

ARTICLE IX. - MEDICAL MARIHUANA

DIVISION 1. - GENERALLY

Sec. 8-551. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Medical Marihuana Act.

Dispensary means any of the following: (1) two or more primary caregivers growing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (2) two or more primary caregivers storing medical marihuana in the same building, structure or lot except for multiple-unit residential structures; (3) two or more primary caregivers delivering, transferring, or providing qualifying patients with medical marihuana out of the same building or lot except for multiple-unit residential structures; (4) two or more primary caregivers growing medical marihuana in the same unit of a multiple-unit residential structure; (5) two or more primary caregivers storing medical marihuana in the same unit of a multiple-unit residential structure; or (6) two or more primary caregivers delivering, transferring or providing qualifying patients with medical marihuana out of the same unit of a multiple-unit residential structure.

Marihuana means that term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Primary caregiver means a person who is registered under the Michigan Medical Marihuana Act and is defined as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means either of the following: (1) a building, structure or lot from which a single primary caregiver transfers, delivers or provides marihuana to his or her qualifying patients; or (2) a building, structure or lot where a primary caregiver grows and/or stores medical marihuana that is not the primary caregiver's primary residence.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition for purposes of the Act.

Registered qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition and who has received a registry identification card.

Registry identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(Ord. No. 1246, 8-17-2010; Ord. No. 1245C, 3-15-2011)

Secs. 8-552—8-560. - Reserved.

DIVISION 2. - LICENSE

Sec. 8-561. - Required; prohibitions; fee; application.

- (a) No person shall conduct a primary caregiver operation or allow, operate, or assist in the operation of a dispensary except in compliance with the zoning regulations and without the dispensary or primary caregiver operation having first obtained and being in possession of a valid license issued by the city clerk.

- (b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name, date of birth of each primary caregiver and address of the intended location of the dispensary or primary caregiver operation, a copy of the approved special use permit for the identified address, a copy of each primary caregiver's registry identification card, the number of registered qualifying patients for each primary caregiver and the registry identification numbers of each registered qualifying patient of each primary caregiver, the maximum amount of usable marihuana and maximum number of marihuana plants the primary caregiver may have on the property at any one time, whether marihuana will be grown on the premises and whether any electrical devices are used or intended to be used in conjunction with the growing of the marihuana, and whether any structural modifications have been made or are intended to be made in conjunction with the license.
- (c) The initial application fee and renewal fees shall be established by special resolution of the council, thereafter they shall be established by annual budget resolution of the city council.

(Ord. No. 1246, 8-17-2010; Ord. No. 1245C, 3-15-2011)

Editor's note— Ord. No 1245C, adopted March 15, 2011, changed the title of § 8-561 from "Required; fee; application" to "Required; prohibitions; fee; application."

Sec. 8-562. - Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

- (a) A completed application, signed by each primary caregiver, has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.
- (b) Proof that an annual inspection of the proposed location has been conducted by the East Lansing Police Department and the police department certifies that the dispensary or primary caregiver operation is in conformity with the state law and city ordinances. The police department may require building officials or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported structural alterations have been made or unreported electrical devices are being used in conjunction with the license.
- (c) Where the application identifies electrical devices are being used or intended to be used in conjunction with the license, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.
- (d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

(Ord. No. 1246, 8-17-2010)

Sec. 8-563. - Conduct of licensee.

- (a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.
- (b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

- (c) The licensee shall immediately notify the city clerk of any changes in designations of the licensee's qualifying patients and update the information provided on the application.

(Ord. No. 1246, 8-17-2010)

Sec. 8-564. - Effect of license; suspension; daily violation.

- (a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.
- (b) A license does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the act or other violations not protected by the act.
- (c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.
- (d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by this act.
- (e) Each day that a person shall conduct a primary caregiver operation without a license or allow, operate, or assist in the operation of a dispensary without the dispensary first having obtained and being in possession of a valid license for that property shall constitute a separate offense.

(Ord. No. 1246, 8-17-2010; Ord. No. 1245C, 3-15-2011)

Sec. 8-565. - Confidentiality.

Names and addresses of applicants, licensed primary caregivers, and their qualifying patients shall be maintained as confidential records not subject to disclosure, except to authorized employees of various city departments as necessary to perform official duties or except upon order of a court of competent jurisdiction.

(Ord. No. 1246, 8-17-2010)