

# Michigan Cannabis Laws - Timeline

## Michigan Medical Marihuana Act (MMMA)

Initiated Act 1 of 2008  
(Ballot measure approved by Michigan voters)



2008

## Medical Cannabis (MMMA)

- Physicians are allowed to prescribe cannabis to registered patients upon diagnosis of certain medical conditions.
- Michigan Department of Community Health established an identification card system for qualified patients and caregivers (small-scale growers).
- Allows permitted individuals (caregivers) to grow limited amounts of cannabis for qualifying patients following specific regulations (up to 12 plants per patient, serving up to 5 patients). Certified patients may grow up to 12 plants for their personal use.
- Accommodated small-scale grow operations for medical purposes.
- Treats grow operations like other uses—zoning may not entirely exclude them.

Dispensaries were not explicitly authorized.

## Medical Cannabis (MMFLA)

On September 21, 2016 Governor Snyder signed three bills that created the Medical Marihuana Facility Licensing Act (MMFLA) that expanded the types of medical cannabis activities permitted under state law to include:

- Growers (commercial-scale operations): Class A, B and C
- Processors (resins, edibles, etc.)
- Transporters (secure transportation)
- Safety Compliance Facilities (testing labs)
- Provisioning Centers (dispensaries)

2016



## Medical Marihuana Facility Licensing Act (MMFLA)

Public Acts 281, 282, and 283 of 2016

## Recreational Marihuana (MRTMA)

Permits recreational use/possession of marihuana for people 21+ and allows:

- Growers (commercial-scale operations)
- Processors (resins, edibles, etc.)
- Transporters (secure transportation)
- Safety Compliance Facilities (testing labs)
- Provisioning Centers (dispensaries)
- *Microbusiness (cultivation of less than 150 plants) – New*
- *Temporary event – New*
- *Special event organizer – New*
- *Social consumption clubs - New*

**This law allows such uses, unless a community takes action by ordinance to prohibit one or more facilities.**

## Michigan Regulation & Taxation of Marihuana Act (MRTMA)

Initiated Act 1 of 2008  
(Ballot measure approved by Michigan voters)



2018

## Case Law

Court cases also will have impacts on how communities regulate cannabis.

### 2020 Case

#### • *DeRuiter v. Township of Byron*

- Michigan Supreme Court ruled that the MMMA did not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZEA) as long as:

1. The municipality does not prohibit or penalize the cultivation of medical marijuana; and
2. The municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law.

- The biggest impact of this case is on primary caregivers

2020



## DeRuiter v Township of Byron

Michigan Supreme Court Case (2020)

# Michigan Cannabis Terms to Know

## Cannabis

All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including cannabis concentrate and cannabis-infused products.

## Cannabis business

A cannabis grower, cannabis safety compliance facility, cannabis processor, cannabis microbusiness, cannabis retailer, cannabis provisioning center, cannabis secure transporter, or any other type of cannabis establishment or facility licensed by State of Michigan Licensing and Regulatory Agency (LARA).

## Cannabis grower

A person licensed to cultivate cannabis and sell or otherwise transfer cannabis to cannabis establishments.

## Cannabis-infused product

means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable cannabis that is intended for human consumption in a manner other than smoke inhalation. Cannabis-infused product shall not be considered a food for purpose of the Food Law, MCL 289.1101 to 289.8111.

## Marihuana Tracking Act or MTA

Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

## Cannabis microbusiness

A person licensed to cultivate not more than 150 cannabis plants, process and package cannabis, and sell or otherwise transfer cannabis to individuals who are 21 years of age or older or to a cannabis safety compliance facility, but not to other cannabis establishments.

## Cannabis processor

A person licensed to obtain cannabis from cannabis establishments; process and package cannabis; and sell or otherwise transfer cannabis to cannabis establishments.

## Cannabis provisioning center

A licensee that is a commercial entity located in the city that purchases cannabis from a grower or processor and sells, supplies, or provides cannabis to registered qualifying patients, directly or through the patients' registered primary caregivers.



Cannabis plant (Source: MSUE)



Cannabis tincture (Source: Kat Hegelson)



Cannabis edibles (Source: Shutterstock)



Cannabis processing (Source: Business Wire)



Cannabis provisioning center in Ferndale (Source: Jack Roskopp)

## Cannabis retailer

A person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.

## Cannabis safety compliance facility

A person licensed to test cannabis, including certification for potency and the presence of contaminants.

## Cannabis secure transporter

A person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.

## Designated consumption establishment

A commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marijuana act.

## Primary caregiver or registered primary caregiver

A person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past ten years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

## Process or processing

To separate or otherwise prepare parts of the cannabis plant and to compound, blend, extract, infuse, or otherwise make or prepare cannabis concentrate or cannabis-infused products.

## Qualifying patient or registered qualifying patient

A person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another state or other entity of the United States which identifies the person as a registered qualifying patient.



Cannabis retailer (Source: Exclusive Brands)



Cannabis testing (Source: Wikimedia commons)



Cannabis secure transport (Source: MPI International)



Cannabis consumption club in Denver, CO (Source: Brian Cassella, Chicago Tribune)



# Cannabis in Nearby Communities

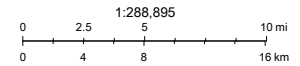
## Marijuana Facilities



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MRA Active Licenses

- Medical Marijuana Provisioning Center
- Medical Marijuana Class C Grower
- Adult-Use Marijuana Retailer
- Medical Marijuana Processor
- Adult-Use Class C Grower
- Medical Marijuana Class A Grower
- Medical Marijuana Secure Transporter
- Adult-Use Marijuana Processor
- Medical Marijuana Safety Compliance Facility
- Adult-Use Marijuana Secure Transporter
- Medical Marijuana Class B Grower
- Adult-Use Class B Grower
- Adult-Use Marijuana Safety Compliance
- Adult-Use Excess Marijuana Grower



Michigan Marijuana Regulatory Agency

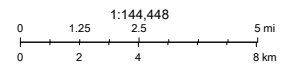
## Marijuana Facilities



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MRA Active Licenses

- Medical Marijuana Provisioning Center
- Medical Marijuana Class C Grower
- Adult-Use Marijuana Retailer
- Medical Marijuana Processor
- Adult-Use Class C Grower
- Medical Marijuana Class A Grower
- Medical Marijuana Secure Transporter
- Adult-Use Marijuana Processor
- Medical Marijuana Safety Compliance Facility
- Adult-Use Marijuana Secure Transporter
- Medical Marijuana Class B Grower
- Adult-Use Class B Grower
- Adult-Use Marijuana Safety Compliance
- Adult-Use Excess Marijuana Grower



Michigan Marijuana Regulatory Agency



- 4 Class A Grower (up to 500 plants)
- 4 Class B Grower (up to 1,000 plants)
- 4 Class C Grower (up to 1,500 plants)
- 4 Processor
- 4 Retailers
- 4 Safety Compliance Facility
- 4 Secure Transporter

# Cannabis in Nearby Communities

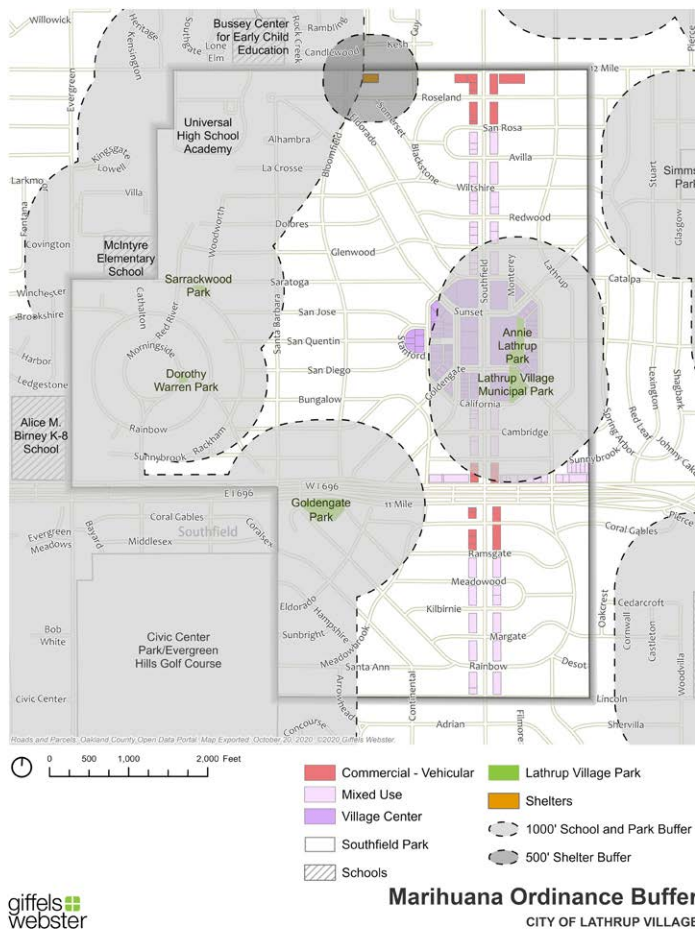
## Recreational Marijuana Payments Based on Reported Revenue Collected in FY 2020 Compared to Annual Budgets

In March 2021, 38 cities, seven villages, 21 townships and 38 counties began receiving payments from the Marijuana Regulation Fund for every licensed retail store and microbusiness within its jurisdiction. For the state's 2020 fiscal year, this means each eligible municipality and county will receive around \$28,000 for every licensed retail store or microbusiness. Locally, the following communities received payments corresponding to the number of retailers they permitted in 2020.

| Community  | Retailer Licenses | Revenue Sharing Payment through March 2021 | License Fees           | Annual Budget FY 2020 | Cannabis Revenue as % of Budget |
|--|-------------------|--|------------------------|-----------------------|---------------------------------|
| Ferndale   | 2                 | \$56,003                                   | Not stated             | \$23,897,249          | 0.20%                           |
| Hazel Park   | 3                 | \$84,004                                   | \$440,000 <sup>1</sup> | \$39,097,987          | 0.20%<br>or 1.3% with fees      |
| Walled Lake  | 2                 | \$56,003                                   | \$20,000               | \$8,399,583           | 0.6%<br>or 0.9% with fees       |
| <sup>1</sup> The city's 2020-2021 Budget Packet lists "Medical Marijuana License" but not recreational licenses. The state allows the community to charge up to \$5,000 for each license type (any license). This would equate to 88 license. It is unclear if the budget is including revenue sharing payments in this line item. |                   |  |                        |                       |                                 |

None of the above communities include a breakdown of expenses associated with administration and enforcement of cannabis laws or related impacts.

# Cannabis in Lathrup Village (Proposed)



## Proposed Facilities:

Two Retailers

Two Safety Compliance Facilities

Buffer distance of 1,000 ft from:

- K through 12 public or private school building or licensed child care center
- A government or nonprofit facility that offers regular, on-site programs and services primarily to persons 18 years of age and under and is used for said programs and services for a minimum of three (3) days a week year-round. Programs and services may include, but are not limited to, social, training, cultural, artistic, athletic, recreational or advisory services and activities and includes private youth membership organizations or clubs and social service teenage club facilities.
- A publicly owned park or playground
- A facility is licensed by the State of Michigan as a Substance Use Disorder Program
- A facility that serves as a temporary emergency shelter (reduce to 500 ft).

The licensing ordinance and zoning ordinance address:

- Appearance
- Safety and security
- Storage and waste
- Air contaminants and odor
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