

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
Part 82
FACILITY LICENSING

333.8201 Licensing; purpose.

Sec. 8201.

To protect the health, safety, and welfare of residents of this state, the department shall license facilities under this article to cultivate, manufacture, and test pharmaceutical-grade cannabis in this state. The department shall implement, administer, and enforce this article to ensure that a safe, pure, dosage-consistent grade of pharmaceutical-grade cannabis is available to eligible patients who are residents of this state.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8205 Issuance of license; requirements; submission of fingerprints; criminal history check.

Sec. 8205.

(1) The department shall not issue a license to an applicant to operate a pharmaceutical-grade cannabis licensed facility unless the department is satisfied that all of the following requirements are met:

- (a) All fees required under this article have been paid.
- (b) The applicant will operate the licensed facility in compliance with this article.
- (c) The applicant is an adult of good moral character.
- (d) The applicant is not delinquent in filing any tax returns with a taxing agency; paying any taxes, interest, or penalties; paying any judgments due to a government agency; repaying government-insured student loans; or paying child support.
- (e) The applicant will not hire or contract with any individual in the course of operating a licensed facility without first conducting a criminal history check in the manner prescribed in rules promulgated under this article.
- (f) The premises were inspected and the inspection of the premises and the operations of the applicant did not reveal any reason to deny the license.
- (g) The criminal history check conducted under subsection (2) did not reveal any felony convictions or any convictions involving a controlled substance.
- (h) Any other criteria established in rules promulgated under this article.

(2) At the time of filing an application for issuance or renewal of a pharmaceutical-grade cannabis licensed facility license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning his or her qualifications for a license under this article. The department shall submit the fingerprints to the department of state police for the purpose of conducting a fingerprint-based criminal history check. Fingerprints shall be submitted in a form and manner prescribed by the department of state police and shall be subject to normal fingerprinting fees. The department of state police shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting a fingerprint-based criminal history check. The department may acquire a name-based criminal history check for an applicant who has twice submitted to a fingerprint-based criminal history check under this part and whose fingerprints are unclassifiable. An applicant who has previously submitted fingerprints under this part may request that the fingerprints on file be used. The department shall use the information resulting from the fingerprint-based criminal history check to investigate and determine whether an applicant is qualified to hold a license under this article. The department may verify any of the information an applicant is required to submit. The department of state police shall retain a copy of the fingerprint images and shall notify the department in the event that a licensee under this article is arrested or convicted. The federal bureau of investigation may retain a copy of the fingerprint images to provide notification if a licensee under this article is arrested or convicted. When notified of an updated arrest or conviction, the department shall determine whether a licensee is still qualified to hold a license under this article. The department shall notify the department of state police to deactivate notification when an individual ceases to be a licensee under this article.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8209 Inspections; delegation to local health department; consultation with ad hoc committee; reimbursement.

Sec. 8209.

The department may delegate the duty of inspections for approval or renewal of pharmaceutical-grade cannabis licensed facility licenses to a local health department that has the technical and other capabilities to protect the public health, safety, and welfare in this field. The delegation shall not take place unless the department has first consulted with an ad hoc committee that shall be appointed by the department for the purpose of advising on that delegation. Membership on the ad hoc committee shall include representatives of the department, local public health agencies, and an association that represents the pharmaceutical-grade cannabis licensed facilities that would be subject to the inspections. If delegated under this section, the state shall reimburse each local health department the full amount of the fees collected, as reimbursement for the cost of inspection, on vouchers certified by the local health officer and approved by the department.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368

333.8211 License renewal.

Sec. 8211.

Not later than the thirtieth day before the expiration of an annual license under this part, a person operating a pharmaceutical-grade cannabis licensed facility seeking relicensure shall apply for license renewal and shall pay a fee as prescribed in this article. Upon compliance by an applicant for license renewal with the requirements of this article and payment of the license renewal fee, the department shall issue a renewal license.

History: Add. 2013, Act 268, Imd. Eff. Dec. 30, 2013

Popular Name: Act 368