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House Bill 4271 (Substitute S-1 as reported)
Sponsor: Representative Mike Callton
House Committee: Judiciary
Senate Committee: Government Operations

CONTENT

The bill would enact the "Medical Marihuana Provisioning Center Regulation Act" to provide that criminal, civil, or other sanctions would not apply to a medical marihuana provisioning center or its agents, a safety compliance facility, a registered qualifying patient, a visiting qualifying patient, or a registered primary caregiver, for specified activities involving the purchase, receipt, sale, possession, or transfer of marihuana, including those described below:

- A medical marihuana provisioning center could purchase, receive, sell, or transfer marihuana to or from registered qualifying patients, registered primary caregivers, or other provisioning centers, if it had been granted any applicable municipal registration or license and were operating in compliance with the Act.
- A safety compliance facility could acquire or possess medical marihuana obtained from, and return it to, registered qualifying patients, registered primary caregivers, and provisioning centers, if the facility had been granted any applicable required municipal registration or license and were operating in compliance with the Act.
- A registered qualifying patient, a visiting qualifying patient, or a registered primary caregiver could purchase or acquire usable marihuana or marihuana-infused products from a provisioning center.
- A registered qualifying patient or a registered primary caregiver could supply or sell medical marihuana to a provisioning center.

The bill also would do the following:

- Allow a municipality (a city, village, or township) to prohibit the operation of provisioning centers or safety compliance facilities within the municipality.
- Require a municipality to provide for the licensure of provisioning centers if it permitted their operation.
- Allow a municipality to impose and enforce licensing and operational requirements on provisioning centers or safety compliance facilities.
- Limit the proximity of a provisioning center or safety compliance facility to a school.
- Prohibit a provisioning center from selling or providing a preparation that included usable marihuana for ingestion or topical application unless it had been tested by a safety compliance facility and was in a container that met labeling requirements.
- Prohibit a provisioning center from providing more usable marihuana or marihuana-infused products to an individual in any 10-day period than allowed under the Michigan Medical Marihuana Act, or receiving more than 50 ounces of usable marihuana or marihuana-infused products during any 60-day period from a qualifying patient or registered caregiver.
- Require a provisioning center agent to verify that an individual requesting medical marihuana was a qualifying patient or a provisioning center agent.

- Prohibit a provisioning center or safety compliance facility from employing a person who was under 21 years old or who had been convicted of a felony involving illegal drugs or assault within the previous 10 years, and prohibit such a person from serving as a center or facility agent.
- Prohibit a provisioning center or safety compliance facility agent from transporting medical marihuana in a motor vehicle unless certain conditions were met, and provide that a violation would be a misdemeanor.
- Provide that other violations of the proposed Act would be State civil infractions.
- Provide that a provisioning center or safety compliance center would not be exempt from criminal or civil prosecution or sanctions for cultivating marihuana.
- Prohibit a laboratory from handling or testing marihuana after March 31, 2015, unless it was licensed as a safety compliance facility by a local municipality and met other conditions.
- Prohibit a provisioning center from distributing or selling any product containing marihuana after March 31, 2015, unless it had been tested for mold, mildew, fungi, and pesticides by a licensed safety compliance facility and did not contain any of those substances.
- Require a provisioning center to comply with various requirements if it elected to manufacture and distribute a marihuana-infused product.

"Medical marihuana provisioning center" would mean a commercial entity located in this State that acquires, possesses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term would include any commercial property where medical marihuana was sold to registered qualifying patients and registered primary caregivers. The location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the medical marihuana registration process in accordance with the Michigan Medical Marihuana Act (MMMA) would not be a provisioning center for purposes of the proposed Act.

"Registered qualifying patient" would mean a person who either has a valid, unexpired registry identification card as a qualifying patient, or satisfies the qualifications under the MMMA for a person who is deemed to have a valid registry ID card and possesses the documentation that constitutes such a card.

"Visiting qualifying patient" would mean a patient who is not a Michigan resident or who has been a resident of this State for less than 30 days, and who possesses a registry identification card, or its equivalent, that was issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States and that allows the use of medical marihuana by the patient.

"Registered primary caregiver" would mean a person who has a valid, unexpired registry ID card as a primary caregiver or who satisfies the criteria for someone who is deemed to have a valid registry ID card and possesses the documentation that constitutes such a card.

"Safety compliance facility" would mean a municipally licensed entity that tests marihuana produced for medical use for contaminants.

"Medical marihuana" would mean marihuana for medical use as that term is defined in the MMMA.

"Usable marihuana" would mean the dried leaves, flowers, plant resin, or extract of the marihuana plant, but would not include the seeds, stalks, or roots of the plant.

The bill would take effect on April 1, 2015.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State government. Any increase in fine revenue from the proposed State civil infractions would be allocated to public libraries.

There could be increased cost to local government for enforcement of the proposed misdemeanor. There also could be increased legal costs if a municipality petitioned the court for the closure of a center or facility or to ensure safety compliance.

In addition, a city, village, or township that chose to enact an ordinance regulating medical marihuana provisioning centers or safety compliance facilities would have additional administrative and enforcement responsibilities and, depending on the terms of the local ordinance, registration or license fee revenue to cover all or a portion of the costs of regulation. A municipality that chose to prohibit the operation of provisioning centers or safety compliance facilities would avoid the cost of the regulation of those facilities; however, it potentially would incur costs to enforce a local prohibition against those entities. A county with a provisioning center would have new responsibilities under the bill to inspect provisioning centers at least annually. The provisioning centers would be required to pay the cost of the inspection.

Date Completed: 7-30-14

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.