



OFFICIAL MEDIA RELEASE
KENT COUNTY SHERIFF DEPARTMENT



Date: November 28, 2016

Complaint Number:

Incident Type: Narcotics Investigations

Investigator: Det. Jon Steffes

Supervisor Approval: Lieutenant Al Roetman

On Monday November 28th, 2016 the Kent Area Narcotics Enforcement Team (K.A.N.E.T.) conducted several search warrants throughout Kent County. These search warrants were executed after a result of a lengthy investigation into the illegal sales of marijuana.

Search warrants were conducted at the following locations:

1. Relief Hub dispensary 4920 Plainfield Ave Ne in Plainfield Twp.
2. Third Day dispensary 4981 Plainfield Ave Ne in Plainfield Twp.
3. 5000 blk of Circle Dr Ne in Cannon Twp.
4. 5400 blk of Pine Island Dr Ne in Plainfield Twp.
5. Red Jasper dispensary 3926 West River Dr Ne in Plainfield Twp.
6. 2100 blk of Wyndham Hill Dr Ne in City of Grand Rapids.
7. 1200 blk of Taylor Ave Nw in City of Grand Rapids.

This investigation involved subjects that have been previously investigated and given both written and verbal warnings by law enforcement and the Kent County prosecutor's office but continue to operate illegally under the Michigan Medical Marijuana Act. Investigators have received several complaints/TIPs from the public in reference to the illegal sales of marijuana occurring at these dispensary locations. Law Enforcement has conducted several purchases of marijuana from the dispensaries confirming that they continue to operate illegally. All seven locations are related to the investigation.

The Kent County Sheriff Department continues to work with Medical Marijuana caregivers and patients who are complying with the laws and no enforcement is taken.

We are aware of the recently passed Medical Marijuana Facility Licensing Act (MMFLA) IE: Michigan House Bill 4209, 4827 and 4210 which was recently passed by the Michigan House and signed by Governor Rick Snyder. These bills cover the licenses requirements which includes local control by cities, villages, and townships which can pass their own regulations in relation to marijuana facilities. Legalizes marijuana provisioning centers/growing facilities. Covers safety compliance, taxes, fees and funds to municipalities, counties and the state. The bill also legalizes marijuana infused products. A copy of the new bills will be sent with this release along with the Plainfield Township ordinance #845 that covers medical marijuana dispensaries.

We have found evidence that these dispensaries continue to operate illegally even in violation of the newly passed Michigan House bills (MMFLA).

The subjects identity involved will be released at a later time as the investigation is ongoing.

Media Contact: Undersheriff Michelle Lajoye-Young
616-632-6236

September 8, 2016 - Michigan Senate Passes Medical Marihuana Regulatory and Infused Products Bills

Please see below a summary of House Bills 4209, 4827, and 4210.

HOUSE BILL 4209:

The Board:

HB 4209 creates the Medical Marihuana Licensing Board (the “Board”) within the Department of Licensing and Regulatory Affairs (“LARA”), and gives it authority to regulate the activity and operation of medical marihuana facilities within the State.

The Board will be comprised of five members appointed by the Governor. Members may not have a direct or indirect financial interest in a marihuana facility or applicant, must be of good moral character, and may not have been convicted of any felony or a misdemeanor involving a controlled substance, dishonesty, theft, or fraud. Additionally, no more than three of the members may come from the same political party.

Each Board member will serve for a term of four years. For initial appointments, however, one member will serve a term of two years, and two members will serve three-year terms in order to stagger future turnover.

The Board, in conjunction with LARA, may also hire staff as needed, including a full-time executive director.

Duties of the Board:

The primary duties of the Board are implementing and administering the Medical Marihuana Facilities Licensing Act, making licensing determinations, overseeing the activities of licensed medical marihuana facilities, and working with LARA to promulgate administrative rules relating to the operation, health, and safety of marihuana facilities.

It should be noted that the bill specifically provides that LARA, in consultation with the Board, cannot promulgate a rule capping the number of marihuana facilities in the State.

Licenses:

The bill will become effective 90 days after it is enacted into law.

Three-hundred and sixty (360) days later, individuals and businesses will be able to begin applying to the Board for licenses as growers, processors, provisioning centers, secure transporters, and safety compliance facilities.

When applying for any license, applicants must provide the Board with general identifying information, including information on every person who has an ownership interest in the applicant, as well as criminal, licensing, and financial background information.

As part of the application, the applicant must also notify the municipality in which it would operate that it is seeking a license.

Local control is key! Marihuana facilities may not operate unless the municipality in which they wish to locate has adopted an ordinance specifically authorizing the type of facility.

Municipalities also may limit both the number and type of marihuana facilities allowed within their borders. Those cities, villages, and townships may also pass their own regulations relating to marihuana facilities, including zoning ordinances, but may not contradict state regulation.

Once it receives notice from an applicant, a municipality has 90 days to submit the following information to the Board: (1) the ordinance authorizing the marihuana facility; (2) a copy of any applicable zoning regulations; and (3) a description of any marihuana-related ordinance violations committed by the applicant. Municipalities may also require an annual licensing fee of up to \$5,000.

Certain individuals are ineligible for a license under the legislation, including individuals convicted of or released from incarceration for a felony within the past 10 years, individuals convicted of a controlled substance-related felony within the past 10 years, and individuals convicted of a misdemeanor relating to a controlled substance violation, theft, dishonesty or fraud within the past five years.

Additionally, until June 30, 2018, individual applicants must have been a resident of the State for the immediately preceding two years in order to be eligible for a license. Also, before a license can be granted or renewed, an applicant or licensee must demonstrate that they can cover at least \$100,000 worth of liability for bodily injury to lawful users resulting from the manufacture, distribution, transportation, or sale of adulterated marihuana or marihuana-infused products.

In reviewing applications, the Board must conduct a thorough background investigation on all applicants.

Once issued, licenses are valid for one year and renewable annually, and may not be sold, transferred, or purchased without the approval of the Board.

The bill creates five new types of licenses:

Grower:

A grower is defined as an entity that cultivates, dries, trims, or cures and packages marihuana.

The bill creates three separate classes of grower licenses, each authorizing the facility to cultivate a defined number of plants:

- Class A: Up to 500 Plants
- Class B: Up to 1,000 Plants
- Class C: Up to 1,500 Plants

The bill defines the term “plant” to include “any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.”

Growers may only sell marihuana seeds or marihuana plants to other growers, and other forms of marihuana may only be sold to a processor or provisioning center.

Growers and their investors may not have an interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each grower must employ an individual who has

at least two years' experience as a registered primary caregiver. However, no grower or employee of a grower may be a licensed caregiver at the time that he or she is licensed as, or employed by, a grower. Moreover, a grower may only operate in an area that is either not zoned or zoned for agricultural or industrial use.

Processor:

A processor is an entity that extracts resin from marihuana or creates and packages marihuana-infused products.

A processor license authorizes an entity to purchase marihuana from a grower and to sell processed marihuana or marihuana-infused products to provisioning centers.

Processors and their investors may not have any interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each processor must employ someone who has at least two years' experience as a registered primary caregiver. However, no processor or employee of a processor may be a licensed caregiver at the time he or she is licensed as or employed by a processor.

Secure Transporter:

A secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase and sale of marihuana between facilities.

All marihuana that is transported between facilities must be shipped by a secure transporter.

The secure transporter cannot transport marihuana for a sale to a patient or a primary caregiver.

In order to be eligible for a secure transporter license, an applicant and its investors cannot have an interest in any other medical marihuana facility, and may not be a registered patient or caregiver.

Secure transporters must comply with all of the following requirements:

- All drivers must have chauffeur's licenses issued by the State.
- No employee can have been convicted of or released from incarceration for a felony within the past five years, or have been convicted of a controlled substance-related misdemeanor within the same time period.
- Each vehicle used by the secure transporter must be operated by a two-person crew, with at least one individual remaining with the vehicle at all times when transporting marihuana.
- For every trip involving the transport of marihuana, a route plan and manifest must be entered into the statewide monitoring system, and a copy must be kept inside the vehicle at all times and made available to law enforcement upon request.
- All marihuana must be kept in one or more sealed containers that are not accessible during transit.
- All vehicles used to transport marihuana must not have any markings that would indicate that the vehicle is carrying marihuana.

Provisioning Center:

A provisioning center is an entity that sells or provides marihuana to patients and caregivers.

A provisioning center may receive marihuana only from a grower or processor, and may only transfer marihuana to a qualifying patient, registered primary caregiver, or safety compliance facility.

Applicants and provisioning center investors may not have an interest in either a secure transporter or safety compliance facility.

Provisioning centers must comply with all of the following:

- Make sales to patients only after the marihuana has been tested and labeled.
- Enter all transactions, inventory, and other required information into the statewide monitoring system.
- Check that all patients sold to are listed as valid cardholders in the statewide monitoring system and will not exceed any daily purchasing limits set through rulemaking.
- Not sell alcohol or tobacco, or allow the consumption thereof on the

premises.

- Not allow a physician to conduct medical examinations on the premises for the purpose helping individuals to obtain a registry identification card.

Safety Compliance Facility:

A safety compliance facility is a laboratory that tests marijuana for contaminants, as well as for THC and other cannabinoids.

For testing purposes, a safety compliance facility may receive marijuana from any marijuana facility or up to 2.5 ounces from a primary caregiver.

However, a safety compliance facility may only return marijuana to a marijuana facility, not to a primary caregiver.

Within one year of receiving a license, a safety compliance facility must be accredited by an entity approved by the Board, or have previously provided drug testing services to the State or the State's court system and be a vendor in good standing in regard to providing such services.

Additionally, safety compliance facility license applicants and investors may not have interests in any other medical marijuana facility. Safety compliance facilities must also have at least one employee with an advanced medical or laboratory science degree.

Safety compliance facilities must comply with all of the following:

- Perform tests to certify that marijuana is reasonably free from chemical residues.
- Use validated test methods to determine THC and other cannabinoid levels
- Perform tests to determine whether marijuana complies with microbial and mycotoxin content standards established by LARA.
- Perform other tests as prescribed by rulemaking.
- Hold a second laboratory space that is inaccessible to the general public.

Lastly, a "statewide monitoring system" will be put into place. An Internet-based, statewide database will be established, implemented, and maintained by LARA, that is available to licensees, law enforcement agencies, and authorized state department and agencies on a 24-hour basis for verifying

registry identification cards, tracking marihuana and transportation by licensees, including transferee, date, quantity and price, and verifying in commercially reasonable time that the patient or caregiver is authorized to receive under section 4 of the Michigan Medical Marihuana Act.

HOUSE BILL 4827:

House Bill 4827 requires LARA to establish, maintain, and utilize (either directly or through contract) a “seed-to-sale” tracking system that will track all marihuana that is grown, processed, transferred, stored, or disposed of under the Medical Marihuana Facilities Licensing Act (marihuana grown by caregivers will not be within the seed-to-sale system.)

HB 4209 requires all licensees to use a third-party inventory control and tracking system that will allow them to interface with the statewide monitoring system in order to enter and access information.

Taxes, Fees, and Funds:

The bill establishes a 3 percent tax on the gross retail receipts of all provisioning centers. This revenue will be deposited into the Medical Marihuana Excise Fund and distributed as follows:

- 25 percent to municipalities in which facilities are located, allocated in proportion to the number of facilities within the municipality.
- 30 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county.
- 5 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county, and earmarked specifically for the county sheriff.
- 30 percent to the State. Until September 30, 2018, this money will be deposited in the General Fund, and thereafter, the money will be deposited into the State’s First Responder Presumed Coverage Fund, which is used to provide funding for firefighters who develop certain types of cancer.
- 5 percent to the Michigan Commission on Law Enforcement Standards.
- 5 percent to the Michigan State Police.

The bill also creates a regulatory assessment to be imposed upon all licensees except safety compliance facilities.

The assessment will be calculated annually to cover the costs of medical marijuana-related services provided by various State departments, to provide funds for substance abuse-related programs, to cover expenses related to field sobriety tests, and to provide for the administrative costs of the Michigan Commission on Law Enforcement Standards.

Each applicable facility will then pay a proportionate amount of the assessment, which will go into the newly-created Marijuana Regulatory Fund.

HOUSE BILL 4210:

Marijuana Infused Products:

The bill amends the MMMA to allow for the possession, manufacture, and use of marijuana-infused products, such as foodstuffs, oils, lotions, etc.

Under the bill, a patient or his or her caregiver will be able to possess up to 2.5 ounces of combined usable marijuana and “usable marijuana equivalent,” which is the amount of usable marijuana in a marijuana-infused product.

HB 4210 sets the following as equivalent to one ounce of usable marijuana:

- 16 ounces of marijuana-infused product in a solid form
- 7 grams of marijuana-infused product in a gaseous form
- 36 fluid ounces of marijuana-infused product in a liquid form

The bill also establishes a rebuttable presumption that any weight listed on the packaging of a marijuana-infused product is accurate.

Also under the bill, a patient will be able to possess, for example, 16 ounces of marijuana-infused brownies or marijuana-infused water and an additional 1.5 ounces of usable marijuana.

HB 4210 provides protections for patients and caregivers who manufacture or possess marijuana-infused products consistent with the language in the bill.

Moreover, HB 4210 protects patients and caregivers from arrest, prosecution, or penalty for purchasing marijuana from a provisioning center, selling marijuana seeds or seedlings to a licensed grower, or transporting marijuana to and from a safety compliance facility for testing.

The bill also prohibits a patient or caregiver from transporting a marijuana-infused product in a motor vehicle, unless one of the following circumstances is met:

- A patient is transporting a marijuana-infused product in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, and date of manufacture and receipt. The marijuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marijuana-infused product in a case that is accompanied by an accurate manifest that states the weight of the product, name and address of the manufacturer, date of manufacture, destination name and address, date and time of departure, estimated date and time of arrival, and, if applicable, name and address of the person from whom the product was received and the date of receipt. The marijuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marijuana-infused product for his or her child, spouse, or parent, and the marijuana-infused product is in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, name of the qualifying patient, and date of manufacture and receipt. The marijuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.

An individual who violates any of these transportation requirements is responsible for a civil fine of no more than \$250.

The bill also prohibits a medical marijuana patient from operating a snowmobile or ORV while under the influence of marijuana, just as the

MMMA already prohibits a patient from operating a motor vehicle, aircraft, or motorboat under the influence of marihuana.

Moreover, HB 4210 also prohibits the use of butane to extract marihuana resin in a public place, motor vehicle, or a residential structure or its curtilage.

A person who does either will not be able to assert a Section 8 affirmative defense against any criminal charges arising from operating a vehicle under the influence of marihuana or unlawfully conducting butane hash oil extraction.

Lastly, retroactive application of this bill does not create a cause of action against a law enforcement officer or any other state or local governmental officer, employee, department, or agency that enforced this act under a good-faith interpretation of its provisions at the time of enforcement.

Conclusion

Within three months of the effective date of the Act, the Governor must appoint members of the Marihuana Advisory Panel, which consist a group of government officials, representatives of the cannabis industry, local law enforcement, and municipalities who will make recommendations to the Board regarding the promulgation of rules. That panel must first meet within one month of being appointed.

Additionally, rules must be promulgated as applicants can begin applying for licenses 12 months after the bill is signed. Language was included in an enacting section of HB 4209 to allow LARA to begin promulgating emergency rules.

Moreover, SB 1014 also passes on September 8, 2016, which will allow rules relating to the Medical Marihuana Facilities Licensing Act to sidestep the rulemaking process until January 1, 2017.

**PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
(ORDINANCE NO. 845)**

MEDICAL MARIHUANA DISPENSARIES

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township Hall on November 7, 2011, beginning at 7:30 p.m., the following Ordinance was offered for adoption by Board Member Weldon, was seconded by Board Member Hagedorn:

AN ORDINANCE TO AMEND CHAPTER 2, "DEFINITIONS" AND CHAPTER 3 "GENERAL PROVISIONS" OF THE PLAINFIELD CHARTER TOWNSHIP ZONING ORDINANCE BY AMENDING PROVISIONS REGARDING MEDICAL MARIHUANA DISPENSARIES.

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1 That Chapter 2 of the Plainfield Charter Township Zoning Ordinance is amended to add Section 2.86A. This section shall read in its entirety as follows

SECTION 2.86A MEDICAL MARIHUANA DISPENSARIES. Any business, facility, association, cooperative, location, operation, whether fixed or mobile, whether profit or nonprofit, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

1. A registered primary caregiver (as defined by Michigan Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A registered qualifying patient (as defined by Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary caregiver person dispensing to not more than five qualified patients in strict accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules, and regulations.

A medical marihuana dispensary shall also not include smoking, consuming, or use of medical marihuana by a primary caregiver person or a qualifying patient in strict accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance as all other applicable Township ordinances and applicable Michigan federal laws, rules, and regulations.

A medical marihuana dispensary shall also not include the following uses that are in compliance with this Ordinance and laws and rules in the State of Michigan, and intended for the on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

Section 2 That Chapter 3 of the Plainfield Charter Township Zoning Ordinance is amended to add Section 3.34. This section shall read in its entirety as follows:

SECTION 3.34 MARIHUANA DISPENSARIES It is unlawful to establish or operate a medical marihuana dispensary defined in Section 2.86A in this Ordinance.

Section 3 Effective Date This ordinance shall be effective thirty days after publication in the manner provided by law.

Yeas: Hagedorn, Stover, Harvey, Bottema, Matthews, Weldon, and Meek
Nays: None
Absent: None

Motion carried Ordinance #845 declared adopted.

K. Scott Harvey
Plainfield Charter Township Clerk