



Nuts and Bolts of the New Medical Marijuana Facilities Licensing Act

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Last September, Gov. Snyder signed HB 4209 (now called the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016). The Act imposes a state licensure mandate and authorizes a regulatory scheme for certain medical marijuana facilities including growers, transporters, processors and dispensaries.

The relevant portion of the Act to townships is Section 205. Marijuana facilities may not operate in a township, and will not be able to obtain a license from the state, unless the township has adopted an ordinance (zoning or otherwise) that authorizes that type of facility. The ordinance can regulate the operation of such facilities in the township and can impose an annual, nonrefundable fee on facilities of not more than \$5,000 to defray administrative/enforcement costs. The regulations cannot be related to the purity or pricing of marijuana or conflict with statutory regulations for licensing marijuana facilities. In addition, if a township enacts an authorizing ordinance and a licensed facility is built within its jurisdiction, the township will receive a credit from a newly created state medical marijuana excise fund (allocated in proportion to the number of marijuana facilities in the township).

An applicant wishing to obtain a state license to operate a medical marijuana facility may not apply for a license with the state until December 15, 2017. Prior to this date, all medical marijuana facilities governed by the Act are unlawful, even if a township adopts an authorizing ordinance prior to this date.

If your township is considering authorizing medical marijuana facilities within its jurisdiction or if you have any other questions about the new Act, please contact a Foster Swift municipal attorney.

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