



Michigan's Marihuana Acts



Presented by:
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Justice Vision 20/20 June Training Event
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Breakout Questions

- Should marihuana be a medical option?
- Should marihuana be a recreational option?
- What would be the "unintended consequences" by allowing recreational marihuana dispensaries to legally operate in Michigan?



Michigan Medical Marihuana Act









What is Marihuana?

- Marihuana is a green, brown, or gray mix of dried, crumbled parts from the marihuana plant.
- It can be rolled up and smoked like a cigarette or cigar or smoked in a pipe. Sometimes people mix it in food or inhale it using a vaporizer.
- Classified as a Schedule 1 controlled substance, marihuana is a mood-altering (psychoactive) drug that affects almost every organ in the body.
- The principal psychoactive constituent of marihuana is tetrahydrocannabinol (THC); it is one of 483 known compounds in the plant.



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Medical Marihuana States

- 1996 - California
- 1998 - Alaska, Oregon & Washington
- 1999 - Maine
- 2000 - Colorado, Hawaii & Nevada
- 2004 - Montana & Vermont
- 2006 - Rhode Island
- 2007 - New Mexico
- 2008 - Michigan
- 2010 - Arizona, DC & New Jersey
- 2011 - Delaware
- 2012 - Connecticut, Massachusetts
- 2013 - Illinois, New Hampshire
- 2014 - Maryland, Minnesota, New York
- 2016 - Pennsylvania, Ohio, North Dakota, Arkansas, and Florida
- 2017 - West Virginia
- 2018 - Missouri, Oklahoma, Utah



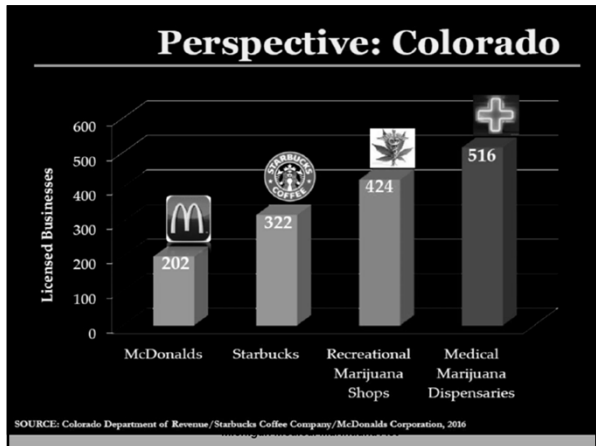
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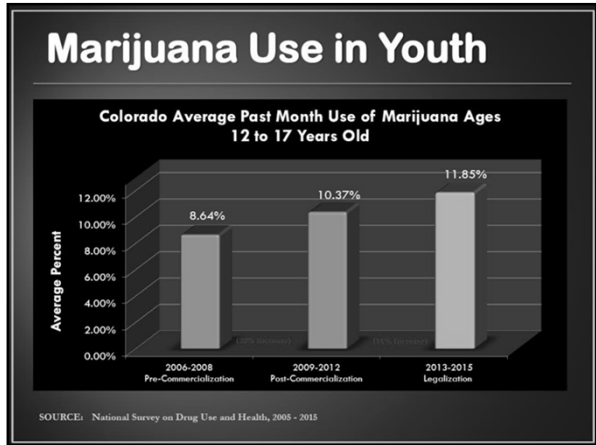
Recreational Marihuana States

- Alaska
- California
- Colorado
- District of Columbia
- Maine
- Massachusetts
- Nevada
- Oregon
- Vermont
- Washington
- Michigan



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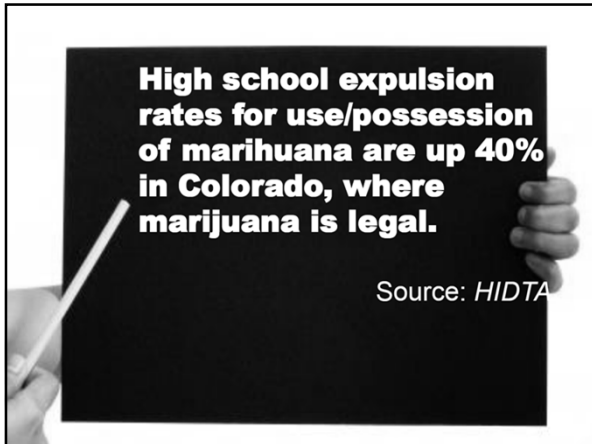


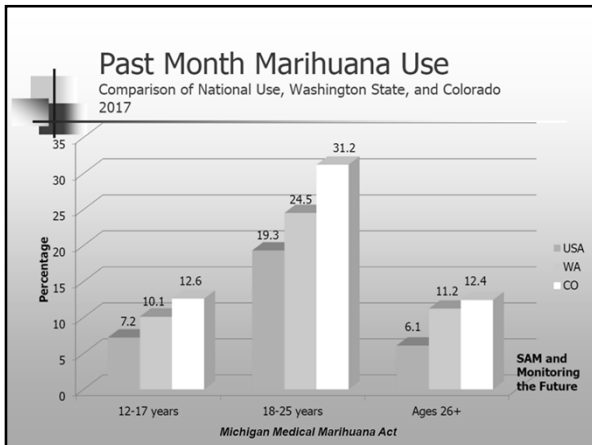


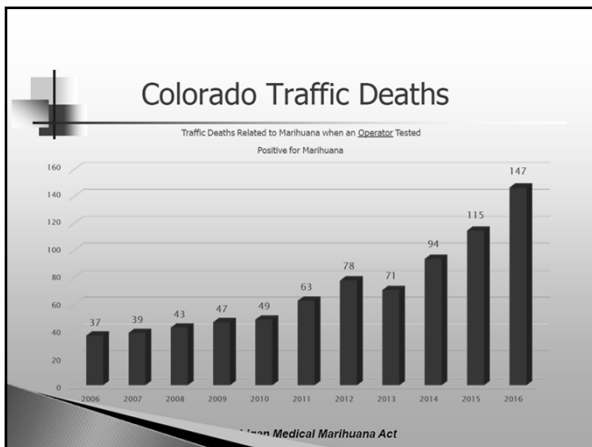
Treatment

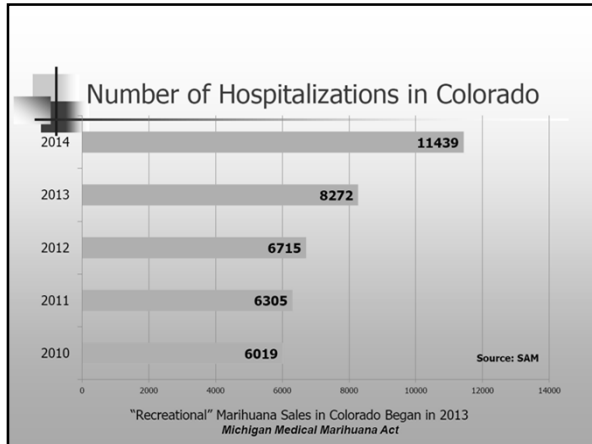
- Marijuana treatment data from Colorado in years 2005 – 2015 does not appear to demonstrate a definitive trend. Colorado averages approximately 6,500 treatment admissions annually for marijuana abuse.
- Over the last ten years, the top three drugs involved in treatment admissions, in descending order, were alcohol (average 13,382), marijuana (average 6,652) and methamphetamine (average 5,298).

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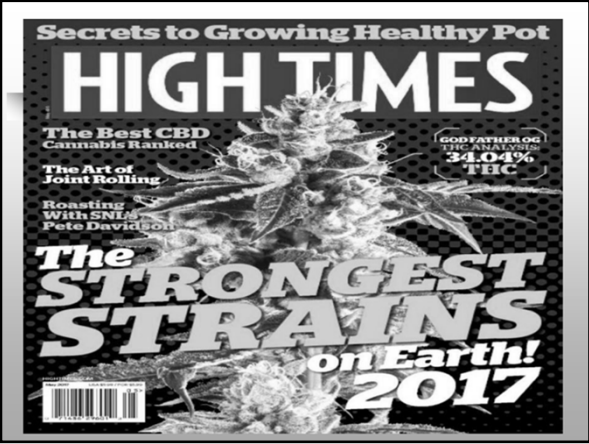
Homelessness in Denver

- Homeless shelters say increase because of medicinal and legal pot.
- Older – medicinal; younger – recreational
- Up to estimated 30% relocated for marihuana (Denver's Salvation Army Crossroads Shelter)
- Denver's Saint Francis Center – "300 new faces per month" – many were drawn because of legal marihuana
- Urban Peak – youth-oriented homeless program – up 328 homeless young adults.
 - 1/3 cite legal marihuana for moving to Denver

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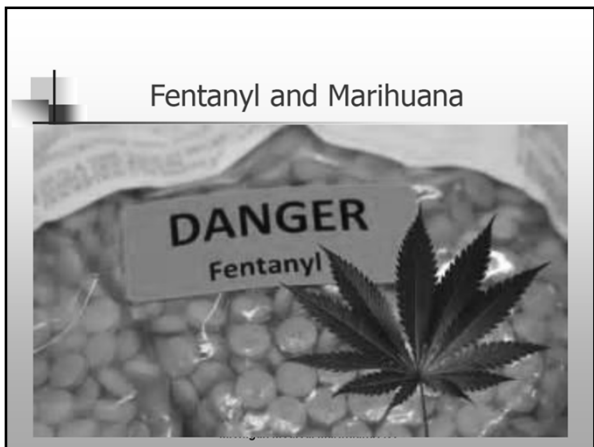


Marihuana Street Price

- \$6 a gram in 1981;
- \$18 a gram in 1991;
- \$10 a gram present;
- An ounce ranges from \$100-\$400 in the U.S.;
- \$200-\$700 in the Midwest;
- "Atom Bomb"-marihuana laced with heroin;
- "Caviar"-marihuana laced with cocaine; "Juice Joint"-marihuana cigarette sprinkled with crack;
- "Squirrel"-PCP and marihuana laced with cocaine and then smoked.

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Michigan Public Health Code Law-Schedule 1 Drug

- Marihuana is classified as a Schedule 1 drug under the Michigan Public Health Code, MCL 333.7212.
- It is a Schedule 1 drug if the Michigan Board of Pharmacy:
"finds that the substance has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision."

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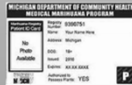
Application Process for the Registry Identification Card

- An applicant submits a Department of Licensing and Regulatory Affairs ("LARA") approved application, fee, copy of current photo ID and a physician certification to LARA
 - Fee is \$60.00 for patient or \$25 for a primary caregiver;
- LARA reviews and approves/denies application with 15 days of receipt.
- LARA issues registration card with 5 days of approval.
- The statute allows for a copy of the application submitted to serve as a valid registry identification card if the card is not issued within 20 days of its submission to LARA.

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Changes in the Application Process- April 1, 2013

- Requires an applicant for a registry ID card to submit proof of Michigan residency by providing a copy of driver license, State ID card, or voter registration See, *People v. Jones*, No. 312065, decided July 9, 2013, Michigan Court of Appeals
- Requires LARA to issue a registry ID card within five business days of approving an application or renewal rather than within 5 days
- Provides that registry ID card would expire 2 years, rather than 1 year, after it was issued



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Confidentiality of Qualifying Patient

- LARA keeps a confidential list of the individuals to whom it has issued a card.
- Law enforcement can check if a registration number is valid through LEIN.
- Verifications can **ONLY** be given to law enforcement personnel. MCL 333.26426.



MCL 333.26426(h)(4)

- A person, including an employee or official of the department or another state agency or local unit of government, who discloses confidential information in violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months.
- Notwithstanding this provision, department employees may notify law enforcement about falsified or fraudulent information submitted to the department.

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Physician's Role

- Only a physician (MD or DO) fully licensed in Michigan can make a valid written certification
- The certifying physician is not prescribing marihuana, a physician cannot do so.
- The physician is not recommending marihuana; the law does not require them to do so.
- The physician is only stating an "opinion" as to the likelihood of a medical benefit, and can do so under the law without any legal or professional liability, except that a physician is always subject to professional malpractice.

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Written Certification-April 1, 2013

- The physician has completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation. MCL 333.26423.



Bona Fide Physician-Patient Relationship-April 1, 2013

- (1) The physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.
- (2) The physician has created and maintained records of the patient's condition in accord with medically accepted standards.
- (3) The physician has a reasonable expectation that he or she will provide follow-up care to the patient to monitor the efficacy of the use of medical marihuana as a treatment of the patient's debilitating medical condition.
- (4) If the patient has given permission, the physician has notified the patient's primary care physician of the patient's debilitating medical condition and certification for the use of medical marihuana to treat that condition. MCL 333.26423.

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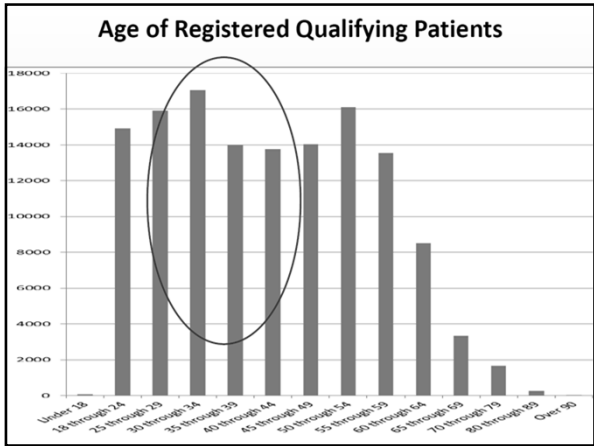


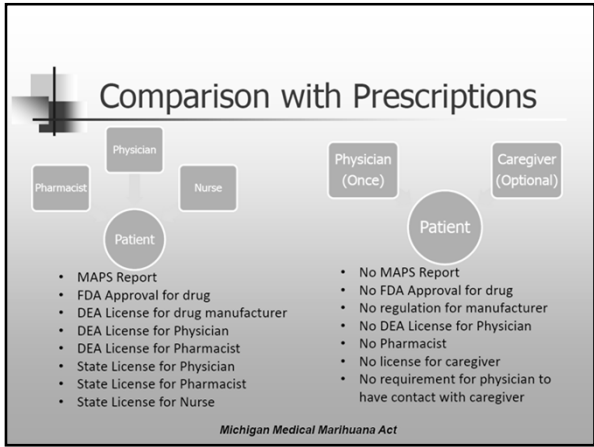
Nature of the debilitating medical conditions of the qualifying medical marijuana patients in Michigan

Name of Debilitating Condition	% of Patients Afflicted With Debilitating Condition (FY13)	% of Patients Afflicted With Debilitating Condition (FY14)	% of Patients Afflicted With Debilitating Condition (FY15)
AIDS	0.26%	0.75%	0.38%
Alzheimer's	0.03%	0.05%	0.05%
Atrophic Lateral Sclerosis	0.03%	0.04%	0.04%
Cachexia	0.62%	0.94%	0.83%
Cancer	2.63%	4.04%	4.47%
Crohn's Disease	0.77%	1.06%	1.11%
Glaucoma	1.03%	1.39%	1.45%
Hepatitis C	1.32%	1.74%	1.60%
HIV	0.27%	(now combined with AIDS; see above)	0.40%
Nail Patella	0.02%	0.03%	0.02%
PTSD	0%	0.38%	2.97%
Seizures - Epilepsy	1.39%	2.05%	2.12%
Severe & Chronic Pain	68.44%	93.70%	92.86%
Severe & Persistent Muscle Spasms	18.71%	25.66%	23.39%
Severe Nausea	7.68%	9.62%	8.95%
Wasting Syndrome	0.62%	0.97%	0.85%

Source: Michigan Department of Licensing & Regulatory Affairs:
<http://www.michigan.gov/lara/0,4601,7354-72600-358865--,00.html>

The total adds up to more than 100% because most patients are diagnosed with more than one debilitating medical condition. The tables above show the percentages of all patients diagnosed with each condition.






Benefits of Participation in the Program – Qualifying Patient – 12/20/16

- A qualifying registered patient is allowed to possess an amount of marijuana that does not exceed a combined total of 2.5 ounces of usable marijuana and marijuana equivalents.
- If the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marijuana for the qualifying patient, 12 marijuana plants kept in an enclosed, locked facility.
- A qualifying registered patient is protected from arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau for medicinal use or possession of marijuana.

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Definition of Usable Marihuana – 12/20/16

- The dried leaves, flowers, plant resin, or extract of the marihuana plant, but does not include the seeds, stalk, and roots of the plant. MCL 333.26423(n)



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Usable Marihuana Equivalent

- Define "usable marihuana equivalent" as the amount of usable marihuana in a marihuana-infused product.
- To determine usable marihuana equivalency, it would specify that one ounce of usable marihuana would be considered equivalent to:
 - 16 ounces of marihuana-infused product if in a solid form;
 - 7 grams if in a gaseous form
 - 36 fluid ounces if in a liquid form.
- In determining whether a patient or primary caregiver exceeded the 2.5 ounces-per-patient possession limit, the combined total of both usable marihuana equivalents and usable marihuana would have to be considered. MCL 333.26424(c).

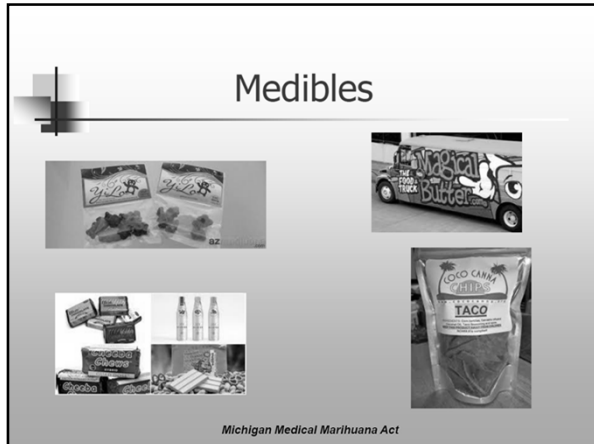


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Key Term-"Usable Marihuana Equivalent"

Topical products, tinctures, beverages, edible substance, or similar product containing marihuana or an extract from marihuana





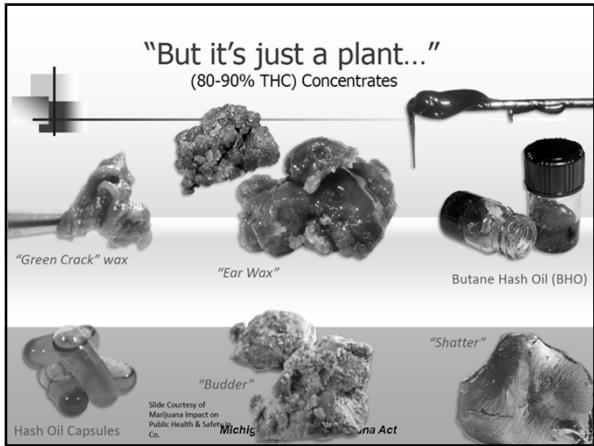




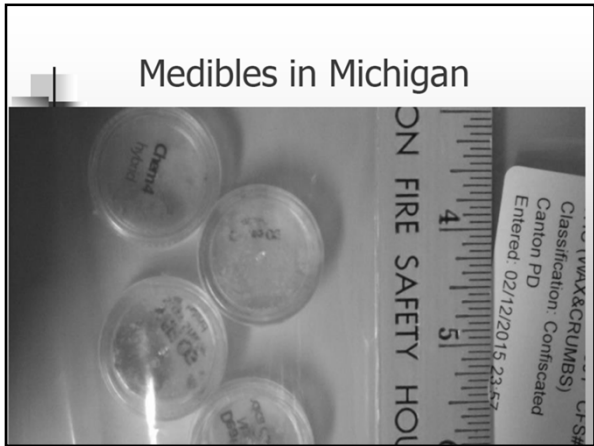












Tinctures

- Cannabis tinctures, also known as green or golden dragon, is an alcohol-based cannabis extract-essentially infused alcohol (180 proof or higher).
- The tinctures are used to make juices, ice cream, soups, gelatin, mashed potatoes and gravy, or salad dressing.
- Grind your flower or extract, and then mix the flower or extract in a mason jar with high-proof alcohol (preferably Everclear).



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Marihuana Tinctures



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Deaths tied to marihuana use

- One man jumped to his death after consuming a large amount of marihuana contained in a cookie, and in the other case, a man allegedly shot and killed his wife after eating marihuana candy.



Colorado pot-candy killing case

- A Denver man who claimed that eating marijuana-infused candy led him to kill his wife pleaded guilty in her death on Friday, February 3, 2017.
- Richard Kirk, 50, pleaded guilty to second-degree murder in the April 2014 shooting death of Kristine Kirk.
- The defense said he was intoxicated with THC, marijuana's psychoactive ingredient, which led to delirium.
- Before she was shot, Kristine Kirk told a 911 dispatcher her husband was hallucinating and was getting a gun after eating pot candy.



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Prohibited Activities


- The following are prohibited:
 - Smoking marijuana in any public place.
 - Patient transferring a marijuana-infused product or marijuana to any individual.
 - Caregiver transferring a marijuana-infused product to any individual who is not one of the caregiver's patients.
 - Using butane extraction to separate plant resin from a marijuana plant:
 - In any public place
 - In a motor vehicle
 - Inside or within the curtilage of any residential structure
 - In a manner that demonstrates a failure to exercise reasonable care or reckless disregard for the safety of others.
 - Operation, navigation, or actual physical control of a snowmobile or ORV while under the influence of marijuana; already in place for a motor vehicle, aircraft, or motorboat. MCL 333.26427.



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Marihuana Dabs

- Dabs are a type of solidified hash oil also known as “concentrates,” BHO (Butane Hash Oil) or more popularly, “wax”—so-named for its texture and glassy appearance.
- Most commonly created by a technique in which high quality pot is blasted with butane that is then extracted
- Dabs cannabis concentrates approach 70%-to-90% THC.




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Butane Hash Oil

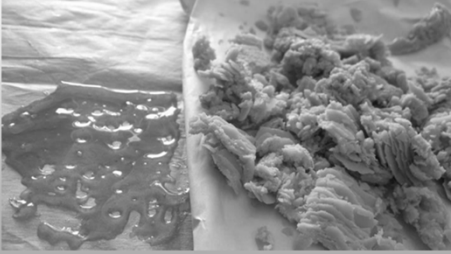
- Made by passing butane gas through a tube or “extractor” filled with cannabis plant matter.
- Liquid butane runs through the cannabis plant matter, acting as a solvent it strips the resins from the cannabis.
- As liquid butane passes through container the resin runs out the bottom with the butane.



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Marihuana Dabs



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Muskegon County Explosion – 2/10/17



Victim in Redford Explosion Dies





Other Michigan Laws

MCL 333.26427(e) reads that:
"All other acts and parts of acts inconsistent with this act do not apply to the **medical use** of marihuana as provided by this act."

Michigan Act

Custody or Visitation

- A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person's behavior is such that it creates an **unreasonable danger** to the minor that can be clearly articulated and substantiated. MCL 333.26424(c)

Michigan Act

People v Koon, No. 145259 (Mich. Sup. Ct., May 21, 2013)

- The Michigan Supreme Court ruled that "The immunity from prosecution provided under the MMMA to a registered patient who drives with indications of marihuana in his or her system but is not otherwise under the influence of marihuana inescapably conflicts with MCL 257.625(8), which prohibits a person from driving with any amount of marihuana in her or system."
- "Under the MMMA, all other acts and parts of acts inconsistent with the MMMA do not apply to the medical use of marihuana. Consequently, MCL 257.625(8) does not apply to the medical use of marihuana."



THC vs. TCOOH

- THC-Active (Schedule 1 drug)- Primary psychoactive, makes the user high, causes euphoric effect, present in blood
- TCOOH-Inactive metabolite (Not a schedule 1 drug)- Present in blood, detectable hours/days/weeks after last use; not reliable for purposes of charging under MCL 257.625(8)
- There has to be THC in the blood in order to charge under MCL 257.625(8)!

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People v Feezel, No. 138031 (Mich. Sup. Ct., June 8, 2010)

- 11-Carboxy-THC ("TCOOH") is not a derivative of marihuana.
- The *Feezel*/ Court removed 11-Carboxy-THC ("TCOOH") from the list of Schedule 1 "controlled substances" that can be considered under MCL 257.625(8).

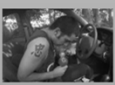
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The Importance of THC Hour 1

- Scientific studies show that a person smoking marihuana often has 50-80 nanograms of THC in their blood after their last puff
- 30 minutes later, that level can drop to 15-16 nanograms-an 80% drop in THC.
- 1 hour later after the last puff, the level likely drops to 5-6 nanograms.
- THC levels can then drop to 2-3 nanograms after 90 minutes, trickling off over a few




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General Indicators of Marihuana

- Odor of marihuana
- Relaxed inhibitions
- Marked reddening of the conjunctiva (whites of the eyes)
- Body tremors
- Disorientation
- Eyelid tremors
- Lack of convergence
- Impaired perception of time and distance
- Marihuana debris in or around the mouth
- Raised taste buds



Signs Of Marijuana Use

Reddened eyes
Dry mouth
Increased heart rate
Impaired coordination

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INDICATORS CONSISTENT WITH DRUG CATEGORIES								
	CNS DEPRESSANTS	CNS STIMULANTS	HALLUCINOGENS	DISSOCIATIVE ANESTHETICS	NARCOTIC ANALGESICS	INHIBITANTS	CANNABIS	
HGN	PRESENT	NONE	NONE	PRESENT	NONE	PRESENT	NONE	
VGN	PRESENT (HIGH DOSE)	NONE	NONE	PRESENT	NONE	PRESENT (HIGH DOSE)	NONE	
LAOK OF CONVERGENCE	PRESENT	NONE	NONE	PRESENT	NONE	PRESENT	PRESENT	
PUPIL SIZE	NORMAL (1)	DILATED	NORMAL	CONTRACTED	NORMAL (4)	DILATED (5)		
REACTION TO LIGHT	SLOW	SLOW	NORMAL (3)	NORMAL	LITTLE OR NONE VISIBLE	SLOW	NORMAL	
PULSE RATE	DOWN (2)	UP	UP	UP	DOWN	UP	UP	
BLOOD PRESSURE	DOWN	UP	UP	UP	DOWN	UP/DOWN (5)	UP	
BODY TEMPERATURE	NORMAL	UP	UP	UP	DOWN	UP / DOWN / NORMAL	NORMAL	
MUSCLE TONE	FLACCID	RIGID	RIGID	RIGID	FLACCID	NORMAL OR FLACCID	NORMAL	

FOOTNOTE: These indicators are those most associated with the category, keep in mind that there may be variations due to individual reaction, dose taken and drug interactions.

(1) Some. Qualitative and possibly some anti-depressants usually dilate pupils.

(2) Qualitative. ETOH and possibly some anti-depressants may decrease.

(3) Certain psychotropic antipsychotics may block this effect.

(4) Normal, but may be dilated.

(5) Down with anesthetic gases, up with volatile anesthetics and narcotics.

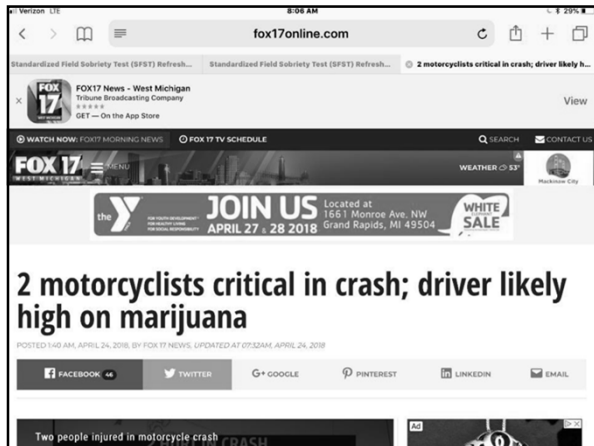
Pupils possibly normal.

Revised: 07/2015

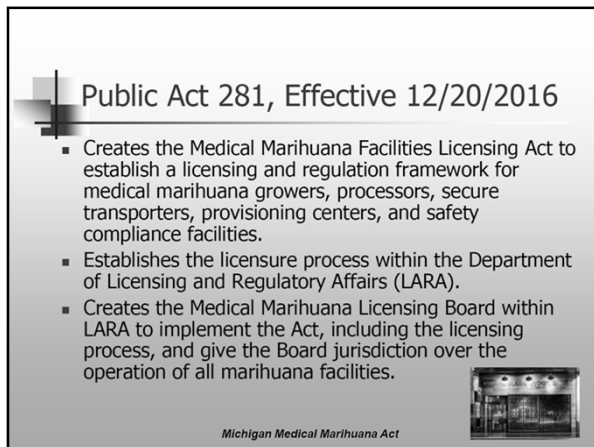
Drug Recognition Expert Course
Indicators Consistent with Drug Categories

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Public Act 281 (continued)

- Requires applicants for a license to pay an application fee and requires licensees to pay an annual regulatory assessment, which will be deposited in a new Marihuana Regulatory Fund.
- Requires money in the Fund to be used for implementing, administering, and enforcing the Act.
- Requires licensees to adopt and use a third-party inventory control and tracking system.
- Creates the Marihuana Advisory Panel to make recommendations to the Board.



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LARA Board Responsibilities

- The Board will have general responsibility for implementing the Act, including the following duties:
 - Granting or denying each application for a State operating license within a reasonable time
 - Deciding on all license applications in reasonable order
 - Implementing and collecting the application fee, the regulatory assessment, and the tax on provisioning centers
 - Providing for the levy and collection of fines for a violation of the Act
- The Board may not set rules establishing a limit on the number or type of marihuana facility licenses that may be granted.




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Rules from LARA

- LARA, in consultation with the Board, is required to put in place rules and emergency rules as necessary to implement, administer, and enforce the Act.
- The rules must ensure the safety, security, and integrity of the operation of the marihuana facilities, and include, but not limited to, the following rules:
 - Set appropriate standards for marihuana facilities and associated equipment
 - Set maximum THC levels for marihuana and marihuana-infused products sold or transferred through provisioning centers
 - Restrictions on edible marihuana-infused products sold or transferred through provisioning centers
 - Waste product disposal and storage by facilities
 - Storage




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Taxes and Fees

- A tax will be imposed on the retail income of each provisioning center (retail seller/dispensary) (3%).
- Taxes will not apply to registered primary caregivers or qualified registered patients, as they are not required to be licensed under the new regulatory scheme.
- A regulatory assessment will be imposed on certain licensees.




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Distribution of Taxes and Fees


- Money in the Medical Marihuana Excise Fund is to be distributed as follows:
 - 25 percent to municipalities where the marihuana facilities are located, allocated in proportion to the number of marihuana facilities within the municipality.
 - 30 percent to the counties where marihuana facilities are located, allocated in proportion to the number of marihuana facilities within the county.
 - 5 percent to counties, exclusively to support county sheriffs. This would be in addition to, and not a replacement for, any other funding received by the county sheriffs.
 - 30 percent to the state for the following:
 - Until September 30, 2018, for deposit in the General Fund.
 - Beginning October 1, 2018, for deposit in the First Responder Presumed Coverage Fund created in Section 405 of the Worker's Disability Compensation Act.
 - 5 percent to the Michigan Commission on Law Enforcement Standards for training local law enforcement officers.
 - 5 percent to MSP. MCL 333.27602.



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Table 1
Medical Marihuana Excise Fund Distribution

Medical Marihuana Excise Fund Earmark	Percentage	Amount
First Responder Presumed Coverage Fund (GF/GP prior to 10/1/2017)	30%	\$6,402,600
Counties	30%	6,402,600
Municipalities	25%	5,335,500
Sheriffs	5%	1,067,100
MCOLES	5%	1,067,100
State Police	5%	1,067,100
TOTAL	100%	\$21,342,000



Breaking Down the \$\$\$\$

- 1 license allowed by the Plymouth City Council (Dispensary)
- Dispensaries statewide bring in approximately 700 million in revenue
- 3% tax paid by the dispensaries of 700 million = \$21,342,000
- 3,000 licenses statewide
 - 5% to county sheriff-\$1,067,100 divided by 83 counties = \$12,856.00 per county sheriff
 - 5% to MCOLES = \$1,067,100
 - 5% to Michigan State Police = \$1,067,100
 - 30% to First Responder Presumed Coverage Fund beginning October 1, 2018= \$6,402,600
 - 25% to municipalities-\$5,335,500 divided by 3,000 licenses = \$1778.50 per license
 - 30% to counties-\$6,402,600 divided by 3,000 license = \$2134.20 per license



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Recreational Marihuana

- Michigan Compiled Law 333.27601 reads in pertinent part as follows: "If a law authorizing the recreational or nonmedical use of marihuana in this state is enacted, this section does not apply beginning 90 days after the effective date of the law."
- Essentially, if recreational marihuana becomes a reality in Michigan, whether through initiative or by the Legislature, medical marihuana will not be taxed.



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Marihuana Regulation Fund

- Until 2022, \$20 million annually goes to research efficacy in treating medical conditions of veterans
- 15% to municipalities with retailers or microbusinesses, allocated proportionately to number of establishments
- 15% to counties with retailers or microbusinesses, allocated proportionately to number of establishments
- 35% to School Aid Fund for education
- 35% to Michigan Transportation Fund for repair and maintenance of roads and bridges



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Recreational Ballot Proposal Language

- "Sec. 4. 1. This act does not authorize:
- (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;"
- "5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act."



REGULATE MARIJUANA
• LIKE ALCOHOL •
Michigan Medical Marihuana Act

Protected Activities for Patients and Caregivers

- A patient or caregiver will not be subject to criminal prosecution or sanctions for purchases of marihuana from a provisioning center if the quantity purchased is within the limits established under the MMMA.
- A caregiver may transfer up to 2.5 ounces of marihuana to a safety compliance facility for testing without being subject to criminal prosecution or sanctions.
- The Act will not limit the medical purpose defense provided in Section 8 of the MMMA to any prosecutions involving marihuana.

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Law Enforcement Authority

- A marihuana facility and all articles of property in that facility are subject to examination at any time by a local police agency or the department of state police. MCL 333.27208.



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Licensed Parties

- On **December 15, 2017**, (360 days after the law's effective date of December 20, 2016), a person may apply to the Medical Marihuana Licensing Board for state operating licenses in the following categories:
 - Class A, B, or C Grower
 - Secure Transporter
 - Processor
 - Provisioning Center
 - Safety Compliance Facility



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Licensing Process

- Application
- Application Fee
- Eligibility/Disqualifiers for Licensure (Background Checks)
- License Issuance and Renewal
- Transfer, sale, or purchase of license/loan against a license
- Liability insurance for licensees and applicants
- License sanctions/civil fines for violations
- Employees (Background checks)
- Proof of Financial Responsibility
- Until June 30, 2018, an applicant will be ineligible if he or she has not been a Michigan resident for the two-year period immediately before the date the application is filed.



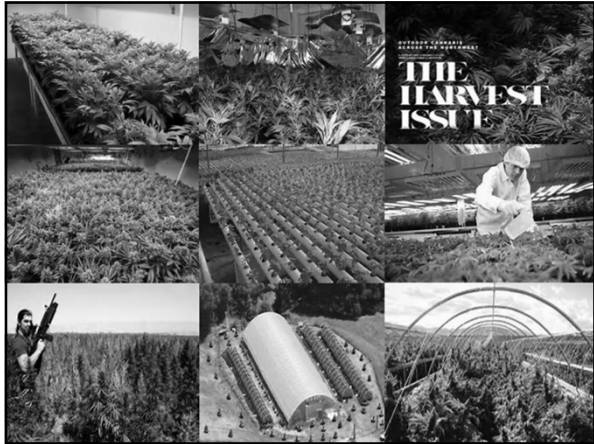
Michigan Medical Marihuana Act

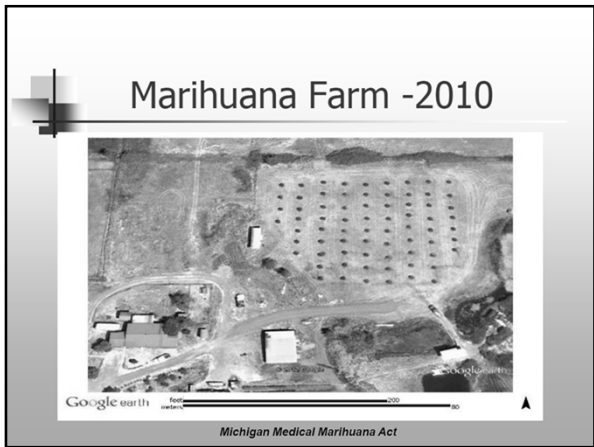
Grower

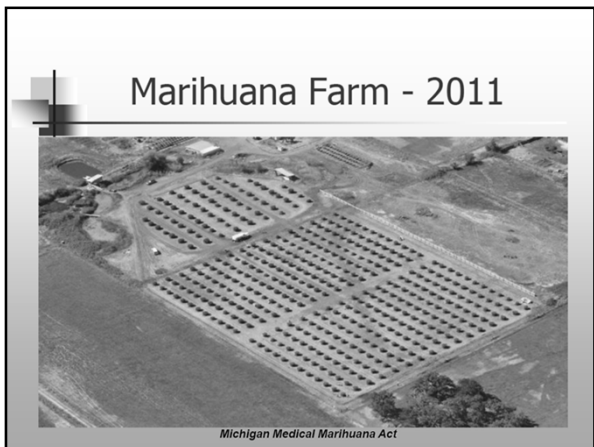
- The term grower refers to a licensee that is a commercial entity located in Michigan that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- A grower license will authorize the grower to grow not more than the following number of marihuana plants under the indicated class for each license the grower holds in that class:
 - Class A: 500 plants
 - Class B: 1,000 plants
 - Class C: 1,500 plants
- The grower may not be a secure transporter, safety compliance facility, registered primary caregiver, or employ an individual who is simultaneously a registered primary caregiver.



Michigan Medical Marihuana Act







Plant Size



Michigan Medical Marihuana Act

DEA Evidence



Michigan Medical Marihuana Act









Processor

- The term processor refers to a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and then extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- A processor license will authorize the purchase of marihuana only from a grower and the sale of marihuana-infused products or marihuana only to a provisioning center.
- Processor may not be a secure transporter, safety compliance facility, registered primary caregiver, or employ an individual who is simultaneously a registered primary caregiver.


Michigan Medical Marihuana Act






Meet Claude...

- Black Cherry Gummy Bear
- THC Infused
- 100 milligrams of THC per bear/10 mg per serving
- The foot = one serving




Michigan Medical Marihuana Act



Secure Transporter


- A secure transporter must comply with the following:
 - Each driver transporting marihuana must have a chauffeur's license issued by the State
 - Each vehicle must be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana
 - A route plan and manifest must be entered into the statewide monitoring system, and a copy must be carried in the vehicle and presented to a law enforcement upon request
 - The marihuana must be transported in one or more sealed containers and may not be accessible while in transit
 - A secure transporting vehicle may not bear markings or other indication that it is carrying marihuana or marihuana-infused product
- A secure transporter's vehicle will be subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the Act.



Michigan Medical Marihuana Act









Provisioning Center

- Before selling or transferring marijuana to a registered qualifying patient or to registered primary caregiver, a provisioning center must inquire of the statewide monitoring system to determine:
 - Whether the patient and if applicable, the caregiver, holds a valid and current registry identification card and that the sale or transfer will not exceed the daily purchasing limit established by the Board
- A provisioning center may not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- A physician will not be allowed to conduct a medical examination or issue a medical certification document on the premises, for the purpose of obtaining a registry ID card.




1884

Michigan Medical Marijuana Act



Licensing and Regulatory Affairs Rule 41

- The licensee shall verify in the statewide monitoring system before a sale or transfer of marijuana product to a registered qualifying patient or registered primary caregiver that the sale or transfer will not exceed the daily purchasing limit as follows:
 - (a) For a registered qualifying patient, an amount of marijuana product that does not, in total, **exceed 2.5 ounces per day.**
 - (b) For a registered primary caregiver, an amount of marijuana product that does not, in total, **exceed 2.5 ounces per day** for each registered qualifying patient with whom he or she is connected through the department's registration process.



1884

Michigan Medical Marijuana Act

Budtenders



Michigan Medical Marihuana Act



Michigan Medical Marihuana Act

Licensing and Regulatory Affairs Rule 34

- Marijuana-infused products processed, sold, or transferred through provisioning centers must not exceed the maximum THC levels as shown in the table as follows:

MEDICAL MARIJUANA THC CONCENTRATION AND SERVING SIZE LIMITS		
Type of Marijuana-Infused Product	Maximum Concentration or Amount of THC Per Serving*	Maximum Concentration or Amount of THC in Container*
Topical formulation (examples - lotions, balms, rubs, etc.)	N/A	6% by volume
Tincture	N/A	1,000mg
Beverage	50mg	500mg
Edible Substance (examples - candy bars, cookies, popcorn, honey, gummies, butter, etc.)	50mg	500mg
Other similar high-potency infused product (examples - capsules, suppositories, transdermal patches, etc.)	N/A	1,000mg

*All limits allow for a variance of + or - 10%
Michigan Medical Marihuana Act







Safety Compliance Facility

- A safety compliance facility must:
 - Perform tests to certify that marihuana is reasonably free of chemical residues such as fungicides and insecticides
 - Use validated test methods to determine THC, THC acid, cannabidiol (CBD), and CBD acid levels
 - Enter all transactions, current inventory, and other information into the statewide monitoring system
 - Have a secured laboratory space to which the general public cannot have access
 - Retain and employ at least one staff member with a relevant advanced degree in medical or laboratory science

Michigan Medical Marihuana Act

Locations of Licensees

- http://www.michigan.gov/documents/lara/Municipality_Opt-In_Spreadsheet_2-16-18_614253_7.pdf



Michigan Medical Marijuana Act

Municipalities' Role

- A marijuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility. MCL 333.27205.
- A municipality may adopt an ordinance to authorize 1 or more types of marijuana facilities within its boundaries and to limit the number of each type of marijuana facility.
- A municipality may adopt other ordinances relating to marijuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marijuana or interfering or conflicting with statutory regulations for licensing marijuana facilities.

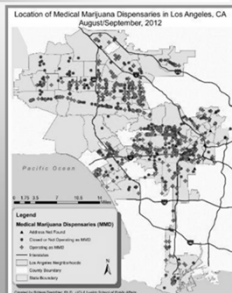
Michigan Medical Marijuana Act



Medical Marijuana Dispensaries - Los Angeles County

Medical marijuana dispensaries developed as a means to cultivate and distribute medical marijuana

- In 2007, the City of Los Angeles capped the number of licensed dispensaries at 187
- Thousands of unregulated dispensaries still operate
- Because of conflicts over land use and zoning, marijuana delivery services have become common




Michigan Medical Marijuana Act











Why Michigan?

- Momentum
- Resources
- History
 - Medical Marijuana
 - Election Trends
- Polling

SUPPORT LEGALIZING MARIJUANA
CURRENT LEGISLATION

53% YES
45% NO
2% UNDECIDED

SUPPORT LEGALIZING MARIJUANA
LEGISLATION

	NOW	2014	2013
YES	53%	50%	47%

Michigan Medical Marijuana Act




Michigan Regulation and Taxation of Marijuana Act (MRTMA)

- MCL 333.27951 – MCL 333.27967:
 - MCL 333.27951 – Short Title
 - MCL 333.27952 – Purpose
 - MCL 333.27953 – Definitions
 - MCL 333.27954 – Restrictions on act
 - MCL 333.27955 – Permitted acts
 - MCL 333.27956 – Ordinances
 - MCL 333.27957 – Implementation of act
 - MCL 333.27958 – Promulgation of rules
 - MCL 333.27959 – Application for state license
 - MCL 333.27960 – Additional permitted acts
 - MCL 333.27961 – Cultivation, processing, sale, or display of marijuana or marijuana accessories visible from public place prohibited
 - MCL 333.27962 – State deductions for marijuana establishments
 - MCL 333.27963 – Excise tax
 - MCL 333.27964 – Marijuana regulation fund
 - MCL 333.27965 – Punishment for prohibited conduct
 - MCL 333.27966 – Submission of application to municipality
 - MCL 333.27967 – Construction of act

REGULATE MARIJUANA
• LIKE ALCOHOL •


Michigan Medical Marijuana Act




What the MRTMA law allows

- Individuals age 21 and older can:
 - Possess, use or consume, internally possess, purchase, transport, or process up to 2.5 ounces or less of marihuana - MCL 333.27955.1(a)
 - Possess, use or consume, internally possess, purchase, transport, or process up to 15 grams of marihuana concentrate – MCL 333.27955.1(a)
 - Possess, store, or process not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises, and – MCL 333.27955.1(b)
 - Cultivate not more than 12 plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once – MCL 333.27955.1(b)
 - Give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana, except that no more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public – MCL 333.27955.1(d)
 - Sell or distribute marihuana accessories to individuals who are age 21 years of age or older – MCL 333.27955.2

Michigan Medical Marihuana Act







What the MTRMA law does not allow

- Operating or being in control of a motor vehicle, aircraft, snowmobile, ORV or motorboat while under the influence of marihuana – MCL 333.27954.1(a)
- Transferring marihuana, marihuana-infused products, or marihuana accessories to anyone under 21 – MCL 333.27954.1(b)
- Possessing, consuming, purchasing, cultivating, transporting or selling marihuana if under the age of 21 – MCL 333.27954.1(c)
- Separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure – MCL 333.27954.1(d)
- Consuming marihuana in a public place or smoking marihuana where the owner, occupant, or manager of a property prohibits it – MCL 333.27954.1(e)
- Cultivating marihuana plants that are visible from a public place without use of binoculars, aircraft or other optical aids – MCL 333.27954.1(f)
- Consuming marihuana or marihuana-infused products while operating, navigating or being in control of a motor vehicle, aircraft, snowmobile, ORV or motorboat or smoking marihuana within the passenger area of a vehicle upon a public highway – MCL 333.27954.1(g)
- Possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility – MCL 333.27954.1(h)
- Possessing more than 2.5 ounces of marihuana within your residence unless the excess is in a locked container or locked area – MCL 333.27954.1(i)


Michigan Medical Marihuana Act






Rights of Employers

- Does not require an employer to permit or accommodate conduct allowed by the act in the workplace or on the employer's property
- Does not prohibit an employer from disciplining an employee for violating a workplace drug policy or for working under the influence of marihuana
- Does not prevent an employer from refusing to hire, discharging, disciplining, or taking an adverse employment action against an individual because of that person's use or possession of marihuana in violation of a workplace drug policy or because the person was working under the influence of marihuana. MCL 333.27954.




SEEKING THROUGH THE SMOKE
MARIJUANA
CHANGING LAWS
AND ITS EFFECT
ON THE WORKPLACE



Rights of Landlords

- Does not prohibit a person from prohibiting or regulating the consumption, cultivation, distribution, processing, sale, or display of marihuana, infused products, or accessories on property they own, occupy, or manage
- A lease cannot prohibit a tenant from possessing and consuming marihuana by means other than smoking. MCL 333.27954.



Michigan Medical Marihuana Act



Municipality Authority

- Creates an "opt-out" system
- May adopt other ordinances that do not conflict with initiative or rules promulgated thereunder
 - Reasonable restrictions on signage
 - Time, place, and manner restrictions
 - Authorize the sale of marihuana and infused products for consumption in designated areas
 - Authorize the sale of marihuana and infused products for consumption at special events
 - Designate a violation of the ordinance as a civil infraction with a penalty of up to \$500
- May charge annual fee of up to \$5,000
- May not prohibit transport of marihuana through municipality
- May not prohibit growers, processors, and provisioning centers from operating in single facility
- May not prohibit recreational facilities from co-locating with medical facilities



Michigan Medical Marihuana Act



Marihuana Regulation Fund

- Until 2022, \$20 million annually goes to research efficacy in treating medical conditions of veterans
- 15% to municipalities with retailers or microbusinesses, allocated proportionately to number of establishments
- 15% to counties with retailers or microbusinesses, allocated proportionately to number of establishments
- 35% to School Aid Fund for education
- 35% to Michigan Transportation Fund for repair and maintenance of roads and bridges



Michigan Medical Marihuana Act



