT THE PROCESSOR DOES NOT HAVE MORE MEDICAL MARIHUANA THAN
42 AUTHORIZED AT THE LOCATION AND SHALL NOT BE USED TO DISCLOSE
43 MORE INFORMATION THAN IS REASONABLY NECESSARY TO VERIFY THE
44 LAWFUL AMOUNT OF MEDICAL MARIHUANA AT THE FACILITY;
45

1 (6) ALL MEDICAL MARIJUANA WILL BE TAGGED WITH UNIQUE
2 IDENTIFICATION.
3

4 (7) ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN THE
5 BUILDING IN A LOCKED FACILITY IN ACCORDANCE WITH THE MMMA, THE
6 MMFLA, MTA AND THE RULES AND REGULATIONS OF THE MEDICAL
7 MARIHUANA LICENSING BOARD, AS AMENDED;
8

9 (8) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL
10 PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN
11 WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING
12 OR SECURE TRANSPORTING OF MEDICAL MARIHUANA ARE LOCATED;
13

14 (9) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY
15 CHEMICALS EXIST SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY
16 THE LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE
17 MICHIGAN FIRE PROTECTION CODE;
18

19 (10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL
20 MARIHUANA PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE
21 PROHIBITED EXCEPT AS AUTHORIZED BY LANSING CITY CHARTER AND
22 STATE LAW;
23

24 (11) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN
25 THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH THE
26 PROCESSING OR SECURE TRANSPORTING OF MEDICAL MARIHUANA. MULTI-
27 TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES
28 SEGREGATED FROM THE PROCESSOR FACILITY;
29

30 (12) ALL PERSONS WORKING IN DIRECT CONTACT WITH MEDICAL
31 MARIHUANA SHALL CONFORM TO HYGIENIC PRACTICES WHILE ON DUTY,
32 INCLUDING BUT NOT LIMITED TO:
33

34 (I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;
35

36 (II) WASHING HANDS THOROUGHLY IN ADEQUATE HAND-WASHING
37 AREAS BEFORE STARTING WORK AND AT ANY OTHER TIME WHEN THE
38 HANDS MAY HAVE BECOME SOILED OR CONTAMINATED.
39

40 (III) REFRAINING FROM HAVING DIRECT CONTACT WITH MEDICAL
41 MARIHUANA IF THE PERSON HAS OR MAY HAVE AN ILLNESS, OPEN
42 LESION, INCLUDING BOILS, SORES OR INFECTED WOUNDS, OR ANY OTHER
43 ABNORMAL SOURCE OF MICROBIAL CONTAMINATION, UNTIL THE
44 CONDITION IS CORRECTED.
45

1 (13) LITTER AND WASTE SHALL BE PROPERLY REMOVED AND THE
2 OPERATING SYSTEMS FOR WASTE DISPOSAL ARE MAINTAINED IN AN
3 ADEQUATE MANNER SO THAT THEY DO NOT CONSTITUTE A SOURCE OF
4 CONTAMINATION IN AREAS WHERE MEDICAL MARIHUANA IS EXPOSED;
5

6 (14) FLOORS, WALLS, AND CEILINGS SHALL BE CONSTRUCTED IN SUCH A
7 MANNER THAT THEY MAY BE ADEQUATELY CLEANED AND KEPT CLEAN AND
8 IN GOOD REPAIR;
9

10 (15) THERE SHALL BE ADEQUATE SCREENING OR OTHER PROTECTION
11 AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO
12 MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
13 THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR
14 WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES
15 FOR PESTS;
16

17 (16) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE
18 MAINTAINED IN A SANITARY CONDITION;
19

20 (17) EACH MEDICAL MARIHUANA PROCESSOR FACILITY SHALL PROVIDE
21 ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET
22 FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD
23 REPAIR;
24

25 (18) MEDICAL MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF
26 UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT
27 PREVENTS THE GROWTH OF THESE MICROORGANISMS;
28

29 (19) PROCESSOR FACILITIES SHALL BE FREE FROM INFESTATION BY
30 INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;
31

32 (20) PROCESSOR FACILITIES SHALL PRODUCE NO PRODUCTS OTHER THAN
33 USEABLE MEDICAL MARIHUANA INTENDED FOR HUMAN CONSUMPTION.
34

35 (B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A
36 PROCESSOR FACILITY SHALL BE PROHIBITED.
37

38 **1300.13 - LOCATION OF MEDICAL MARIJUANA PROVISIONING CENTERS .** 39

40 (A) NO MEDICAL MARIJUANA PROVISIONING CENTER SHALL BE LOCATED
41 WITHIN;
42

- 43 (1) ONE THOUSAND (1000) FEET, MEASURED FROM PROPERTY LINE
44 TO PROPERTY LINE, OF AN OPERATIONAL **SCHOOL**; A
45 COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME
46 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; **PARKS**; 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.

(C) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN ANOTHER BUSINESS.

(D) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO PURSUANT TO PUBLIC ACT 425 OF 1984

(E) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON LICENSED PREMISES.

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

(A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY, MEDICAL MARIHUANA PROCESSOR FACILITY, MEDICAL MARIHUANA GROWER FACILITY, OR MEDICAL MARIHUANA SECURE TRANSPORTER 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 **SCHOOL**; 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

1
2 (2) FIVE HUNDRED (500) FEET, MEASURED FROM THE PROPERTY LINE
3 OF THE MEDICAL MARIHUANA ESTABLISHMENT TO THE PROPERTY LINE OF
4 A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR
5 SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE
6 TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE
7 OFFERED; OR A CHURCH OR OTHER STRUCTURE IN WHICH RELIGIOUS
8 SERVICES ARE CONDUCTED; **PARKS**; OR ANOTHER MEDICAL MARIHUANA
9 ESTABLISHMENT.

10
11 (B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL
12 MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA PROCESSOR
13 FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTER FACILITIES
14 SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO THE H-LIGHT
15 INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING DISTRICTS AS
16 IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

17
18 **1300.15 - LICENSE REVOCATION; BASES FOR REVOCATION; APPEAL OF**
19 **LICENSE DENIAL.**

20
21 (A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN
22 ADMINISTRATIVE HEARING **AND A DETERMINATION** THAT ANY GROUNDS FOR
23 REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE TIME AND PLACE
24 OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST BE GIVEN TO THE
25 LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE HEARING, BY FIRST
26 CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY
27 ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);

28
29 (B) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE DENIED OR REVOKED
30 ON ANY OF THE FOLLOWING BASES:

31
32 (1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER;

33
34 (2) ANY CONVICTION OF A DISQUALIFYING FELONY BY THE LICENSEE,
35 STAKEHOLDER, OR ANY PERSON HOLDING AN OWNERSHIP INTEREST IN THE
36 LICENSE;

37
38 (3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF
39 A FALSE STATEMENT BY THE APPLICANT, LICENSEE, OR ANY STAKEHOLDER
40 OF THE APPLICANT OR LICENSEE WHILE ENGAGING IN ANY ACTIVITY FOR
41 WHICH THIS CHAPTER REQUIRES A LICENSE;

42
43 (4) FAILURE TO OBTAIN AND MAINTAIN A CERTIFICATE OF APPROVAL
44 FROM THE **CITY CLERK**;

45
46 (5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE

1 CITY TO HAVE BECOME A PUBLIC NUISANCE.
2

3 (C) APPEAL OF DENIAL OF APPLICATION OR REVOCATION OF LICENSE: THE
4 CITY CLERK SHALL NOTIFY AN APPLICANT OF THE REASON(S) FOR DENIAL
5 OF AN APPLICATION OR REVOCATION OF A LICENSE AND PROVIDE THE
6 APPLICANT WITH THE OPPORTUNITY TO BE HEARD. ANY APPLICANT
7 AGGRIEVED BY THE DENIAL OR REVOCATION OF A LICENSE UNDER THIS
8 CHAPTER MAY APPEAL TO THE CITY CLERK, WHO SHALL APPOINT A
9 HEARING OFFICER. SUCH APPEAL SHALL BE TAKEN BY FILING WITH THE CITY
10 CLERK, WITHIN 14 DAYS AFTER NOTICE OF THE ACTION COMPLAINED OF HAS
11 BEEN MAILED TO THE APPLICANT'S LAST KNOWN ADDRESS ON THE
12 RECORDS OF THE CITY CLERK, A WRITTEN STATEMENT SETTING FORTH
13 FULLY THE GROUNDS FOR THE APPEAL. THE REVIEW ON APPEAL OF A
14 DENIAL OR REVOCATION SHALL BE LIMITED TO WHETHER THERE HAS BEEN
15 AN ABUSE OF DISCRETION IN THE DECISION OR THAT THE DECISION IS NOT
16 SUPPORTED BY MATERIAL AND COMPETENT EVIDENCE. THE FINAL AND
17 CONCLUSIVE DECISION ON APPEAL SHALL BE THE CITY COUNCIL WHO
18 SHALL RECEIVE A REPORT AND RECOMMENDATION FROM THE HEARING
19 OFFICER.
20

21 **1300.16 – PENALTIES; TEMPORARY SUSPENSION OF A LICENSE**
22

23 (A) THE CITY OF LANSING MAY REQUIRE AN APPLICANT OR LICENSEE OF A
24 MEDICAL MARIHUANA FACILITY TO PRODUCE DOCUMENTS, RECORDS, OR ANY
25 OTHER MATERIAL PERTINENT TO THE INVESTIGATION OF AN APPLICATION OR
26 ALLEGED VIOLATION OF THIS CHAPTER. FAILURE TO PROVIDE THE REQUIRED
27 MATERIAL MAY BE GROUNDS FOR APPLICATION DENIAL OR LICENSE
28 REVOCATION;
29

30 (B) ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL
31 BE SUBJECT TO A CIVIL FINE AND COSTS. INCREASED CIVIL FINES MAY BE
32 IMPOSED FOR A REPEAT VIOLATION. AS USED IN THIS SECTION "REPEAT
33 VIOLATION" SHALL MEAN A SECOND OR ANY SUBSEQUENT INFRACTION OF THE
34 SAME REQUIREMENT OR PROVISION COMMITTED BY A PERSON OR
35 ESTABLISHMENT WITHIN ANY 12-MONTH PERIOD. UNLESS OTHERWISE
36 SPECIFICALLY PROVIDED IN THIS CHAPTER OR ANY OTHER CHAPTER FOR A
37 MUNICIPAL INFRACTION, THE PENALTY SCHEDULE IS AS FOLLOWS:
38

- 39 1. \$500, PLUS COSTS, FOR THE FIRST VIOLATION;
40 2. \$750, PLUS COSTS, FOR A REPEAT VIOLATION;
41 3. \$750, PLUS COSTS, PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT
42 CONTINUES FOR MORE THAN ONE DAY.
43

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

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

(E) IF THE MAYOR 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 SERVED ON THE LICENSEE OR POSTED ON THE LICENSED PREMISES. IN THE CASE OF A LICENSE ISSUED FOR A MEDICAL MARIHUANA GROWER FACILITY, THE HEARING SHALL BE HELD WITHIN SEVEN (7) DAYS AFTER THE NOTICE HAS BEEN SERVED ON THE LICENSEE OR POSTED ON THE PREMISES OF THE LICENSED FACILITY. THE HEARING SHALL BE LIMITED TO THE ISSUES CITED IN THE SUSPENSION NOTICE;

(F) IF THE MAYOR DOES NOT HOLD A HEARING WITHIN THIRTY (30) DAYS AFTER THE DATE THE SUSPENSION WAS SERVED ON THE LICENSEE OR POSTED ON THE LICENSED PREMISES, OR IN THE CASE OF A GROWER FACILITY SEVEN (7) DAYS, 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.

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

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

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

INTRODUCTION OF ORDINANCE

Council Member Hussain introduced:

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 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 Ordinance is referred to the Committee on Public Safety

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

RESOLVED by the City Council, City of Lansing, that a public hearing be set for _____, 2017 at 7:00 p.m. in the City Council chambers, 10th floor Lansing City Hall, 124 W. Michigan Ave., Lansing, Mi for the purpose of considering 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 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.

Interested Persons are invited to attend this Public Hearing

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

RECEIVED
2017 MAY -4 AM 10: 29
LANSING CITY CLERK

Rachel Jensen
112 N Foster Avenue
Lansing
MI 48912

May 1, 2017
Ref: City Charter and Ordinances

Lansing City Clerk
124 W. Michigan Avenue, 9th Floor
Lansing, MI 48933

To Whom It May Concern

Hi there! My name is Rachel Jensen and I would like assistance with a couple of things.

I have a problem with this City Ordinance listed below:

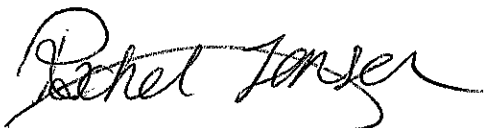
680.05. - Trespass.

(a) No person shall willfully enter upon the lands or premises of any public, private or parochial school in the City without lawful authority, after having been forbidden to do so by the principal or the principal's designated agent. No person, being upon such lands or premises, shall refuse or neglect to depart therefrom upon being requested to do so by the principal or the principal's designated agent. No person shall enter or remain in any school building without complying with the directions posted at the building entrance. Failure to comply with such directions shall be deemed a prima-facie violation of this section. However, this requirement shall not apply to students who are regularly enrolled at and attending such school, to parents or guardians of such students, to teachers or to other employees. (b) For the purpose of this section, "students who are regularly enrolled at and attending" does not include students who are expelled or suspended from a public, private or parochial school.

It is my understanding from speaking with Lansing Police Department that a civilian does not need to be notified that a trespass form has been filed against them. I would like to change that.

I would also like a copy of The City of Lansing City Charter. I have a disability and I am an immigrant and would just like a tangible version so that I know what is expected of me.

Yours Sincerely



Rachel Jensen

AGENDA ITEM

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