

**SUBSTITUTE FOR
HOUSE BILL NO. 4271**

A bill to regulate medical marihuana provisioning centers and other related entities; to provide for the powers and duties of certain state and local governmental officers and entities; to provide immunity for persons engaging in medical marihuana-related activities in compliance with this act; to prescribe penalties and sanctions and provide remedies; and to allow the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "medical marihuana provisioning center regulation act".

3 Sec. 2. As used in this act:

4 (a) "Debilitating medical condition" means that term as
5 defined in section 3 of the Michigan medical marihuana act, MCL
6 333.26423.

1 (b) "Excluded felony offense" means a felony involving illegal
2 drugs. Excluded felony offense does not include a conviction for
3 activity allowed under the Michigan medical marihuana act or this
4 act, even if the activity occurred before the enactment of this act
5 or the Michigan medical marihuana act.

6 (c) "Marihuana" means that term as defined in section 3 of the
7 Michigan medical marihuana act, MCL 333.26423.

8 (d) "Medical marihuana" means marihuana for medical use as
9 that term is defined in section 3 of the Michigan medical marihuana
10 act, MCL 333.26423.

11 (e) "Medical marihuana provisioning center" or "provisioning
12 center" means a commercial entity located in this state that
13 acquires, possesses, manufactures, delivers, transfers, or
14 transports medical marihuana and sells, supplies, or provides
15 medical marihuana to registered qualifying patients, directly or
16 through the patients' registered primary caregivers. Provisioning
17 center includes any commercial property where medical marihuana is
18 sold to registered qualifying patients and registered primary
19 caregivers. The location used by a primary caregiver to assist a
20 qualifying patient connected to the caregiver through the
21 department's medical marihuana registration process in accordance
22 with the Michigan medical marihuana act is not a provisioning
23 center for purposes of this act.

24 (f) "Michigan medical marihuana act" means the Michigan
25 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

26 (g) "Municipality" means a city, township, or village.

27 (h) "Paraphernalia" means drug paraphernalia as defined in

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1 section 7451 of the public health code, 1978 PA 368, MCL 333.7451,
2 that is or may be used in association with medical marihuana.

3 (i) "Provisioning center agent" means a principal officer,
4 board member, employee, or operator, or any other individual acting
5 as an agent of a provisioning center.

6 (j) "Registered primary caregiver" means a person who has a
7 valid, unexpired registry identification card as a primary
8 caregiver or who satisfies the criteria listed in section 9(b) or
9 (c) of the Michigan medical marihuana act, MCL 333.26429, and
10 possesses the documentation that constitutes a valid registry
11 identification card under that section.

12 (k) "Registered qualifying patient" means a person who meets
13 any of the following requirements:

14 (i) Has a valid, unexpired registry identification card as a
15 qualifying patient.

16 (ii) Satisfies the criteria listed in section 9(b) or (c) of
17 the Michigan medical marihuana act, MCL 333.26429, and possesses
18 the documentation that constitutes a valid registry identification
19 card under that section.

20 (l) "Registry identification card" means that term as defined
21 in section 3 of the Michigan medical marihuana act, MCL 333.26423.

22 (m) "Safety compliance facility" means an entity that tests
23 marihuana produced for medical use for contaminants.

24 (n) "Safety compliance facility agent" means a principal
25 officer, board member, employee, operator, or agent of a safety
26 compliance facility.

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3 (o)] "Usable marihuana" means the dried leaves, flowers, plant
4 resin, or extract of the marihuana plant and any mixture or
5 preparation thereof, but does not include the seeds, stalks, or
6 roots of the plant or any inactive substance used as a delivery
7 medium for usable marihuana.

8 [(p)] "Visiting qualifying patient" means a patient who is not a
9 resident of this state or who has been a resident of this state for
10 less than 30 days and who possesses a registry identification card,
11 or its equivalent, that was issued under the laws of another state,
12 district, territory, commonwealth, or insular possession of the
13 United States and that allows the use of medical marihuana by the
14 patient.

15 Sec. 3. (1) Except as otherwise provided in this act, if a
16 provisioning center has been granted any applicable required
17 municipal registration or license and is operating in compliance
18 with this act and any applicable municipal ordinance, the
19 provisioning center and the provisioning center agents acting on
20 its behalf are not subject to any of the following for engaging in
21 activities described in subsection (2):

22 (a) Criminal penalties under state law or local ordinances.

23 (b) State or local civil prosecution.

24 (c) Search or inspection, except for an inspection authorized
25 by the municipality.

26 (d) Seizure.

27 (e) Any sanction, including disciplinary action or denial of a

1 right or privilege, by a business or occupational or professional
2 licensing board or bureau.

3 (2) Activities that are exempt from regulation and sanctions
4 under subsection (1) include all of the following:

5 (a) Purchasing, receiving, selling, or transferring marihuana
6 from or to visiting qualifying patients, registered qualifying
7 patients, registered primary caregivers, or provisioning centers.

8 (b) Purchasing or receiving medical marihuana from 1 or more
9 other provisioning centers if purchasing or receiving medical
10 marihuana from the provisioning center is not prohibited by the
11 municipality where the provisioning center is located.

12 (c) Purchasing or receiving medical marihuana from a
13 registered qualifying patient or a registered primary caregiver if
14 purchasing or receiving medical marihuana from a registered
15 qualifying patient or registered primary caregiver is not
16 prohibited by the municipality where the provisioning center is
17 located and if the amount purchased does not exceed the registered
18 qualifying patient's or registered primary caregiver's medical
19 marihuana possession limits under the Michigan medical marihuana
20 act.

21 (d) Processing medical marihuana.

22 (e) Possessing or manufacturing paraphernalia.

23 (f) Possessing medical marihuana processed by the provisioning
24 center or obtained pursuant to subdivision (a) or (b) on the
25 provisioning center premises or while the medical marihuana is
26 being transported pursuant to this section.

27 (g) Processing or manufacturing nonsmokable forms of medical

1 marihuana.

2 (h) If not prohibited by municipal law, transporting medical
3 marihuana between the provisioning center and another provisioning
4 center or a safety compliance facility.

5 (i) Transporting or delivering medical marihuana or
6 paraphernalia to the residence of a registered qualifying patient
7 or a registered primary caregiver if transportation and delivery
8 are not prohibited by the municipality in which the transportation
9 and delivery occur.

10 (j) Supplying, selling, providing, transferring, or delivering
11 medical marihuana, paraphernalia, or related supplies and
12 educational materials in compliance with the procedures and
13 limitations detailed in section 7(11) to (13) and the testing and
14 labeling requirements in section 7(4).

15 Sec. 3a. An entity that, on the effective date of this act, is
16 operating in this state as a provisioning center, is operating and
17 continues to otherwise operate in compliance with this act, and is
18 not prohibited by any applicable municipal ordinance may continue
19 to operate as a provisioning center under this act. An entity
20 described in this section is considered a provisioning center under
21 this act, and the entity and the agents acting on its behalf are
22 eligible for the immunity provided in this act and are subject to
23 the penalties, sanctions, and remedies prescribed or provided in
24 this act.

25 Sec. 4. (1) Except as otherwise provided in this act, a safety
26 compliance facility that has been granted any applicable required
27 municipal registration or license and is operating in compliance

1 with any applicable municipal ordinance and this act is not subject
2 to any of the following for engaging in activities described in
3 subsection (2):

4 (a) Criminal penalties under state law or local ordinances.

5 (b) State or local civil prosecution.

6 (c) Search or inspection, except for an inspection authorized
7 by the municipality.

8 (d) Seizure.

9 (e) Any sanction, including disciplinary action or denial of a
10 right or privilege, by a business or occupational or professional
11 licensing board or bureau.

12 (2) Activities that are exempt from regulation and sanction
13 under subsection (1) include all of the following:

14 (a) Acquiring or possessing medical marihuana obtained from
15 registered qualifying patients, registered primary caregivers, or
16 provisioning centers.

17 (b) Returning the medical marihuana to the registered
18 qualifying patient, registered primary caregiver, or provisioning
19 center that delivered the medical marihuana to the safety
20 compliance facility.

21 (c) Transporting medical marihuana to or from a registered
22 qualifying patient, registered primary caregiver, or provisioning
23 center.

24 (d) Possessing medical marihuana on the safety compliance
25 facility's premises for testing, if the medical marihuana was
26 obtained pursuant to subdivision (a) or (b).

27 (e) Receiving compensation for actions permitted pursuant to

1 this section and municipal law.

2 Sec. 5. (1) A municipality may prohibit the operation of
3 provisioning centers or safety compliance facilities within the
4 municipality. A provisioning center is not exempt under section 3
5 from state criminal and civil penalties if it operates in a
6 municipality that prohibits provisioning centers. A safety
7 compliance facility is not exempt under section 4 from state
8 criminal and civil penalties if it operates in a municipality that
9 prohibits safety compliance facilities.

10 (2) A municipality may enact an ordinance to impose and
11 enforce additional local requirements on provisioning centers or
12 safety compliance facilities. A municipality may require and issue
13 a registration or license to a provisioning center or safety
14 compliance facility and may regulate operations and impose civil or
15 criminal penalties for the violations of the local ordinance. A
16 municipality may charge a registration or licensing fee for a
17 provisioning center or safety compliance facility that does not
18 exceed the costs to the municipality of regulation, licensing,
19 testing, and inspection.

20 (3) A provisioning center or safety compliance facility
21 located in a municipality that requires a registration or license
22 is exempt under section 3 or 4 from criminal penalties only if the
23 provisioning center or safety compliance facility holds that
24 license or registration.

25 (4) A municipality shall require, as a condition of
26 registration or licensure, that a provisioning center or a safety
27 compliance facility provide results of testing of its medical

1 marihuana and medical marihuana products for quality control,
2 purity, contaminants, or any other analysis to protect the health
3 and safety of registered qualifying patients and to assure
4 compliance with this act and an ordinance adopted by the
5 municipality as described in this section.

6 Sec. 6. (1) The exemptions for a provisioning center or safety
7 compliance facility under section 3 or 4 apply only if the
8 indicated activities are carried out in compliance with this act.

9 (2) Except for the Michigan medical marihuana act, all other
10 acts and parts of acts inconsistent with this act do not apply to
11 the use of medical marihuana as provided for by this act.

12 (3) This act does not limit the ability of a primary caregiver
13 to assert the medical purpose defense provided in section 8 of the
14 Michigan medical marihuana act, 2008 IL 1, MCL 333.26428, to any
15 prosecution involving marihuana.

16 Sec. 7. (1) Unless explicitly allowed by a municipal ordinance
17 that was in effect before the effective date of this act, a
18 provisioning center or a safety compliance facility shall not be
19 located within 1,000 feet of the property line of a preexisting
20 primary or secondary school.

21 (2) A provisioning center shall not share office space with a
22 physician.

23 (3) The premises of a provisioning center shall have a
24 security alarm system that is enabled when a provisioning center
25 agent is not present.

26 (4) A provisioning center shall not sell, transfer, or
27 provide a preparation that includes usable marihuana for

1 ingestion or topical application unless the preparation has been
2 tested by a safety compliance facility and is enclosed in a
3 container that bears a securely affixed label displaying all of
4 the following information:

5 (a) The name of the registered qualifying patient or
6 visiting qualifying patient for whom the preparation is
7 obtained.

8 (b) Certification that the product has been tested by a
9 licensed safety compliance facility as required in section 12
10 and does not contain detectable mold, mildew, fungi, or
11 pesticides.

12 (c) The total weight of the preparation and the weight of the
13 usable marihuana in the container. The weight of usable marihuana
14 in the container shall be calculated as the same fraction of the
15 total weight of the usable marihuana that was used in preparing the
16 product as the fraction that the preparation in the container is of
17 the total amount of product made from that usable marihuana. If the
18 provisioning center does not prepare the usable marihuana for
19 ingestion or topical application, it shall obtain documentation
20 from the preparer with the information necessary to determine the
21 usable marihuana content.

22 (d) The words "WARNING: This product contains marihuana. For a
23 registered qualifying patient's medical use only." or substantially
24 similar text.

25 (5) A provisioning center that advertises medical marihuana
26 for sale shall not include an image of a marihuana leaf or a
27 marihuana cigarette and shall not depict favorably or promote

1 nonmedical, social use of marihuana in the advertisement.

2 (6) A provisioning center or safety compliance facility shall
3 not knowingly employ an individual who has been convicted of an
4 excluded felony offense during the immediately preceding 10-year
5 period or who is under 21 years of age. A provisioning center or
6 safety compliance facility shall perform a background check on an
7 individual before he or she is offered employment to verify that he
8 or she has not been convicted of an excluded felony offense during
9 the immediately preceding 10-year period.

10 (7) A provisioning center shall maintain records listing each
11 individual employed by the provisioning center, including the
12 beginning employment date and the date a background check was
13 performed.

14 (8) A provisioning center shall not allow on-site consumption
15 of medical marihuana, except that a provisioning center agent or
16 employee who is a registered qualifying patient may be permitted to
17 use a medical marihuana-infused topical product.

18 (9) A provisioning center shall not provide more usable
19 marihuana or marihuana-infused products in solid form, gaseous
20 form, or liquid form to an individual in any 10-day period than the
21 amount for which the individual is granted immunity for possession
22 under the Michigan medical marihuana act.

23 (10) A provisioning center shall ensure compliance with the
24 limit under subsection (9) by maintaining internal, confidential
25 records that specify the amount of medical marihuana provided to
26 each registered qualifying patient and registered primary caregiver
27 and whether it was provided to the registered primary caregiver or

1 directly to the registered qualifying patient. Each entry shall
2 include the date and time the medical marihuana was provided.
3 Entries shall be maintained for at least 90 days. For any
4 registered qualifying patient or registered qualifying caregiver in
5 possession of a registry identification card, a record shall be
6 kept using the patient's or caregiver's registry identification
7 card number instead of the patient's or caregiver's name.
8 Confidential records under this act are subject to reasonable
9 inspection by a municipal employee authorized to inspect
10 provisioning centers under municipal law to ensure compliance with
11 this act, but may be stored off-site. Confidential records under
12 this act are exempt from disclosure under the freedom of
13 information act, 1976 PA 442, MCL 15.231 to 15.246. Except as
14 otherwise required by a court order, a provisioning center shall
15 not disclose confidential records to any person other than a
16 municipal employee performing an inspection in compliance with this
17 subsection or to a provisioning center agent.

18 (11) A provisioning center agent shall not provide, transfer,
19 or sell medical marihuana to an individual knowing that the
20 individual is not a registered qualifying patient, registered
21 primary caregiver, or provisioning center agent working on behalf
22 of a provisioning center that is not prohibited from operating or
23 obtaining medical marihuana from other provisioning centers under
24 municipal law.

25 (12) Before medical marihuana is provided or sold from a
26 provisioning center, in addition to complying with subsection (13),
27 a provisioning center agent shall do 1 of the following:

1 (a) Verify that the individual requesting medical marihuana
2 holds what the provisioning center agent reasonably believes to be
3 a valid, unexpired registry identification card.

4 (b) Require the individual requesting medical marihuana to do
5 all of the following:

6 (i) Certify that he or she is a qualifying patient who
7 submitted a valid, complete application for a registry
8 identification card under the Michigan medical marihuana act at
9 least 20 days earlier.

10 (ii) Certify that, to the best of his or her knowledge, this
11 state has not denied the application described in subparagraph (i)
12 or issued a registry identification card.

13 (iii) Present a copy of the completed registry identification
14 card application and proof of receipt by the state department that
15 processes medical marihuana registry identification card
16 applications at least 20 days before the date of the requested sale
17 or transaction.

18 (c) If the individual requesting medical marihuana indicates
19 that he or she is a provisioning center agent, make a diligent,
20 good-faith effort to verify that the individual is a provisioning
21 center agent for a provisioning center that is allowed to operate
22 by a municipality.

23 (13) Before medical marihuana is provided or sold from a
24 provisioning center, a provisioning center agent shall make a
25 diligent, good-faith effort to determine that the individual named
26 in the registry identification card or other documentation
27 submitted under subsection (12) is the individual seeking to obtain

1 medical marihuana, by examining what the provisioning center agent
2 reasonably believes to be valid government-issued photo
3 identification.

4 (14) An individual who is under 21 years of age or who has
5 been convicted of an excluded felony offense during the immediately
6 preceding 10-year period shall not serve as a provisioning center
7 agent or safety compliance facility agent.

8 (15) A provisioning center agent shall not, for monetary
9 compensation, refer an individual to a physician.

10 (16) A provisioning center or safety compliance facility shall
11 not permit a physician to advertise in a provisioning center or
12 safety compliance facility or to hold any financial interest in or
13 receive any compensation from the provisioning center or safety
14 compliance facility.

15 (17) A provisioning center agent or safety compliance facility
16 agent shall not transport or possess medical marihuana on behalf of
17 the provisioning center or safety compliance facility in or upon a
18 motor vehicle or any self-propelled vehicle designed for land
19 travel unless all of the following conditions are met:

20 (a) The agent possesses a document signed and dated by a
21 manager or operator of the provisioning center or safety compliance
22 facility that employs the agent, stating the agent's name, the date
23 the medical marihuana will be transported, the approximate amount
24 of medical marihuana transported, and the name of the provisioning
25 center or safety compliance facility from which the medical
26 marihuana is being transported.

27 (b) The medical marihuana is located in 1 or more of the

1 following:

2 (i) An enclosed locked container, such as a safe, briefcase, or
3 other case.

4 (ii) The trunk of the vehicle.

5 (iii) A space that is inaccessible from the passenger
6 compartment of the vehicle.

7 Sec. 8. (1) A provisioning center that violates section 7(1)
8 or (2) is responsible for a state civil infraction and may be
9 ordered to pay a civil fine of not more than \$5,000.00. A
10 municipality in which the provisioning center or safety compliance
11 facility operates in violation of section 7(1) or (2) may petition
12 the court for an injunction to close the provisioning center or
13 safety compliance facility.

14 (2) A person who violates section 7(3) to (10), (15), or (16)
15 is responsible for a state civil infraction and may be ordered to
16 pay a civil fine of not more than \$1,000.00.

17 (3) A person who transfers medical marihuana in violation of
18 section 7(11) to (13) or who works in violation of section 7(14) is
19 not exempt under section 3 or 4 from arrest, prosecution, or
20 criminal or other penalties.

21 (4) A person who violates section 7(17) is guilty of a
22 misdemeanor punishable by imprisonment for not more than 93 days or
23 a fine of not more than \$500.00, or both.

24 Sec. 9. (1) A municipality may establish procedures to suspend
25 or revoke a registration, license, or other permission to operate
26 if a provisioning center knowingly or negligently allows medical
27 marihuana to be provided to an individual who is not a registered

1 qualifying patient or registered primary caregiver or if a
2 provisioning center or safety compliance facility commits multiple
3 or serious violations of this act or 1 or more local ordinances.

4 (2) This act does not require the violation of federal law and
5 does not give immunity from prosecution under federal law.

6 (3) This act does not prevent federal enforcement of federal
7 law.

8 (4) Sections 3, 4, and 10 do not exempt a provisioning
9 center or its agents, safety compliance facility or its agents,
10 visiting qualifying patient, registered qualifying patient, or
11 registered primary caregiver from criminal penalties or civil
12 prosecution under a law of general application that would apply
13 even if medical marihuana or paraphernalia were not involved.

14 (5) A provisioning center or safety compliance facility is
15 not exempt from criminal or civil prosecution or sanctions for
16 cultivating marihuana.

17 Sec. 10. (1) Except as otherwise provided in this act, a
18 visiting qualifying patient, registered qualifying patient, or
19 registered primary caregiver who supplies, sells, transfers, or
20 delivers marihuana to a provisioning center that is registered,
21 licensed, or otherwise allowed by the municipality in which it
22 operates in compliance with this act is not subject to any of the
23 following for engaging in that activity:

24 (a) Criminal penalties under state law or local ordinances.

25 (b) State or local civil prosecution.

26 (c) Search or inspection, except for an inspection authorized
27 by the municipality.

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1 (d) Seizure.

2 (e) Any sanction, including disciplinary action or denial of a
3 right or privilege, by a business or occupational or professional
4 licensing board or bureau.

5 (2) Except as otherwise provided in this act, a registered
6 qualifying patient is not subject to any of the inspections or
7 sanctions listed in subsection (1)(a) to (e) for any of the
8 following:

9 (a) Purchasing or acquiring [usable marihuana or marihuana-infused
10 products in solid form, gaseous form, or liquid form from 1 or more
11 provisioning centers if the amount purchased or acquired in any 10-day
12 period is not more than the amount for which the individual is granted
immunity for possession under the Michigan medical marihuana act.]

13 (b) Supplying, selling, transferring, or delivering medical
14 marihuana to a provisioning center that is registered, licensed, or
15 otherwise allowed by the municipality in which it operates if all
of the following requirements are met:

16 (i) The medical marihuana was produced by the registered
17 qualifying patient or registered primary caregiver.

18 (ii) The municipality in which the provisioning center operates
19 allows the transfer of medical marihuana from a registered
20 qualifying patient to a provisioning center.

21 (iii) The amount of medical marihuana transferred does not
22 exceed the amount of medical marihuana the registered qualifying
23 patient is allowed to possess under the Michigan medical marihuana
24 act.

25 (3) Except as otherwise provided in this act, a registered
26 primary caregiver is not subject to any of the inspections or
27 sanctions listed in subsection (1)(a) to (e) for any of the

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1 following:

2 (a) Purchasing or acquiring [usable marihuana or marihuana-infused
3 products in solid form, gaseous form, or liquid form from 1 or more
4 provisioning centers if the amount purchased or acquired in any 10-day
5 period is not more than the amount for which the individual is granted
6 immunity for possession under the Michigan medical marihuana act.

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8 (b) Supplying, selling, transferring, or delivering medical
9 marihuana to a provisioning center that is registered, licensed, or
10 otherwise allowed by the municipality in which it operates if all
11 of the following requirements are met:

12 (i) The medical marihuana was produced by the registered
13 primary caregiver and is excess medical marihuana above the amount
14 necessary to satisfy the needs of the registered qualifying
15 patients the primary caregiver is designated to serve.

16 (ii) The municipality in which the provisioning center operates
17 allows the transfer of medical marihuana from a registered primary
18 caregiver to a provisioning center.

19 (iii) The amount of medical marihuana transferred does not
20 exceed the amount of medical marihuana the registered primary
21 caregiver is allowed to possess under the Michigan medical
22 marihuana act.

23 Sec. 11. (1) A municipality shall not issue a license to a
24 laboratory as a safety compliance facility unless the laboratory is
25 able to accurately determine whether any of the following are
26 present in marihuana, edible marihuana products, and marihuana-
27 infused products that are sold or may be sold at medical marihuana

1 provisioning centers in this state:

2 (a) Mold, mildew, or fungi.

3 (b) Pesticides.

4 (2) A laboratory shall not handle, test, or analyze marihuana
5 after March 31, 2015 unless the laboratory meets all of the
6 following conditions:

7 (a) The laboratory is licensed as a safety compliance facility
8 by a local municipality.

9 (b) A person with a direct or indirect interest in the
10 laboratory does not have a direct or indirect financial interest in
11 a provisioning center, marihuana producer, certifying physician, or
12 any other entity that may financially benefit from the production,
13 manufacture, dispensing, sale, purchase, or use of marihuana.

14 (c) The laboratory employs at least 1 individual who has
15 earned a bachelor's degree or higher in the chemical or biological
16 sciences and has a minimum of 1 year of postgraduate laboratory
17 experience to oversee and be responsible for laboratory testing.

18 (d) The laboratory is accredited by a private laboratory
19 accreditation service.

20 Sec. 12. (1) Beginning April 1, 2015, a provisioning center
21 shall not distribute or sell any product containing marihuana
22 unless the product has been tested for mold, mildew, fungi, and
23 pesticides by a licensed safety compliance facility and does not
24 contain detectable mold, mildew, fungi, or pesticides. A
25 provisioning center shall make the laboratory test results
26 available upon request to a qualifying patient, a primary
27 caregiver, the licensing municipality, or a physician who has

1 certified a qualifying patient.

2 (2) If a medical marihuana provisioning center elects to
3 manufacture and distribute a marihuana-infused product, as defined
4 in the Michigan medical marihuana act, the medical marihuana
5 provisioning center must comply with all of the following:

6 [(a) Keep the grounds of the provisioning center under the control
7 of the operator free from improperly stored equipment, litter, waste,
8 refuse, and uncut weeds or grass and assure that floors, walls, ceilings,
9 and equipment are kept clean and in good repair.

10 (b) Keep food preparation areas separated from poisons, undesirable
11 microorganisms, chemicals, filth, or other extraneous material by
12 partition, location, or other effective means. Marihuana is not
prohibited in food preparation areas under this subdivision.

(c) Provide adequate lighting in all areas where food or food
ingredients are examined, processed, or stored, and in hand washing
areas, toilet rooms, and places where equipment or utensils are cleaned.

(d) Provide adequate ventilation or control equipment to minimize
odors and noxious fumes, dust, or vapors, including steam, in areas where
they may contaminate food.

(e) Ensure that all provisioning center equipment and utensils are
suitable for their intended use and are designed and constructed with
material and workmanship that allows them to be cleanable and properly
maintained.

(f) Ensure that the provisioning center is properly equipped with
adequate sanitary facilities and accommodations.

(g) Ensure that the provisioning center has a water supply that is
sufficient for the operations intended and is derived from an approved
source.

(h) Ensure that all sewage and liquid waste is disposed of in a
public or municipal sewerage system, or, if an adequate public disposal
system is not available, in an approved septic tank system or by another
acceptable method that does not create a nuisance, insanitary condition,
or public health hazard.

(i) Provide employees with adequate, completely enclosed toilet
rooms and conveniently located associated hand washing facilities that
are maintained in a sanitary condition and kept in good repair at all
times.

(j) Provide adequate and convenient facilities for hand washing
that are furnished with hot and cold or tempered running water, effective

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hand cleaning and sanitizing preparations, disposable sanitary towel service or suitable drying devices, and easily cleanable waste receptacles.

(k) Provide for conveying, storing, and disposal of rubbish and offal in a manner that minimizes odor, prevents waste from becoming an attractant or a harbor or breeding place for vermin, and prevents contamination of food, food contact surfaces, ground surfaces, and water supplies.

(l) Maintain the building, fixtures, and other physical facilities of the provisioning center in good repair and in sanitary condition.

(m) Prohibit live birds or other animals in the provisioning center, except that a guide dog accompanying a blind person is permitted in selling areas.

(n) Clean all utensils and product contact surfaces of equipment as frequently as necessary to prevent contamination of food and food products and all nonproduct contact surfaces of equipment used in food preparation areas as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris.

(o) Conduct all operations in receiving, inspecting, transporting, packaging, segregating, preparing, processing, and food storing areas in accordance with good sanitation principles and take all reasonable precautions to assure that production procedures do not contribute contamination, such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material, to the processed product.

(p) Conduct all food processing, packaging, storage, and transporting of food under conditions and controls that minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product, product ingredients, or product containers.

(q) Ensure that all food and drink is clean and wholesome, and manufactured, handled, stored, prepared, transported, offered for sale, and sold in a manner that keeps it safe for human consumption.

(r) Not allow an individual who is affected by a disease in a communicable form, a carrier of such a disease, or afflicted with boils, sores, infected wounds, or other abnormal sources of microbiological contamination to work in the provisioning center in any capacity in which there is a reasonable possibility that food or food ingredients will become contaminated or that the disease will be transmitted to other individuals.

(s) Require all individuals working in direct contact with food preparation, food ingredients, or surfaces coming into contact with food ingredients to do all of the following:

(i) Wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty to the extent necessary to prevent contamination of food products.

(ii) Before starting work, after each absence from the work station, and at any other time when hands may have become soiled or contaminated, wash their hands thoroughly in an adequate hand washing facility and sanitize their hands if necessary to prevent contamination.

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(iii) Remove any jewelry that cannot be adequately sanitized and all insecure jewelry from hands when food is manipulated by hand.

(iv) Maintain any gloves used in food handling in an intact, clean, and sanitary condition and use only gloves made of an impermeable material, except when that usage would be inappropriate or incompatible with the work involved.

(v) Wear effective hairnets, headbands, or caps to constrain the hair properly.

(vi) Refrain from storing clothing or other personal belongings, eating, drinking, or using tobacco in any form in areas where food or food ingredients are exposed, or in areas used for washing equipment or utensils.

(vii) Take any other necessary precautions to prevent contamination of foods with microorganisms or other foreign substances, including, but not limited to, perspiration, hair, cosmetics, tobacco, chemicals, and medicants.]

13 (3) Subsection (2) does not prohibit a municipality from
 14 imposing additional regulations on medical marihuana provisioning
 15 centers that elect to manufacture and distribute a marihuana-
 16 infused product.

[(4) The local county health department shall inspect a provisioning center at least annually for compliance with subsections (2) and (3). The provisioning center shall pay for all costs associated with the inspection under this subsection.]