

MEDICAL MARIHUANA PROVISIONING CENTERS

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House Bill 4271 (Substitute H-3)
Sponsor: Rep. Mike Callton, D.C.
Committee: Judiciary

Complete to 12-11-13

A SUMMARY OF HOUSE BILL 4271 AS REPORTED BY COMMITTEE 12-10-13

The bill would create the Medical Marihuana Provisioning Center Regulation Act to, among other things:

- ❖ Authorize cities, townships, and villages to either allow or prohibit by ordinance the operation of provisioning centers and/or safety compliance facilities within their jurisdictions.
- ❖ Grant civil, criminal, and administrative immunity for certain allowable conduct by provisioning centers or safety compliance facilities, and for certain individuals. This could include supplying, selling, transferring, or delivering marihuana to a provisioning center by a qualifying patient or visiting qualifying patient or a primary caregiver.
- ❖ Grandfather-in existing medical marihuana dispensaries if in compliance with this act.
- ❖ Subject a provisioning center or safety compliance facility to state criminal or civil penalties if operating in a jurisdiction that prohibits such entities.
- ❖ Except for the Michigan Medical Marihuana Act (MMMA), specify that all other acts and parts of acts that are inconsistent with the MMPCR Act would not apply to the MMPCR Act.
- ❖ Prohibit either a provisioning center or safety compliance facility from knowingly employing a person convicted of certain felonies within the preceding 10 years. Background checks would be required of any potential employee.
- ❖ Prohibit a provisioning center from sharing office space with a physician; selling, transferring, or providing a preparation that includes usable marihuana in an edible form or for topical application unless labeled as prescribed in the bill; allowing on-site consumption of medical marihuana; and referring an individual to a physician.
- ❖ Require a provisioning center to have an enabled alarm system when unattended; require certain recordkeeping for a period of 90 days; and provide, sell, or transfer

medical marihuana only to a registered qualifying patient, registered primary caregiver, or provisioning center agent and limit the amount of usable marihuana provided to allowable amounts under the MMMA.

- ❖ Create state civil infractions and misdemeanor offenses for certain prohibited conduct.
- ❖ Prohibit, beginning April 1, 2015, a provisioning center from distributing or selling any marihuana product unless tested for and cleared of certain contaminants, such as mold, by a safety compliance facility.
- ❖ Require annual inspections and adherence to food code laws for any provisioning center electing to manufacture and distribute a marihuana-infused product as defined in the MMMA.
- ❖ Specify the act would not prevent federal enforcement of federal law.

FISCAL IMPACT:

House Bill 4271 (H-3) would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). HB 4271 (H-3) would have an indeterminate fiscal impact on local units of government, if a local unit of government elects to sanction the operation of provisioning centers and/or safety compliance facilities within its jurisdiction. Whether the fiscal impact is positive or negative, and the extent of the impact, would be dependent on the costs of implementing and enforcing state and local regulatory requirements and on whether fees established and charged by local units of governments would be sufficient to support the regulatory costs.

POSITIONS:

The following entities offered support for the bill:

ACLU of Michigan
Criminal Defense Attorneys of Michigan
City of Ann Arbor
Advanced Hydroponic Growers Supply
National Medical Marihuana Coalition
National Patients' Rights Association
Cannabis Patients United
Michigan NORML
Michigan Saber Project
Phoenix Consulting
Safer Michigan Coalition
The Compassion Chronicles
Conservative Christians for Cannabis Reform
3rd Coast Compassion Center

Michigan Chapter of Americans for Safer Access
Students for Sensible Drug Policy
Michigan Moms United
Cannabis Stakeholders Group
Pediatric Cannabis Therapy

The following entities indicated opposition for the bill:

Department of State Police
Department of Attorney General

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul Holland

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