

**SENATE 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 or a felony that is an assaultive crime as defined in section
3 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL
4 770.9a.

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

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

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

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

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

26 (h) "Paraphernalia" means drug paraphernalia as defined in
27 section 7451 of the public health code, 1978 PA 368, MCL 333.7451,

1 that is or may be used in association with medical marihuana.

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

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

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

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

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

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

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

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

27 (o) "Usable marihuana" means the dried leaves, flowers, plant

1 resin, or extract of the marihuana plant, but does not include the
2 seeds, stalks, or roots of the plant.

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

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

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

18 (b) State or local civil prosecution.

19 (c) Search or inspection, except for an inspection authorized
20 by the municipality.

21 (d) Seizure.

22 (e) Any sanction, including disciplinary action or denial of a
23 right or privilege, by a business or occupational or professional
24 licensing board or bureau.

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

27 (a) Purchasing, receiving, selling, or transferring marihuana

1 from or to visiting qualifying patients, registered qualifying
2 patients, registered primary caregivers, or provisioning centers.

3 (b) Purchasing or receiving medical marihuana from 1 or more
4 other provisioning centers if purchasing or receiving medical
5 marihuana from the provisioning center is not prohibited by the
6 municipality where the provisioning center is located.

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

16 (d) Processing medical marihuana.

17 (e) Possessing or manufacturing paraphernalia.

18 (f) Possessing medical marihuana processed by the provisioning
19 center or obtained pursuant to subdivision (a) or (b) on the
20 provisioning center premises or while the medical marihuana is
21 being transported pursuant to this section.

22 (g) Processing or manufacturing nonsmokable forms of medical
23 marihuana.

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

27 (i) Transporting or delivering medical marihuana or

1 paraphernalia to the residence of a registered qualifying patient
2 or a registered primary caregiver if transportation and delivery
3 are not prohibited by the municipality in which the transportation
4 and delivery occur.

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

10 Sec. 3a. An entity that, on the effective date of this act, is
11 operating in this state as a provisioning center, is operating and
12 continues to otherwise operate in compliance with this act, and is
13 not prohibited by any applicable municipal ordinance may continue
14 to operate as a provisioning center under this act if it applies
15 for a license, unless the application is denied. An entity
16 described in this section is considered a provisioning center under
17 this act, and the entity and the agents acting on its behalf are
18 eligible for the immunity provided in this act and are subject to
19 the penalties, sanctions, and remedies prescribed or provided in
20 this act.

21 Sec. 4. (1) Except as otherwise provided in this act, a safety
22 compliance facility that has been granted any applicable required
23 municipal registration or license and is operating in compliance
24 with any applicable municipal ordinance and this act is not subject
25 to any of the following for engaging in activities described in
26 subsection (2):

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

1 (b) State or local civil prosecution.

2 (c) Search or inspection, except for an inspection authorized
3 by the municipality.

4 (d) Seizure.

5 (e) Any sanction, including disciplinary action or denial of a
6 right or privilege, by a business or occupational or professional
7 licensing board or bureau.

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

10 (a) Acquiring or possessing medical marihuana obtained from
11 registered qualifying patients, registered primary caregivers, or
12 provisioning centers.

13 (b) Returning the medical marihuana to the registered
14 qualifying patient, registered primary caregiver, or provisioning
15 center that delivered the medical marihuana to the safety
16 compliance facility.

17 (c) Transporting medical marihuana to or from a registered
18 qualifying patient, registered primary caregiver, or provisioning
19 center.

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

23 (e) Receiving compensation for actions permitted pursuant to
24 this section and municipal law.

25 Sec. 5. (1) A municipality may prohibit the operation of
26 provisioning centers or safety compliance facilities within the
27 municipality. If a municipality permits the operation of

1 provisioning centers, it must provide for licensing of the
2 facilities. A provisioning center is not exempt under section 3
3 from state criminal and civil penalties if it operates in a
4 municipality that prohibits provisioning centers. A safety
5 compliance facility is not exempt under section 4 from state
6 criminal and civil penalties if it operates in a municipality that
7 prohibits safety compliance facilities.

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

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

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

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

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

8 (2) This act does not limit the ability of a primary caregiver
9 to assert the medical purpose defense provided in section 8 of the
10 Michigan medical marihuana act, 2008 IL 1, MCL 333.26428, to any
11 prosecution involving marihuana.

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

17 (2) A provisioning center shall not share office space with a
18 physician.

19 (3) The premises of a provisioning center shall have a
20 security alarm system that is enabled when a provisioning center
21 agent is not present.

22 (4) A provisioning center shall not sell, transfer, or
23 provide a preparation that includes usable marihuana for
24 ingestion or topical application unless the preparation has been
25 tested by a safety compliance facility and is enclosed in a
26 container that bears a securely affixed label displaying all of
27 the following information:

1 (a) The name of the registered qualifying patient or
2 visiting qualifying patient for whom the preparation is
3 obtained.

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

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

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

21 (5) A provisioning center that advertises medical marihuana
22 for sale shall not include an image of a marihuana leaf or a
23 marihuana cigarette and shall not depict favorably or promote
24 nonmedical, social use of marihuana in the advertisement.

25 (6) A provisioning center or safety compliance facility shall
26 not knowingly employ an individual who has been convicted of an
27 excluded felony offense during the immediately preceding 10-year

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

6 (7) A provisioning center shall maintain records listing each
7 individual employed by the provisioning center, including the
8 beginning employment date and the date a municipal registering or
9 licensing background check was performed.

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

14 (9) A provisioning center shall not provide more usable
15 marihuana or marihuana-infused products in solid form, gaseous
16 form, or liquid form to an individual in any 10-day period than the
17 amount for which the individual is granted immunity for possession
18 under the Michigan medical marihuana act and shall not receive more
19 than 50 ounces of usable marihuana or marihuana-infused products in
20 solid form, gaseous form, or liquid form during any 60-calendar-day
21 period from a qualifying patient or registered caregiver.

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

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

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

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

27 (a) Verify that the individual requesting medical marihuana

1 holds what the provisioning center agent reasonably believes to be
2 a valid, unexpired registry identification card.

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

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

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

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

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

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

1 reasonably believes to be valid government-issued photo
2 identification.

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

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

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

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

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

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

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

3 (ii) The trunk of the vehicle.

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

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

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

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

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

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

1 provisioning center or safety compliance facility commits multiple
2 or serious violations of this act or 1 or more local ordinances.

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

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

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

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

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

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

24 (b) State or local civil prosecution.

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

27 (d) Seizure.

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

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

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

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

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

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

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

27 (3) Except as otherwise provided in this act, a registered

1 primary caregiver is not subject to any of the inspections or
2 sanctions listed in subsection (1)(a) to (e) for any of the
3 following:

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

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

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

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

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

25 Sec. 11. (1) A municipality shall not issue a license to a
26 laboratory as a safety compliance facility unless the laboratory is
27 able to accurately determine whether any of the following are

1 present in marihuana, edible marihuana products, and marihuana-
2 infused products that are sold or may be sold at medical marihuana
3 provisioning centers in this state:

4 (a) Mold, mildew, or fungi.

5 (b) Pesticides.

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

9 (a) The laboratory is licensed as a safety compliance facility
10 by a local municipality.

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

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

20 (d) The laboratory is accredited by a private laboratory
21 accreditation service.

22 Sec. 12. (1) Beginning April 1, 2015, a provisioning center
23 shall not distribute or sell any product containing marihuana
24 unless the product has been tested for mold, mildew, fungi, and
25 pesticides by a licensed safety compliance facility and does not
26 contain detectable mold, mildew, fungi, or pesticides. A
27 provisioning center shall make the laboratory test results

1 available upon request to a qualifying patient, a primary
2 caregiver, the licensing municipality, or a physician who has
3 certified a qualifying patient.

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

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

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

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

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

25 (e) Ensure that all provisioning center equipment and utensils
26 are suitable for their intended use and are designed and
27 constructed with material and workmanship that allows them to be

1 cleanable and properly maintained.

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

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

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

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

16 (j) Provide adequate and convenient facilities for hand
17 washing that are furnished with hot and cold or tempered running
18 water, effective hand cleaning and sanitizing preparations,
19 disposable sanitary towel service or suitable drying devices, and
20 easily cleanable waste receptacles.

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

26 (l) Maintain the building, fixtures, and other physical
27 facilities of the provisioning center in good repair and in

1 sanitary condition.

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

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

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

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

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

27 (r) Not allow an individual who is affected by a disease in a

1 communicable form, a carrier of such a disease, or afflicted with
2 boils, sores, infected wounds, or other abnormal sources of
3 microbiological contamination to work in the provisioning center in
4 any capacity in which there is a reasonable possibility that food
5 or food ingredients will become contaminated or that the disease
6 will be transmitted to other individuals.

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

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

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

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

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

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

27 (vi) Refrain from storing clothing or other personal

1 belongings, eating, drinking, or using tobacco in any form in areas
2 where food or food ingredients are exposed, or in areas used for
3 washing equipment or utensils.

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

8 (3) Subsection (2) does not prohibit a municipality from
9 imposing additional regulations on medical marihuana provisioning
10 centers that elect to manufacture and distribute a marihuana-
11 infused product.

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

16 Enacting section 1. This act takes effect April 1, 2015.