

October 26, 2017

Municipal Authorization of Marihuana Facilities

The purpose of this bulletin is to advise municipalities (cities, townships, and villages) of the Bureau of Medical Marihuana Regulation's (BMMR) intentions regarding municipality authorization of medical marihuana facilities. This bulletin is only for advisory purposes and is subject to change.

Under the Medical Marihuana Facility Licensing Act (MMFLA), MCL 333.27101 *et seq.*, a municipality has the discretion to adopt an ordinance authorizing one or more types of marihuana facilities to operate within its boundaries. An applicant that is located in a municipality without an authorizing ordinance is ineligible for state marihuana facility licensure.

The Bureau intends to rely on the local municipality's authorizing ordinance to determine whether an applicant is in compliance with relevant provisions of the MMFLA. Information that will be considered includes the following:

- The types of marihuana facilities (growers, processors, provisioning centers, safety compliance facilities, and/or secure transporters) allowed to operate in the municipality.
- If applicable, the maximum number of each type of marihuana facility allowed to operate in the municipality.
- Any zoning regulations that apply to marihuana facilities within the municipality, including whether licensees may apply for special use permits.

More information regarding municipalities and the MMFLA:

- Municipalities shall not impose regulations regarding the purity or pricing of marihuana.
- Municipalities shall not impose regulations that conflict with statutory regulations for licensing marihuana facilities.
- There is no deadline for municipalities to adopt authorizing ordinances.
- Municipalities are not required to "opt out" or prohibit marihuana facilities within their boundaries.

This bulletin does not constitute legal advice and is subject to change. It is intended to be advisory only, in anticipation of the Department of Licensing and Regulatory Affairs' promulgation of emergency rules consistent with statutory requirements. Potential licensees are encouraged to seek legal counsel to ensure their licensure applications and operations comply with the Medical Marihuana Facilities Licensing Act and associated administrative rules.

- More information on BMMR can be found at the bureau's website: www.michigan.gov/bmmr •
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