AGENDA
Committee on Public Safety
Friday, July 29, 2016 @ 2:00 p.m. (note time)
City Council Chambers, 10th Floor, City Hall

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

1. **Call to Order**

2. **Roll Call**

3. **Minutes**
   - July 22, 2016

4. **Public Comment on Agenda Items**

5. **Discussion/Action:**

   A.) DISCUSSION – Medical Marihuana Licensing Ordinance

6. **Other**

7. **Adjourn**

- Pending – Continued discussion regarding 3200 S. Washington
- Pending – Discussion regarding lead

MINUTES
Committee on Public Safety
Friday, July 22, 2016 @ 3:30 p.m.
City Council Chambers, 10th Floor City Hall

CALL TO ORDER
The meeting called to order at 3:31 p.m.

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

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney
Gretchen Whitmer, Ingham County Prosecutor
Council Member Spitzley
Lisa McCormick, Chief Assistant Prosecutor
Mike Barron
Shannon Grossman
Joshua Covert
Teisha Doyle
Joe Smith
Ken Gay
Elaine Womboldt
Pat Mercer
Deb Mercer
Nick Calkins
Harold Taylor
Mary Ann Prince
John Dinaso
Paul Weisberger
Ryan Moloney
Steve Green
David Brogren
Carol Siemon
Ron Hazel
Brand Joansen
Latasha Turner
Eileen Rohrbach

MINUTES
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 8, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Discussion/Action:
Councilmember Wood introduced Prosecutor Ms. Whitmer and Assistant Prosecutor Ms. McCormick. Noted that the State Statue falls under the Ingham County Prosecutor, and any public questions after Ms. Whitmer presentation should be directed directly to her office.

Ingham County Prosecutor Gretchen Whitmer
Ms. Whitmer acknowledged the Committee for their work. Ms. Whitmer quickly referenced a recently released report from her office on due diligence in her office.
Ms. Whitmer spoke briefly on the role her office takes with the enforcement of the Michigan Medical Marihuana Act, noting it was founded in the State Leadership in 2008, and since then the Attorney General has not made steps to make sure the rules are clear. Her role when she was in the legislation was supporting the frame work to clarify the gray areas. Now as Ingham County Prosecutor Ms. Whitmer stated her hopes for a program to work for users and Caregivers. If the House passes a law it could help end court cases that have been circulating since 2008.

Ms. Whitmer's belief was that ideally there should be one set of rules and standards, but they have yet to see that. Ms. Whitmer outlined her role, not as a legislature, or citizen but as Ingham County Prosecutor. Currently there appears to be confusion on the role of the Prosecutor office, and some comments during the recent debates might make it confusing. So Ms. Whitmer clarified by stating for the Committee and public that the Prosecutor Office is to determine if after an investigation and charge are brought to her office whether there is sufficient evidence to go forward to court. Ms. Whitmer clarified a comment made during the recent debates that "the prosecutor is not prosecuting cases brought to their office dealing with Medical Marijuana". If the investigation yields charges the Prosecuting Office does go forward and prosecute, and they are currently actively prosecuting tow cases.

The Prosecutors role is not to tell law, or do the investigation, but once those happen, it is up to her office to do judicial work and make sure it goes forward. Ms. McCormick outlined on a day to day task, if someone is arrested or an investigating complaint causes for a warrant, they will be brought the warrant arrest and charges. They will then review the police report and determined what charges are appropriate, if any. Their office will look at the facts of the case, search and seizure and the number of issues. The only interesting issue is the transporting of marihuana because there is the statue that says you can't, and then there is medical marihuana. There is a statue in place and the Michigan Medical Marijuana Act in place. The Prosecutors office has decided not to bring cases for transport since the courts are split across the State on their interpretation. There are 6 District Courts and 3 Circuit Courts, who say the State stature is valid, and 6 District Courts and 2 Circuit Courts who have ruled it to be unconstitutional. The Prosecutors office is always watching case law. It is pending in the Court of Appeals, and once the Court of Appeals gives guidance then they will follow the decision of that court.

Councilmember Wood asked about the 2011 City Ordinance that was ceased when the McQueen decision came down that stated dispensaries were deemed illegal and should be closed and no licenses were issued. The public is asking now why are they opening again. Ms. McCormick noted their office does not investigate the dispensaries; they work with what law enforcement brings them. Their office has not seen a single case from the LPD since 2011. Ms. Whitmer clarified that this helps clarify that the LPD has had no charges. It is an

investigation by LPD that moves a case forward to the prosecutor office. Ms. Whitmer concluded that had done a ride along with the LPD and clearly understands the pressures they are under and making decisions on how use their resources.

DISCUSSION – Medical Marihuana Licensing Ordinance

Councilmember Wood stated that the LPD will be on the agenda for the August 5, 2016 meeting regarding their annual report. At that time they will also be asked if they have additional information based on the recent update from the Ingham County Prosecutor. The Committee meeting on July 29, 2016 will be held at 2 p.m. where they will continue the discussion the Medical Marihuana Ordinance.

Mr. Smiertka began the overview, noting that the ordinance was not for neighborhoods or enforcing in the neighborhoods this is for the commercial businesses. Law is still working on data for a future meeting to address issues in the neighborhoods. They currently have set up a process to deal with those complaints individually.

Mr. Smiertka moved on into the history of the Draft #4 ordinance, affirming Law had reviewed cases, news articles, minutes from these Committee meetings, met with the LPD and interest groups. The group was reminded that the Legislators have to deal with this issue as well, and this draft ordinance will deal with commercial and industrial districts. The overview of the ordinance will show it is a licensing ordinance that requires a license for an establishment/facility to regulate 4 types. Those include provisioning centers, grower facilities, compliance facilities and processor facilities. These are all defined in the ordinance and all require an annual license. The ordinance will also provide for secure transporter which currently has a place holder in the ordinance, but nothing regulate yet. Some of these references in the ordinance are currently NOT LEGAL under State Law. By including them now if the State makes changes it will be easier for us to move forward with the licensing of them.

The Ordinance creates a Medical Marihuana Commission of 5 members appointed by the Mayor and confirmed by Council. The members will consist of 1 from a neighborhood association, one from a patient advocacy organization, the Director or designee from Planning and Neighborhood Development, and two from the general population. The LPD and LFD Chief's will have ex officio non-voting memberships. This Commission will review all applications for licenses under this ordinance which have 20 measurements to evaluate by the Commission. Once met and they decide to issue a Certificate of Approval, then the City Clerk will issue the license. Applicant fee involved in the ordinance include a required $5,000 application fee. If they are denied by the Commission or the Clerk the applicant will receive $2,500 back. The Ordinance also requires a fee of $10,000 for an annual license fee, with $10,000 annual renewal. These fees are related to the effort in enforcement, maintaining licenses and records, monitoring, etc.

Another requirement in the establishment is they cannot put up a tent this must be a building, and they must have roots in the community. Requirements in vetting a business will include they must have $50,000 in tangible assets and liquid assets, to assure they have capital to make a sound business. The ordinance has criteria requirements, applications, a process, a Commission that can propose rules and regulations for future adoption by Council at a later date. For those businesses in business today, they will not be grand fathered, instead they will have 30 days from adoption of this ordinance to apply for a license. If they apply for a license there will be no enforcement on them while the license is pending. If they are denied

they will have 30 days to close, if they do not they will be deemed a public nuisance and enforceable under that. It must be noted that this is not the Zoning Ordinance; Zoning is already in place that says where they can be located so there is no need to address property in this ordinance. The only notes in this Ordinance are distances from churches and schools

Mr. Smiertka continued speaking on the quotas, which in the Ordinance there are none noted. In dealing with a quota they are looking at a quota in connection with the MMMA and its broad extension for Caregivers and patients, which they say they can't deny. After Law looked at it all together, they deemed that a quota should not be place. Secondary, Mr. Smiertka noted that with the vetting in the Ordinance having stringent criteria, only those in safe zones will matter. Mr. Dotson added to the presentation that the ordinance contains reference to processes for facilities, growers and dispensaries. Currently the MMMA is silent on businesses or entities that might be allowed by State law; they speak to Caregivers to patients. In all the research, "collecting" referred to establishments, and therefore the City has to be consistent with the MMMA. The Ordinance has been drafted so that if the MMMA amends, this will also amend with the MMMA.

Councilmember Wood started the review of the document by the Committee on page 2 of the Draft #4 dated July 21, 2016 lines 1-10 which is 1300.1 Legislative Intent. Mr. Smiertka clarified that the Ordinance is written that it will provide for a license now no matter what the State does. There will be a licensing requirement for each facility, however if someone is in operation now or intends to they have to file an application and obtain a license. They cannot violate Federal laws. Councilmember Hussain noted that the language appears to be convoluted and difficult to follow, asking if it is enforceable today, also what does "commercial grow" in terms of if the MMMA does not have it as permissible, what does it look like that would comport with the State law. Lastly, Councilmember Hussain asked for the specifics on why we would issue a license. Mr. Smiertka referred Councilmember Hussain to page 4, which defined "Grower Facility", which states "Also knowns as Medical Marihuana Cultivation Facility, means a commercial entity located in the City that is licensed by the State, (To the extent one is required) and his license from the City, that cultivates, dries, trims or cure and packages marihuana in accordance with State law." Mr. Smiertka noted that there are discussions at the State which could end up law, so instead of rewriting the Ordinance, the Ordinance is written to cover it, but it doesn't mean they will get a license. Mr. Dotson added that the MMMA as written is unclear on the license. I allow a Caregiver to grow only in confirmation with MMMA, which is the same for processors, dispensaries, and compliance centers. Everything is contingent, regardless of the label placed, with the requirements of the MMMA. The M MMA is silent on how this dispensing is to take place; it does not talk about "growers", just "growing". There is nothing in the Ordinance on this; you just have to conduct yourself consistent with the State law. Any activity inconsistent with the MMMA, the Commission will deny the licensing application. The applicant must comport with State and City law.

Councilmember Wood asked for the definition on "growing" because in the past Committee was told someone with 72 plants did not need a permit, now Law is saying any "growing" needs a license. Mr. Dotson stated that would be classified as a "commercial grower", and they have to be consistent with MMMA.

Councilmember Spitzley asked if the ordinance is proposing placing these establishments where there are caregivers on site in locations with a regulatory structure or frame work. Mr. Smiertka confirmed. Councilmember Spitzley then asked if with recent court action, a qualified patient can grow in their home and the City cannot regulate, and Mr. Smiertka confirmed that. Councilmember Spitzley then asked if the City was trying to regulate the locations. Mr. Smiertka led the conversation to the focus on the centers themselves. Those

require an application for a license for a center thru the Commission. If they do not get a license, then they have to cease and then becomes public nuisance. The other things speak to the activities going on and currently under discussion at the State level. When the State decides, the ordinance is written so that the City will be covered without having to amendment the ordinance.

The Committee moved onto page 2, lines 14-28. Mr. Smiertka noted these definitions were based on MMMA and the law. The MMMA will supersede this ordinance, so if it is a violation of MMMA they will not be incompliance with the City. No comments on the wording.

Page 2, lines 30-45. Mr. Smiertka summarized these lines stating that all activities have to be in compliance with the State rules. Lines 38-45 states there is no "non-conforming action".

Councilmember Hussain asked why the items are listed in the "Intent: then again in the definitions. Mr. Smiertka stated the "Intent" is the general language and the definitions will define the term.

Page 3 lines 1-16. Mr. Smiertka outlined the definition for "Building" noting that the license is only for the building as defined. Councilmember Spitzley noted her concern with a "building" being also labeled a residence, which she was not in favor of. She then referred to page 18 (3) of the Ordinance which spoke to activity indoors. Mr. Smiertka admitted that the definition of "building" could include a residence as a structure, but there are a specific set of exceptions that speak to private garages on residential properties. Mr. Smiertka referred everyone to the paragraph on regulations, and reminded them that there is nothing in the ordinance that say it can be in a residentially zoned area.

Page 3 lines 17-24. The group discussed "Cultivation" or "Cultivate" with Mr. Smiertka noting it is "to the extent permitted by the MMMA, if at all,". He also added that on line 36-38, "Disqualifying Felony" is wording directly out of the MMMA.

Page 4 lines 1-14. Discussion was held on this definition on "Medical Marihuana Provisioning Center" with no changes.

Page 4, lines 15-29 no comments.

Page 5, lines 1-19. Noted there was a typo in line 5, "accordance". No other comments.

Page 5, lines 20-28 no comments.

The Committee will continue review at the meeting on July 29th on line 29 of Page 5.

PUBLIC COMMENT

Councilmember Wood called out names from the sign in sheets, at which point some members on the list chose not to speak at this time.

Ms. Womboldt asked for a change to the ordinance to the section on the Commission requesting Council appoint the members, not the Mayor.

Councilmember Wood informed all public that if they have any questions on the ordinance to email those to Council Office Manager Sherrie Boak by July 27th. Those questions will then be forwarded to Mr. Smiertka, City Attorney.

Ms. Mercer spoke in opposition to not have a quota on the number of dispensaries.

Mr. Dinaso had not comments but asked for a private meeting with Council.

Mr. Moloney questioned the 1,000 ft. from day care, and asked if the facility is larger, and separated by each dwelling and address, if they can have more than one facility under one roof.

Mr. Hazel spoke in opposition to the amount of the application fees, noting four years earlier it was $1,500 and now it will total $15,000. Mr. Hazel gave an example of three care givers at one site, totaling 20 customers and why the unreasonable requirements.

Ms. Rorbach spoke in support of a limit on the number of dispensaries in Lansing, and the current concentration of facilities in fragile areas. Secondly she spoke in opposition to Commission members appointed by the Mayor.

Ms. Turner asked for a quota on pharmacies also if there is going to be a quota on dispensaries.

Councilmember Wood noted the next meeting on the Ordinance will be Friday, July 29, 2016 at 2:00 p.m.

Mr. Soga asked if the license will be transferrable or tied to the location.

Mr. Ott spoke on concerns with the nuisances in the neighborhoods.

ADJOURN
The meeting was adjourned at 4:50 p.m.
Submitted by, Sherrie Boak,
Recording Secretary Lansing City Council
Approved: _____

CITY OF LANSING, MICHIGAN
ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1300 OF PART 12, TITLE 6, OF THE CITY OF LANSING CODIFIED ORDINANCES IN ITS ENTIRETY; TO PROVIDE FOR THE REGULATION AND LICENSING OF MEDICAL MARIHUANA ESTABLISHMENTS; 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 Part 12, Title 6, of the Lansing Code of Ordinances is hereby amended in its entirety to read as follows:

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

1300.1 –LEGISLATIVE INTENT

THE PURPOSE OF THIS CHAPTER IS TO LICENSE AND REGULATE MEDICAL MARIHUANA PROVISIONING CENTERS, MEDICAL MARIHUANA GROWER FACILITIES, MEDICAL MARIHUANA COMPLIANCE FACILITIES, AND MEDICAL MARIHUANA PROCESSOR FACILITIES TO THE EXTENT PERMISSIBLE UNDER STATE OF MICHIGAN AND FEDERAL LAWS AND REGULATIONS AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY OF LANSING AND AS SUCH THIS CHAPTER CONSTITUTES A PUBLIC PURPOSE.

1300.2 – DEFINITIONS, INTERPRETATION AND CONFLICTS.

FOR THE PURPOSES OF THIS CHAPTER:

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

(B) ANY TERM DEFINED BY 21 USC 860(E) 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 SUPERSEDES 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 MARIHUANA CULTIVATION FACILITY, SECURE TRANSPORTER, PROCESSOR OR A SAFETY COMPLIANCE FACILITY SHALL BE IN COMPLIANCE WITH THE RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS OR ANY SUCCESSOR AGENCY, THE RULES AND REGULATIONS OF THE CITY OF LANSING, AND THE MMMA.

(E) ANY USE WHICH PURPORTS TO HAVE ENGAGED IN THE CULTIVATION OR PROCESSING OF MEDICAL MARIHUANA INTO A USABLE FORM, OR THE DISTRIBUTION OF MEDICAL MARIHUANA, OR THE TESTING OF MEDICAL MARIHUANA EITHER PRIOR TO OR AFTER ENACTMENT OF THIS CHAPTER BUT WITHOUT OBTAINING THE REQUIRED LICENSING SET FORTH IN THIS CHAPTER SHALL BE DEEMED TO NOT BE A LEGALLY ESTABLISHED USE AND THEREFORE, NOT ENTITLED TO LEGAL NONCONFORMING STATUS UNDER THE PROVISIONS OF THIS CHAPTER AND AND/OR STATE LAW.

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

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

"CHAPTER" MEANS THIS CHAPTER 1300.

"CITY" MEANS THE CITY OF LANSING, MICHIGAN.

"COMMISSION" MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER THIS CHAPTER.

"COUNCIL, OR CITY COUNCIL," SHALL MEAN THE CITY COUNCIL OF LANSING, MICHIGAN.

"CULTIVATION" OR "CULTIVATE" AS USED IN THIS ORDINANCE SHALL MEAN (I) ALL PHASES OF GROWTH OF MARIHUANA FROM SEED TO HARVEST; OR (II) PREPARING, PACKAGING OR REPACKAGING, LABELING, OR RELABELING OF ANY FORM OF MARIHUANA; OR (III) TO THE EXTENT PERMITTED BY THE MMMA, IF AT ALL, THE EXTRACTION OF RESIN FROM THE MARIHUANA OR THE CREATION OF MARIHUANA INFUSED PRODUCTS FOR SALE OR PACKAGED FORM TO A MEDICAL MARIHUANA PROVISIONING CENTER.

"DISQUALIFYING FELONY" MEANS A FELONY THAT MAKES AN INDIVIDUAL INELIGIBLE TO SERVE AS A REGISTERED PRIMARY CAREGIVER UNDER THE MMMA OR OTHER APPLICABLE STATE LAW.

"MEDICAL MARIHUANA" MEAN ANY MARIHUANA INTENDED FOR MEDICAL USE THAT MEETS ALL REQUIREMENTS FOR MEDICAL MARIHUANA CONTAINED IN THE MMMA AND ANY OTHER APPLICABLE LAW.

"MEDICAL MARIHUANA COMMISSION" OR "COMMISSION" MEANS THE MEDICAL MARIHUANA COMMISSION ESTABLISHED UNDER SECTION 1300.3 OF THIS CHAPTER.

"MEDICAL MARIHUANA PROVISIONING CENTER" MEANS A COMMERCIAL ENTITY LOCATED IN THE CITY THAT HAS A LICENSE FROM THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO REGISTERED QUALIFYING PATIENTS, ONLY AS PERMITTED BY STATE LAW. MEDICAL MARIHUANA PROVISIONING CENTER, AS DEFINED IN THE MMMA, INCLUDES ANY COMMERCIAL PROPERTY WHERE MARIHUANA IS SOLD IN CONFORMANCE WITH STATE LAW AND REGULATION. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT, AS DEFINED IN THE MMMA, CONNECTED TO THE CAREGIVER THROUGH THE DEPARTMENT'S MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA IS NOT A MEDICAL MARIHUANA PROVISIONING CENTER FOR PURPOSES OF THIS CHAPTER.

"MEDICAL MARIHUANA GROWER FACILITY," ALSO KNOWN AS "MEDICAL MARIHUANA CULTIVATION FACILITY," MEANS A COMMERCIAL ENTITY LOCATED IN THE CITY THAT IS LICENSED BY THE STATE, (TO THE EXTENT ONE IS REQUIRED) AND HAS LICENSE FROM THE CITY, THAT CULTIVATES, DRIES, TRIMS OR CURES AND PACKAGES MARIHUANA IN ACCORDANCE WITH STATE LAW.

"MEDICAL MARIHUANA ESTABLISHMENT(S),"OR" ESTABLISHMENT," IS A TERM USED IN THIS CHAPTER TO REFER TO ANY FACILITY, ESTABLISHMENT AND/OR CENTER THAT IS REQUIRED TO BE LICENSED UNDER THIS CHAPTER INCLUDING A MEDICAL MARIHUANA PROVISIONING CENTER, A MEDICAL MARIHUANA GROWER FACILITY, A MEDICAL MARIHUANA PROCESSOR FACILITY AND A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

"ORDINANCE" MEANS THE ORDINANCE ADOPTING THIS CHAPTER 1300.

"PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, JOINT VENTURE, ESTATE, TRUST, OR OTHER LEGAL ENTITY.

" LICENSE APPLICATION" REFERS TO THE REQUIREMENTS AND PROCEDURES SET FORTH IN SECTIONS 1300.5 AND 1300.6.

"PROCESSOR" OR "MEDICAL MARIHUANA PROCESSOR FACILITY" MEANS A COMMERCIAL ENTITY LOCATED IN THIS CITY THAT HAS A LICENSE ISSUED BY THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT EXTRACTS RESIN FROM THE MARIHUANA OR CREATES A MARIHUANA-INFUSED PRODUCT, TO THE EXTENT PERMITTED BY STATE LAW.."

"SAFETY COMPLIANCE FACILITY" OR "MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY" MEANS A COMMERCIAL ENTITY THAT IS LICENSED BY

THE STATE (TO THE EXTENT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT RECEIVES MARIHUANA FROM A MEDICAL MARIHUANA ESTABLISHMENT OR A REGISTERED QUALIFYING PATIENT OR A REGISTERED PRIMARY CAREGIVER, TESTS IT FOR CONTAMINANTS AND FOR TETRAHYDROCANNABINOL AND OTHER CANNABINOIDS IN ACCORDANACE WITH STATE LAW.

"SECURE TRANSPORTER" MEANS A COMMERCIAL ENTITY THAT IS LICENSED BY THE STATE (TO THE EXTENT THAT ONE IS REQUIRED) AND HAS A LICENSE FROM THE CITY, THAT IS A COMMERCIAL ENTITY LOCATED IN THIS CITY THAT STORES MARIHUANA AND TRANSPORTS MARIHUANA BETWEEN MEDICAL MARIHUANA FACILITIES FOR A FEE AND IN ACCORDANCE WITH STATE LAW.

"STAKEHOLDER" MEANS, WITH RESPECT TO A TRUST, THE BENEFICIARIES, WITH RESPECT TO A LIMITED LIABILITY COMPANY, THE MANAGERS OR MEMBERS, WITH RESPECT TO A CORPORATION, WHETHER PROFIT OR NON-PROFIT, THE OFFICERS, DIRECTORS, OR SHAREHOLDERS, AND WITH RESPECT TO A PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP, THE PARTNERS, BOTH GENERAL AND LIMITED.

"STATE" MEANS THE STATE OF MICHIGAN.

"RESTRICTED/LIMITED ACCESS AREA" MEANS, A BUILDING, ROOM OR OTHER AREA UNDER THE CONTROL OF THE LICENSEE WITH ACCESS GOVERNED BY THE MMMA OR OTHER APPLICABLE STATE LAW.

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

1300.3 – ESTABLISHMENT OF MEDICAL MARIHUANA COMMISSION; MEMBERSHIP; CHAIRPERSON; MEETINGS.

(A) THE MEDICAL MARIHUANA COMMISSION IS HEREBY ESTABLISHED. THE COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR WITH THE CONSENT OF COUNCIL. MEMBERS SHALL SERVE FOR TERMS OF OFFICE OF THREE (3) YEARS, EXCEPT FOR THE INITIAL APPOINTMENTS TO THE COMMISSION, ONE MEMBER SHALL SERVE FOR A TERM OF ONE (1) YEAR AND ONE MEMBER SHALL SERVE FOR A TERM OF TWO (2) YEARS.

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

(1) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING RESIDENTIAL OR NEIGHBORHOOD ORGANIZATION;

(2) ONE (1) MEMBER REPRESENTING A DULY ORGANIZED AND EXISTING MEDICAL MARIHUANA PATIENT ADVOCACY ORGANIZATION;

(3) THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT (OR A DESIGNEE).

(4) TWO (2) MEMBERS FROM THE GENERAL POPULATION OF THE CITY.

(C) THE CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED ANNUALLY BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION. THE COMMISSION MAY MEET AT SUCH TIMES AS THE COMMISSION MAY DETERMINE OR AS OTHERWISE REQUIRED IN THIS CHAPTER. THE COMMISSION SHALL ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION AND THE VOTE OF EACH MEMBER UPON EACH QUESTION CONSIDERED. ALL MEETINGS OF THE COMMISSION SHALL BE HELD IN CONFORMANCE WITH THE MICHIGAN OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 ET SEQ. THE COMMISSION SHALL KEEP A RECORD WHICH SHALL BE OPEN TO THE PUBLIC. THE PRESENCE OF THREE (3) MEMBERS SHALL CONSTITUTE A QUORUM.

(D) EXCEPT FOR THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT, NO VOTING MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER PUBLIC OFFICE OR PUBLIC EMPLOYMENT IN ANY LOCAL UNIT OF GOVERNMENT SUPPORTED BY LANSING PROPERTY TAXES IN WHOLE OR IN PART. NO MEMBER OF THE COMMISSION SHALL HAVE ANY DIRECT FINANCIAL INTEREST IN A MEDICAL MARIHUANA ESTABLISHMENT.

(E) THE COMMISSION SHALL REVIEW ALL APPLICATIONS THAT ARE FORWARDED TO IT UNDER THIS CHAPTER. A LICENSE SHALL NOT BE ISSUED UNTIL THE COMMISSION HAS ACTED ON THE APPLICATION BY ISSUING A CERTIFICATE OF APPROVAL BY MAJORITY VOTE OF THE COMMISSION.

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

(G) THE CHIEF OF POLICE (OR A DESIGNEE) AND THE CHIEF OF THE FIRE DEPARTMENT (OR A DESIGNEE) SHALL ALSO SERVE THE COMMISSION IN AN EX OFFICIO NON-VOTING CAPACITY.

1300.4 - OPERATION WITHOUT LICENSE PROHIBITED.

(a) 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 FOR THE MEDICAL MARIHUANA ESTABLISHMENT FROM THE CITY CLERK.

(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 TO THE COMMISSION FOR CONSIDERATION. 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 SUBMITTED TO THE COMMISSION 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 NEW LICENSE FOR A MEDICAL MARIHUANA ESTABLISHMENT ONLY AFTER THE COMMISSON HAS ISSUED A CERTIFICATE OF APPROVAL. THE TERM OF EACH LICENSE SHALL BE ONE YEAR.

1300.5 – LICENSE APPLICATION SUBMISSION.

(a) EVERY 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 SHALL BE CONSIDERED FOR THE ISSUANCE OF A LICENSE.

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

(1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT'S NAME, DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, ONE OR MORE PHONE

NUMBERS, INCLUDING EMERGENCY CONTACT INFORMATION, A COPY OF A GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD OF THE APPLICANT, AND A COPY OF THE APPLICANT'S REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO THE MMMA;

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

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

(4) FOR THE APPLICANT OR FOR EACH STAKEHOLDER OF THE APPLICANT, AND EACH AGENT OR EMPLOYEE OF THE APPLICANT, AN AFFIRMATION THAT HE OR SHE ARE AT LEAST 21 YEAR OF AGE AND HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A DISQUALIFYING FELONY;

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

(6) THE NAME, DATE OF BIRTH, PHYSICAL ADDRESS, COPY OF PHOTO IDENTIFICATION, AND EMAIL ADDRESS FOR ANY OPERATOR OR EMPLOYEE OF THE MEDICAL MARIHUANA ESTABLISHMENT, IF OTHER THAN THE APPLICANT;

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

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

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

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

(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) TO THE SUBJECT MEDICAL MARIHUANA ESTABLISHMENT TO THE CLOSEST REAL PROPERTY COMPRISING A PUBLIC OR PRIVATE ELEMENTARY, VOCATIONAL OR SECONDARY SCHOOL; OR ANOTHER LICENSED MEDICAL MARIHUANA ESTABLISHMENT;

(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 LIQUID FUNDS IN THE APPLICANT'S NAME IN THE AMOUNT NEEDED TO COMPLETE THE MEDICAL MARIHUANA ESTABLISHMENT, BUT IN NO EVENT, LESS THAN FIFTY THOUSAND ($50,000) DOLLARS IN IMMEDIATELY AVAILABLE FUNDS;

(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

WILL BE SELECTED, WHAT TYPE OF TESTING WILL BE REQUESTED, AND HOW THE TEST RESULTS WILL BE USED;

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

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

(V) ALL CULTIVATION MUST BE PERFORMED INDOORS OR IN AN ENCLOSED GREENHOUSE.

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

(C) ALL APPLICATIONS SHALL BE ACCOMPANIED BY A FIVE THOUSAND ($5,000) LICENSE APPLICATION FEE. SHOULD THE APPLICANT NOT RECEIVE A LICENSE, TWO THOUSAND FIVE HUNDRED ($2,500) DOLLARS OF THE APPLICATION FEE SHALL BE RETURNED. IF AN APPLICATION IS APPROVED AND A LICENSE ISSUED, THE FIRST ANNUAL FEE SHALL BE TEN THOUSAND ($10,000) DOLLARS. THE APPLICATION FEE AND THE ANNUAL FEE ARE ESTABLISHED TO DEFRAY THE COSTS OF ADMINISTRATION OF THIS CHAPTER.

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

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

(i) 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;

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

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

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

1300.6 – APPLICATION EVALUATION.

(a) THE COMMISSION WILL ASSESS ALL APPLICATIONS REFERRED TO IT BY THE CITY CLERK PURSUANT TO SECTION 1300.5.

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

(1) WHETHER THE PROPOSED ESTABLISHMENT IS SUITABLE FOR SAFE PUBLIC ACCESS AND HAS SUFFICIENT AND CONVENIENT PARKING SPACES AVAILABLE IN CLOSE PROXIMITY TO THE PROPOSED ESTABLISHMENT;

(2) WHETHER THE PROPOSED ESTABLISHMENT HAS CONVENIENT HANDICAPPED-ACCESSIBLE PARKING SPACES AND WAYS OF INGRESS AND EGRESS THAT ARE CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT;

(3) WHETHER THE LAYOUT OF THE PROPOSED ESTABLISHMENT PROMOTES THE SAFE HANDLING OF MARIHUANA;

(4) WHETHER THE PROPOSED ESTABLISHMENT'S SECURITY AND RECORDKEEPING PLANS WILL HELP PREVENT THE THEFT OR DIVERSION OF MARIHUANA, AND PROMOTE THE SAFE STORAGE OF MARIHUANA AND CURRENCY;

(5) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE THE BUSINESS EXPERIENCE TO SUCCESSFULLY MANAGE THE PROPOSED ESTABLISHMENT;

(6) WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE SUFFICIENT LIQUID ASSETS AND EQUITY COMMITMENTS TO ENSURE FINANCIAL STABILITY AND CAN DEMONSTRATE THE IMMEDIATE AND LONG-TERM FINANCIAL HEALTH AND RESOURCES OF THE MEDICAL MARIHUANA ESTABLISHMENT;

(7) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE EXPERIENCE IN THE MEDICAL MARIHUANA INDUSTRY;

(8) WHETHER THE APPLICANT OR ITS STAKEHOLDERS OR EMPLOYEES HAVE A DEMONSTRATED KNOWLEDGE OF VARIOUS MARIHUANA STRAINS OR VARIETIES;

(9) 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 ESSTABLISHMENT, AND WHETHER THE APPLICANT OR ITS STAKEHOLDERS HAVE MADE SIGNIFICANT IMPROVEMENTS TO THE BUILDING OR NEIGHBORHOOD WHERE THE PROPOSED ESTABLISHMENT IS TO BE LOCATED;

(10) WHETHER THE APPLICANT WILL PROVIDE A SAFE, HEALTHY, AND ECONOMICALLY BENEFICIAL WORKING ENVIRONMENT; AND

(11) 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.

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

(13) 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 A FORM PROVIDED BY THE CITY, AND SHALL CONTAIN ALL OF THE INFORMATION REQUIRED BY 1300.5(b).

(C) AN APPLICATION SHALL BE ACCOMPANIED BY A TEN THOUSAND ($10,000) DOLLARS LICENSE RENEWAL FEE OF WHICH FIVE THOUSAND ($5,000)

DOLLARS WILL BE RETURNED SHOULD THE LICENSE NOT BE RENEWED. THE RENEWAL FEE IS ESTABLISHED TO DEFRAY 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 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 ARE NOT CURRENTLY IN DEFAULT TO THE CITY.

(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 APPLICATION FEE ($5,000) SHALL BE RETURNED.

1300.8 – LICENSES GENERALLY.

(a) TO THE EXTENT PERMISSIBLE, ALL INFORMATION SUBMITTED IN CONJUNCTION WITH AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL REQUIRED BY THIS CHAPTER IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE MICHIGAN FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ.

(b) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT LOCATION UPON RECEIVING WRITTEN APPROVAL OF THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE LOCATION, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSE LOCATION AND THE PROPOSED LICENSE LOCATION. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO EACH OF THE FOLLOWING FOR THEIR APPROVAL: THE FIRE DEPARTMENT,

THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND THE CITY TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS EACH SUCH INDIVIDUAL OR DEPARTMENT GIVES WRITTEN APPROVAL THAT THE LICENSEE AND THE PROPOSED LICENSE LOCATION MEET THE STANDARDS IDENTIFIED IN 1300.5(E).

(c) LICENSEES MAY TRANSFER A LICENSE ISSUED UNDER THIS CHAPTER TO A DIFFERENT INDIVIDUAL OR ENTITY UPON RECEIVING WRITTEN APPROVAL BY THE CITY CLERK. IN ORDER TO REQUEST APPROVAL TO TRANSFER A LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, THE LICENSEE MUST MAKE A WRITTEN REQUEST TO THE CITY CLERK, INDICATING THE CURRENT LICENSEE AND THE PROPOSED LICENSEE. UPON RECEIVING THE WRITTEN REQUEST, THE CITY CLERK SHALL REFER A COPY OF THE WRITTEN REQUEST TO THE POLICE DEPARTMENT AND TO THE CITY TREASURER. NO LICENSE TRANSFER SHALL BE APPROVED UNLESS THE CITY TREASURER HAS CONFIRMED THAT THE PROPOSED LICENSEE AND EACH STAKEHOLDER OF THE PROPOSED LICENSEE ARE NOT IN DEFAULT TO THE CITY, AND THE POLICE DEPARTMENT HAS CONFIRMED THAT THE PROPOSED LICENSEE AND EACH STAKEHOLDER OF THE PROPOSED LICENSEE HAVE NOT BEEN CONVICTED OF A DISQUALIFYING FELONY.

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

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

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

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

(C) CONSUMPTION OF MARIHUANA SHALL BE PROHIBITED ON THE PREMISES OF A MEDICAL MARIHUANA PROVISIONING CENTER, AND A SIGN SHALL BE POSTED ON THE PREMISES OF EACH MEDICAL MARIHUANA PROVISIONING CENTER INDICATING THAT CONSUMPTION IS PROHIBITED ON THE PREMISES;

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

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

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

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

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

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

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

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

(L) ALL MEDICAL MARIHUANA DELIVERED TO A PATIENT SHALL BE PACKAGED AND LABELED AS PROVIDED BY STATE LAW.

(M) ALL REGISTERED PATIENTS MUST 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) IT SHALL BE PROHIBITED TO USE THE SYMBOL OR IMAGE OF A MARIHUANA LEAF IN ANY EXTERIOR BUILDING SIGNAGE.

(R) 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 OF THE REAL PROPERTY COMPRISING AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL;

(2) WITHIN ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF 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...

(S) CERTIFIED LABORATORY TESTING RESULTS THAT DISPLAY AT A MINIMUM THE TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), TOTAL CANNABINOID TESTING RESULT, AND A PASS/FAIL RATING BASED ON THE CERTIFIED LABORATORY'S MICROBIOLOGICAL, MYCOTOXINS, AND PESTICIDE AND SOLVENT RESIDUE ANALYSES MUST BE AVAILABLE TO ALL MEDICAL MARIHUANA PROVISIONING CENTER PATIENTS/CUSTOMERS UPON REQUEST.

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

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

(1) THE MEDICAL MARIHUANA GROWER FACILITY SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT AND THE GENERAL RULES OF THE DEPARTMENT OF

LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

(2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE CULTIVATION FACILITY;

(3) ALL ACTIVITY RELATED TO THE CULTIVATION FACILITY SHALL BE DONE INDOORS OR IN AN ENCLOSED GREENHOUSE;

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

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

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

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

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

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

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

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

(I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

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

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

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

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

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

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

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

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

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

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

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

1300.11 - MINIMUM OPERATIONAL STANDARDS OF A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.

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

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

(2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE FACILITY;

(3) 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;

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

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

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

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

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

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

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

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

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

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

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

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

(2) CONSUMPTION AND/OR USE OF MEDICAL MARIHUANA SHALL BE PROHIBITED AT THE CULTIVATION FACILITY;

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

(4) THE PREMISES SHALL BE OPEN FOR INSPECTION UPON PROBABLE CAUSE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, DURING THE STATED HOURS OF OPERATION AND AS SUCH OTHER TIMES AS ANYONE IS PRESENT ON THE PREMISES;

(5) ANY PROCESSOR FACILITY SHALL MAINTAIN A LOG BOOK AND/OR DATABASE IDENTIFYING BY DATE THE AMOUNT OF MEDICAL MARIHUANA

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

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

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

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

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

(10) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL MARIHUANA PROCESSOR FACILITY SHALL BE PROHIBITED;

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

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

(I) MAINTAINING ADEQUATE PERSONAL CLEANLINESS;

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

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

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

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

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

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

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

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

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

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

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

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

1300.13 - LOCATION OF A MEDICAL MARIJUANA PROVISIONING CENTER AND A MEDICAL MARIHUANA PROCESSOR FACILITY.

(A) NO MEDICAL MARIJUANA PROVISIONING CENTER OR MEDICAL MARIHUANA PROCESSOR FACILITY SHALL BE LOCATED WITHIN:

(1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; OR

(2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF 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..

(B) MEDICAL MARIHUANA PROVISIONING CENTERS AND PROCESSOR FACILITIES SHALL ONLY BE LOCATED IN ZONING DISTRICTS AS PROVIDED BY THE ZONING PROVISIONS OF THE LANSING CODIFIED ORDINANCES.

1300.14 - LOCATION OF A MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY AND A MEDICAL MARIHUANA GROWER FACILITY.

(A) NO MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND GROWER FACILITIES SHALL BE LOCATED WITHIN

(1) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF AN OPERATIONAL PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL; OR

(2) ONE THOUSAND (1,000) FEET, MEASURED PROPERTY LINE TO PROPERTY LINE, OF 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..

(B) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES AND GROWER FACILITIES OTHER THAN MEDICAL MARIJUANA PROVISIONING CENTERS SHALL BE SUBJECT TO SUBSECTION (A) AND SHALL BE LIMITED TO THE H-LIGHT INDUSTRIAL OR I-HEAVY INDUSTRIAL ZONING DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED ORDINANCES.

1300.15 - DENIAL AND REVOCATION.

(A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY

GROUNDS FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST BE GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO 1300.4(A)(1) OR (2);

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

(1) VIOLATION OF THIS CHAPTER;

(2) ANY CONVICTION OF A DISQUALIFYING FELONY;

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

(4) SUFFICIENT EVIDENCE THAT THE APPLICANT(S) LACK, OR HAVE FAILED TO DEMONSTRATE, THE REQUISITE PROFESSIONALISM AND/OR BUSINESS EXPERIENCE REQUIRED TO ASSURE STRICT ADHERENCE TO THIS CHAPTER AND THE RULES AND REGULATIONS GOVERNING THE MEDICAL MARIHUANA PROGRAM IN THE STATE OF MICHIGAN;

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

1300.16 - PENALTIES.

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

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

1. $500, PLUS COSTS, FOR THE FIRST VIOLATION;

2. $750 PER DAY, PLUS COSTS, FOR ANY VIOLATION THAT CONTINUES FOR MORE THAN ONE DAY.

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

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

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

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

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

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

1 Section 3. Should any section, clause or phrase of this Ordinance be declared to be invalid, the
2 same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part
3 declared to be invalid.
4 Section 4. This Ordinance shall take effect on the 30th day after enactment unless given
5 immediate effect by the City Council.