

HOUSE BILL No. 5440

March 27, 2014, Introduced by Reps. Pettalia, Daley, Foster, Kelly, Somerville, Haines, Pscholka, Victory, Lauwers, Johnson, Poleski, Stallworth, Yonker, LaVoy, Pagel, VerHeulen, Muxlow, Jacobsen, Denby, Lori, Rendon, LaFontaine, Lyons, McBroom, McMillin, Genetski, Crawford, Kosowski, Bumstead, Brown, Cotter, Singh, Shirkey, Kowall, Santana, Roberts, Robinson, Slavens, Hovey-Wright, Kandrevas, McCann, Barnett, Darany, Faris, Durhal, Talabi, Townsend, Phelps, Yanez, Switalski, Irwin, Kivela, Dianda, Cochran, Geiss, Schor, Stanley, Potvin, Schmidt, Callton, McCready, Glardon, MacMaster and Oakes and referred to the Committee on Agriculture.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7106 (MCL 333.7106).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7106. (1) "Immediate precursor" means a substance ~~which~~
2 **THAT** the administrator has found to be and by rule designates as
3 being the principal compound commonly used or produced primarily
4 for use ~~and which~~ **THAT** is an immediate chemical intermediary used
5 or likely to be used in the manufacture of a controlled substance,
6 the control of which is necessary to prevent, curtail, or limit
7 manufacture.

8 (2) "INDUSTRIAL HEMP" MEANS THE PLANT CANNABIS SATIVA L. AND
9 ANY PART OF THE PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9-
10 TETRAHYDROCANNIBINOL CONCENTRATION OF NOT MORE THAN 0.3% ON A DRY

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1 **WEIGHT BASIS.**

2 (3) ~~(2)~~—"Manufacture" means the production, preparation,
3 propagation, compounding, conversion, or processing of a controlled
4 substance, directly or indirectly by extraction from substances of
5 natural origin, or independently by means of chemical synthesis, or
6 by a combination of extraction and chemical synthesis. It includes
7 the packaging or repackaging of the substance or labeling or
8 relabeling of its container, except that it does not include **EITHER**
9 **OF THE FOLLOWING:**

10 (a) The preparation or compounding of a controlled substance
11 by an individual for his or her own use.

12 (b) The preparation, compounding packaging, or labeling of a
13 controlled substance **BY EITHER OF THE FOLLOWING:**

14 (i) ~~By a~~ **A** practitioner as an incident to the practitioner's
15 administering or dispensing of a controlled substance in the course
16 of his or her professional practice.

17 (ii) ~~By a~~ **A** practitioner, or by the practitioner's authorized
18 agent under his or her supervision, for the purpose of, or as an
19 incident to, research, teaching, or chemical analysis, and not for
20 sale.

21 (4) ~~(3)~~—"Marihuana" means all parts of the plant ~~Canabis~~
22 **CANNABIS** sativa L., growing or not; the seeds ~~thereof;~~ **OF THAT**
23 **PLANT;** the resin extracted from any part of the plant; and every
24 compound, manufacture, salt, derivative, mixture, or preparation of
25 the plant or its seeds or resin. ~~It~~ **MARIHUANA** does not include the
26 mature stalks of the plant, fiber produced from the stalks, oil or
27 cake made from the seeds of the plant, any other compound,

1 manufacture, salt, derivative, mixture, or preparation of the
2 mature stalks, except the resin extracted ~~therefrom~~ **FROM THOSE**
3 **STALKS**, fiber, oil, or cake, or ~~the~~ **ANY** sterilized seed of the
4 plant ~~which~~ **THAT** is incapable of germination. **MARIHUANA DOES NOT**
5 **INCLUDE INDUSTRIAL HEMP GROWN OR CULTIVATED, OR BOTH, FOR RESEARCH**
6 **PURPOSES UNDER THE INDUSTRIAL HEMP RESEARCH ACT.**

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 5439 (request no.
9 05174'14) of the 97th Legislature is enacted into law.