

20.409. MEDICAL MARIHUANA COMPASSION CENTERS
(Ordinance 142-51, December 7, 2010)

1. Definitions

- a. "Debilitating medical condition" means one or more of the following:
1. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS), or the treatment of these conditions.
 2. A chronic or debilitating disease or medical condition, its treatment that produces one or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures; including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
 3. Any other medical condition or its treatment approved by the department, as provided for in MCL 333.26425.
- b. "Department" means the State Department of Community Health.
- c. "Drug paraphernalia" as defined by Public Health Code, Act 368 of 1978.
- d. "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- e. "Marihuana" means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- f. "Medical Marihuana Compassion Center" means any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or produces, in any manner, marihuana or cannabis or any product containing marihuana or cannabis as regulated by Section 20.409.
- g. "Medical use" means the acquisition, possession, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered

qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

- h. "Physician" means an individual licensed as a physician under Part 170 of the Public Health Code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic under Part 175 of the Public Health Code, 1978 PA 368, MCL 333.17501 to 333.17556.
- i. "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- j. "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.
- k. "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.
- l. "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.
- m. "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.
- n. "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition.

2. Conditions and Standards

- a. No use, which purports to have distributed marihuana prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the of the Zoning Ordinance and such use shall not be entitled to claim legal nonconforming status.
- b. Medical Marihuana Compassion Centers shall not be allowed as home occupations.
- c. A Medical Marihuana Compassion Center shall not be permitted within 1,000 feet of any of the following uses:
 - (i) Any other Medical Marihuana Compassion Center;
 - (ii) Any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - (iii) Any church, house of worship of other religious facility or institution;
 - (iv) Any public or municipal park;
 - (v) OR 500 feet of a residential district or use.
- d. All activity related to a Medical Marihuana Compassion Center shall be done indoors.
- e. The site shall abut a major thoroughfare right-of-way and all ingress and egress to and from the site shall be via the major thoroughfare right-of-way.
- f. Medical Marihuana Compassion Centers shall be operated in compliance with the provisions of the Department of Community Health.
- g. Smoking or consumption of medical marihuana shall not be allowed on the site of the Compassion Center.
- h. No patients under the age of 18 (eighteen) shall be permitted in the Compassion Center at any time except in the presence of a qualifying patient or their primary caregiver.
- i. No retail sales of drug paraphernalia as defined in this ordinance are permitted at the Compassion Center, except to patients or their designees.

- j. Each Compassion Center shall display in a manner legible and visible to its clientele:
 - 1. Notice that Patients under the age of 18 (eighteen) are not allowed in the Compassion Center except in the presence of his/her parent or guardian.
 - 2. No consumption of medical marihuana shall occur within the vicinity of the Compassion Center.

- k. Only operators and their employees, patients, parents or guardians of patients under 18 (eighteen) years of age, and their primary caregiver may be permitted to enter a Medical Marihuana Compassion Center for the purpose of obtaining medical marihuana or other goods or products associated with its use.