

Medical Marihuana - Where Are We Now?

Michigan Municipal League Capital Conference
Presentation by Andrew Brisbo
Director, LARA Bureau of Medical Marihuana Regulation
March 21, 2018

The Past

Michigan voters approve medical marijuana measure

AP

By [The Associated Press](#)

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on November 04, 2008 at 10:53 PM, updated November 05, 2008 at 1:33 PM

With 87 percent of the precincts reporting, 63 percent, or 2,557,410 people, voted "yes" on Proposal 1, which removes state penalties for registered patients to buy, grow and use small amounts of marijuana. Thirty-seven percent, or 1,519,273 voters, were opposed.



The Past

DEPARTMENT OF

ATTORNEY GENERAL

Michigan Supreme Court Clarifies Marijuana Law: Dispensaries Not Permitted, Retail Marijuana Sales Prohibited

Because the business model of defendants' dispensary relies entirely on transactions that do not comply with the MMMA, defendants are operating their business in "[a] building . . . used for the unlawful . . . keeping for sale . . . or furnishing of a controlled substance," and the plaintiff is entitled to an injunction enjoining the continuing operation of the business because it is a public nuisance. (pp. 21-22)



The Present

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Rep. Kesto

ENROLLED HOUSE BILL No. 4827

AN ACT to establish a statewide monitoring system to track marihuana and marihuana products in commercial trade; to monitor compliance with laws authorizing commercial traffic in medical marihuana; to identify threats to health from particular batches of marihuana or medical marihuana; to require persons engaged in commercial marihuana trade to submit certain information for entry into the system; to provide the powers and duties of certain state departments and agencies; to provide for remedies; and to provide for the promulgation of rules.

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Reprs. Callton, Kivela, Howrylak, Durhal, Lyons, Pettalia, Hovey-Wi-
Neeley, Irwin, Pscholka, Bumstead, Yonker, Canfield, Kelly, Lucido, Maturen, Sch-
Banks, Byrd, Garrett, Gay-Dagnogo, Hoadley, Kesto, Kosowski, LaVoy, Love, Phelps, Potv-
Runestad, Singh, Tedder and Webber

ENROLLED HOUSE BILL No. 4209

AN ACT to license and regulate medical marihuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities; to provide for the powers and duties of certain state and local governmental officers and entities; to create a medical marihuana licensing board; to provide for interaction with the statewide monitoring system for commercial marihuana transactions; to create an advisory panel; to provide immunity from prosecution for marihuana-related offenses for persons engaging in marihuana-related activities in compliance with this act; to prescribe civil fines and sanctions and provide remedies; to provide for forfeiture of contraband; to provide for taxes, fees, and assessments; and to require the promulgation of rules.

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Reprs. Lyons, Goike, Bumstead, Yonker, Kelly, Pettalia, Callton, Pscholka, Potvin, Dillon,
Hoadley, Maturen, Singh, Sarah Roberts and Kosowski

ENROLLED HOUSE BILL No. 4210

AN ACT to amend 2008 IL 1, entitled "An initiation of Legislation to allow under state law the medical use of marihuana; to provide protections for the medical use of marihuana; to provide for a system of registry identification cards for qualifying patients and primary caregivers; to impose a fee for registry application and renewal; to provide for the promulgation of rules; to provide for the administration of this act; to provide for enforcement of this act; to provide for affirmative defenses; and to provide for penalties for violations of this act," by amending the title and sections 3, 4, 6, and 7 (MCL 333.26423, 333.26424, 333.26426, and 333.26427), sections 3 and 4 as amended by 2012 PA 512 and section 6 as amended by 2012 PA 514, and by adding sections 4a and 4b.



The Present



LARA

Department of Licensing and Regulatory Affairs

Why is marihuana spelled with an "h" instead of a "j"?

The Bureau of Medical Marihuana Regulation (BMMR) is frequently asked why marihuana is spelled with an "h" instead of a "j." Both spellings, marijuana and marihuana are acceptable. Many in the industry, to avoid confusion refer to the botanical plant—cannabis. While the spelling with a "j" is more common today, you will still see Michigan law using the "h" spelling.

The spelling of marihuana has a long history in the United States. Michigan's history primarily starts from the spelling that was chosen for the Marihuana Tax Act of 1937. Michigan adopted its statutory definition of marihuana in the Public Health Code, utilizing the then current federal spelling.

As governing state laws spell marihuana with an "h," communication from BMMR in relation to the Medical Marihuana Act or facility licensing and the applicable administrative rules will use an "h" in the spelling of Marihuana. An act of the Michigan Legislature would be required in order to change the spelling of marihuana in the Michigan statutes, such as the Public Health Code or the newer marihuana laws.



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The Present



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CUSTOMER DRIVEN. BUSINESS MINDED.

The Present

(y) "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF MEDICAL MARIHUANA REGULATION

MEDICAL MARIHUANA FACILITIES LICENSING ACT

EMERGENCY RULES

Filed with the Secretary of State on December 4, 2017

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.



The Present



Medical Marihuana Facility Licensing Division

The **Medical Marihuana Facility Licensing Division** regulates the state's medical marihuana facilities and licensees, including growers, processors, transporters, provisioning centers and safety compliance facilities.

Michigan Medical Marihuana Program

The **Michigan Medical Marihuana Program** oversees the state's patient registry program, issues registry identification cards, and administers the Michigan Medical Marihuana Act.



The Present

- Emergency Rules were signed by Governor Snyder and filed with the Secretary State of December 4, 2017.
- Promulgating permanent rules is a lengthy process; Emergency Rules were therefore written to provide the framework for establishing the facilities licensing system by December 15, 2017, as required in statute. Emergency Rules are valid for six months but may be extended if necessary.
- The Medical Marihuana Advisory Panel members will be appointed in early 2018.
- Once the Panel is seated, work will begin to establish permanent rules to manage the facilities licensing system. Permanent rules must be approved by the Joint Committee on Administrative Rules, made up of three members of the Senate and three members of the House of Representatives.



The Present

Apply
online or
on paper



Bureau of Medical Marijuana Regulation
P.O. Box 30205 Lansing, MI 48909
Telephone: (517) 284-8599

Agency Use Only _____
Application ID

ENTITY/INDIVIDUAL PREQUALIFICATION APPLICATION PACKET

This entity/individual prequalification application packet and the supplemental applicant prequalification packet and requested supporting documentation is the FIRST of two steps in the application process for consideration for a marijuana facility license.

Please refer to the Application Instruction Booklet for instructions on how to complete all forms in the applications process and the manner in which your forms and documents must be arranged and submitted at: www.michigan.gov/mmfl

All questions on this form must be answered completely and truthfully. Any incomplete information may result in an application being delayed or denied. If using pen, use BLUE or BLACK ink only and print clearly. Make a copy of your completed forms before submitting as they will not be returned or copied for you. Please refer to the Application Instruction Booklet for assistance in filling out this application located at www.michigan.gov/mmfl.



The Present

User Name or E-mail:

Password: [Login »](#)

Remember me on this computer [I've forgotten my password](#) [New Users: Register for an Account](#)

Welcome to the Citizen Portal

We are pleased to offer our citizens, businesses, and visitors access to government services online, 24 hours a day, 7 days a week.

In partnership with Accela, Inc., we are fulfilling our promise to deliver powerful e-government services and provide valuable information about the community while making your interactions with us more efficient, convenient, and interactive. To use ALL the services we provide you must register and create a user account. You can view information, get questions answered and have limited services as an anonymous user. We trust this will provide you with a new, higher level of service that makes living and working in our community a more enjoyable experience.



The Present

Seed to Sale Tracking

- LARA has contracted with Metrc (Marihuana Enforcement Tracking Reporting & Compliance) for seed to sale tracking .
- Metrc is a cloud hosted on-line software reporting system used by licensed marihuana businesses to manage and report supply chain activities as required by state rules.
- Metrc uses serialized tags with bar-code, human-readable and Radio Frequency Identification (RFID) tags attached to every plant, and labels attached to wholesale packages to track marihuana inventory. Each tag is attached to a plant to facilitate tracking through different stages of growth, as well the drying and curing processes.



The Future



Forbes: “Michigan has one of the largest medical marijuana programs in the country with a patient count that’s approaching 300,000. Compare that to New York, which has a population twice that of Michigan’s but only about 42,000 patients. **Michigan’s medical marijuana program’s patient enrollment is only second to the behemoth of California’s medical cannabis program.**”

The Future



National Real Estate Investor: “Executives involved in the burgeoning industry surrounding legalized marijuana say **today’s property gold rush** isn’t taking place in states like California and Colorado where marijuana laws are already in effect. Instead, they say, it’s taking off in states like **Michigan** and New Jersey...”

The Future



The Jewish News: “In the eyes of an increasing number of industry analysts, **cannabis has already become too big to fail** ... it’s one of the fastest-growing industries in the U.S. ... and medical marijuana alone could reach a net worth of \$5 billion annually by 2020. By that same year, economists predict the legal marijuana industry could generate up to \$556 million annually for the state of Michigan. **It can generate significant revenue and jobs.** It will create a robust marketplace that will provide a positive economic impact.”

Michigan Medical Marihuana Regulation

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To find Frequently Asked Questions and sign up for e-mail updates, please visit:

<http://www.michigan.gov/medicalmarihuana>

