

**SUBSTITUTE FOR  
HOUSE BILL NO. 5301**

A bill to amend 2008 IL 1, entitled "Michigan Medical Marihuana Act," by amending the title and sections 3, 4, 4b, 5, 6, 7, and 8 (MCL 333.26423, 333.26424, 333.26424b, 333.26425, 333.26426, 333.26427, and 333.26428), the title and section 4 as amended and section 4b as added by 2016 PA 283, section 3 as amended by 2021 PA 62, section 6 as amended by 2020 PA 400, section 7 as amended by 2016 PA 546, and section 8 as amended by 2012 PA 512, and by adding section 4c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** TITLE

**2** An initiation of ~~Legislation~~**legislation** to allow under state

**3** law the medical use of marihuana; to provide protections for the



1 medical use of marihuana; to provide for a system of registry  
 2 identification cards for qualifying patients and primary  
 3 caregivers; **to provide for the regulation of and a system of**  
 4 **licensure for certain marihuana growers;** to impose ~~a fee~~ **fees** for  
 5 registry **and licensure** application and renewal; to make an  
 6 appropriation; to provide for the promulgation of rules; to provide  
 7 for the administration of this act; to provide for enforcement of  
 8 this act; to provide for affirmative defenses; and to provide for  
 9 penalties for violations of this act.

10 3. Definitions.

11 Sec. 3. As used in this act:

12 (a) **"Authorized individual" means an individual who is either**  
 13 **of the following:**

14 (1) **Designated by a registered primary caregiver under section**  
 15 **4(u) and approved by the marijuana regulatory agency under section**  
 16 **4(v) .**

17 (2) **Designated by a licensed specialty medical grower under**  
 18 **section 4c(6) and approved by the marijuana regulatory agency under**  
 19 **section 4c(7) .**

20 (b) ~~(a)~~ **"Bona fide physician-patient relationship" means a**  
 21 **treatment or counseling relationship between a physician and**  
 22 **patient in which all of the following are present:**

23 (1) **The physician has reviewed the patient's relevant medical**  
 24 **records and completed a full assessment of the patient's medical**  
 25 **history and current medical condition, including a relevant medical**  
 26 **evaluation of the patient.**

27 (2) **The physician has created and maintained records of the**  
 28 **patient's condition in ~~accord~~ **accordance** with medically accepted**  
 29 **standards.**



1 (3) The physician has a reasonable expectation that he or she  
 2 will provide follow-up care to the patient to monitor the efficacy  
 3 of the use of medical marihuana as a treatment of the patient's  
 4 debilitating medical condition.

5 (4) If the patient has given permission, the physician has  
 6 notified the patient's primary care physician of the patient's  
 7 debilitating medical condition and certification for the medical  
 8 use of marihuana to treat that condition.

9 (c) ~~(b)~~—"Debilitating medical condition" means 1 or more of  
 10 the following:

11 (1) Cancer, glaucoma, positive status for human  
 12 immunodeficiency virus, acquired immune deficiency syndrome,  
 13 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,  
 14 agitation of Alzheimer's disease, nail patella, or the treatment of  
 15 these conditions.

16 (2) A chronic or debilitating disease or medical condition or  
 17 its treatment that produces 1 or more of the following: ~~cachexia~~

18 (i) **Cachexia** or wasting syndrome. ~~†severe~~

19 (ii) **Severe** and chronic pain. ~~†severe~~

20 (iii) **Severe** nausea. ~~†seizures,~~

21 (iv) **Seizures**, including, but not limited to, those  
 22 characteristic of epilepsy. ~~†or severe~~

23 (v) **Severe** and persistent muscle spasms, including, but not  
 24 limited to, those characteristic of multiple sclerosis.

25 (3) Any other medical condition or its treatment approved by  
 26 the marijuana regulatory agency, as provided for in section  
 27 ~~6(k)~~. **6(n)**.

28 (d) ~~(e)~~—"Department" means the department of licensing and  
 29 regulatory affairs.



1           (e) ~~(d)~~ "Enclosed, locked facility" means a closet, room, or  
 2 other comparable, stationary, and fully enclosed area equipped with  
 3 secured locks or other functioning security devices that ~~permit~~  
 4 **allows** access ~~only by~~ **only** a registered primary caregiver, ~~or~~  
 5 registered qualifying patient, **licensed specialty medical grower,**  
 6 **or authorized individual**. Marihuana plants grown outdoors are  
 7 considered to be in an enclosed, locked facility if they are not  
 8 visible to the unaided eye from an adjacent property when viewed by  
 9 an individual at ground level or from a permanent structure and are  
 10 grown within a stationary structure that is enclosed on all sides,  
 11 except for the base, by chain-link fencing, wooden slats, or a  
 12 similar material that prevents access by the general public and  
 13 that is anchored, attached, or affixed to the ground; located on  
 14 land that is owned, leased, or rented by ~~either~~ the registered  
 15 qualifying patient or ~~a person~~ **an individual** designated through the  
 16 marijuana regulatory agency's registration process as the  
 17 **registered primary caregiver or licensed specialty medical grower**  
 18 for the registered qualifying patient or **registered qualifying**  
 19 patients for whom the marihuana plants are grown; and equipped with  
 20 functioning locks or other security devices that restrict access to  
 21 only the registered qualifying patient, ~~or the~~ registered primary  
 22 caregiver, **or licensed specialty medical grower** who owns, leases,  
 23 or rents the property on which the structure is located. Enclosed,  
 24 locked facility includes a motor vehicle if both of the following  
 25 conditions are met:

26           (1) The vehicle is being used temporarily to transport living  
 27 marihuana plants from 1 location to another with the intent to  
 28 permanently retain those plants at the second location.

29           (2) An individual ~~is not~~ inside the vehicle ~~unless he or she~~



1 is ~~either~~ **1 of the following:**

2 **(i) The registered qualifying patient to whom the living**  
3 **marihuana plants belong. ~~or the individual~~**

4 **(ii) The registered primary caregiver or licensed specialty**  
5 **medical grower designated by the registered qualifying patient**  
6 **through the marijuana regulatory agency's registration process. ~~as~~**  
7 **~~the primary caregiver for the registered qualifying patient.~~**

8 **(f) "Licensed specialty medical grower" means an individual**  
9 **who holds a specialty medical grower license granted under section**  
10 **4c.**

11 **(g) "Location" means a parcel of real property, all structures**  
12 **and buildings on that parcel of real property, and all surrounding**  
13 **parcels of real property under common ownership.**

14 **(h) ~~(e)~~"Marihuana" means that term as defined in section 3 of**  
15 **the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1,**  
16 **MCL 333.27953.**

17 **(i) ~~(f)~~"Marihuana-infused product" means a topical**  
18 **formulation, tincture, beverage, edible substance, or similar**  
19 **product containing any usable marihuana that is intended for human**  
20 **consumption in a manner other than smoke inhalation. Marihuana-**  
21 **infused product ~~shall is~~ not be considered a food for purposes of**  
22 **the food law, 2000 PA 92, MCL 289.1101 to 289.8111.**

23 **(j) ~~(g)~~"Marihuana plant" means any plant of the species**  
24 ***Cannabis sativa* L.**

25 **(k) ~~(h)~~"Marijuana regulatory agency" means the marijuana**  
26 **regulatory agency created under Executive Reorganization Order No.**  
27 **2019-2, MCL 333.27001.**

28 **(l) "Marihuana tracking act" means the marihuana tracking act,**  
29 **2016 PA 282, MCL 333.27901 to 333.27904.**



1           (m) **"Medical marihuana facilities licensing act" means the**  
 2 **medical marihuana facilities licensing act, 2016 PA 281, MCL**  
 3 **333.27101 to 333.27801.**

4           (n) ~~(i)~~-"Medical use of marihuana" means the acquisition,  
 5 possession, cultivation, manufacture, extraction, use, internal  
 6 possession, delivery, transfer, or transportation of marihuana,  
 7 marihuana-infused products, or paraphernalia relating to the  
 8 administration of marihuana to treat or alleviate a registered  
 9 qualifying patient's debilitating medical condition or symptoms  
 10 associated with the debilitating medical condition.

11           (o) **"Michigan Regulation and Taxation of Marihuana Act" means**  
 12 **the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1,**  
 13 **MCL 333.27951 to 333.27967.**

14           (p) **"Overages" means any of the following:**

15           (1) **The amount of marihuana allowed under section 4(a) minus**  
 16 **any marihuana cultivated by the registered qualifying patient that**  
 17 **is used by the registered qualifying patient.**

18           (2) **The amount of marihuana allowed under section 4(b) minus**  
 19 **any marihuana cultivated by the registered primary caregiver that**  
 20 **is transferred or sold to the registered qualifying patients of the**  
 21 **registered primary caregiver.**

22           (3) **The amount of marihuana allowed under section 4(c) minus**  
 23 **any marihuana cultivated by the licensed specialty medical grower**  
 24 **that is transferred or sold to the registered qualifying patients**  
 25 **of the licensed specialty medical grower.**

26           (q) ~~(j)~~-"Physician" means an individual licensed as a  
 27 physician under part 170 of the public health code, 1978 PA 368,  
 28 MCL 333.17001 to ~~333.17084,~~ **333.17097**, or an osteopathic physician  
 29 under part 175 of the public health code, 1978 PA 368, MCL



1 333.17501 to 333.17556.

2 (r) ~~(k)~~—"Plant" means any living organism that produces its  
3 own food through photosynthesis and has observable root formation  
4 or is in growth material.

5 (s) ~~(l)~~—"Primary caregiver" or "caregiver" means ~~a person an~~  
6 **individual** who ~~is at least 21 years old and who has agreed to~~  
7 ~~assist with a patient's medical use of marihuana and who has not~~  
8 ~~been convicted of any felony within the past 10 years and has never~~  
9 ~~been convicted of a felony involving illegal drugs or a felony that~~  
10 ~~is an assaultive crime as defined in section 9a of chapter X of the~~  
11 ~~code of criminal procedure, 1927 PA 175, MCL 770.9a.~~ **meets the**  
12 **requirements for registration as a registered primary caregiver**  
13 **listed in section 6(d)(1) or (2), as applicable.**

14 (t) ~~(m)~~—"Qualifying patient" or "patient" means ~~a person an~~  
15 **individual** who has been diagnosed by a physician as having a  
16 debilitating medical condition.

17 (u) "Registered primary caregiver" means a primary caregiver  
18 who has been issued a registry identification card under section  
19 6(d), if the registry identification card is valid and unexpired.

20 (v) "Registered qualifying patient" means a qualifying patient  
21 who has been issued a registry identification card under section  
22 6(a), if the registry identification card is valid and unexpired.

23 (w) ~~(n)~~—"Registry identification card" means a document issued  
24 by the marijuana regulatory agency ~~that identifies a person as to a~~  
25 registered qualifying patient **under section 6(a)** or registered  
26 primary caregiver **under section 6(d)**.

27 (x) "Residence" means residence address as that term is  
28 defined in section 50a of the Michigan vehicle code, 1949 PA 300,  
29 MCL 257.50a.



1           (y) ~~(e)~~—"Usable marihuana" means the dried leaves, flowers,  
2 plant resin, or extract of the marihuana plant, but does not  
3 include the seeds, stalks, and roots of the plant.

4           (z) ~~(p)~~—"Usable marihuana equivalent" means the amount of  
5 usable marihuana in a marihuana-infused product that is calculated  
6 as provided in section 4~~(e)~~.-4 (e) .

7           (aa) ~~(q)~~—"Visiting qualifying patient" means a patient who is  
8 not a resident of this state or who has been a resident of this  
9 state for less than 30 days.

10           (bb) ~~(r)~~—"Written certification" means a document signed by a  
11 physician ~~, stating that states~~ all of the following:

12           (1) The patient's debilitating medical condition.

13           (2) The physician has completed a full assessment of the  
14 patient's medical history and current medical condition, including  
15 a relevant medical evaluation.

16           (3) In the physician's professional opinion, the patient is  
17 likely to receive therapeutic or palliative benefit from the  
18 medical use of marihuana to treat or alleviate the patient's  
19 debilitating medical condition or symptoms associated with the  
20 debilitating medical condition.

21           4. Protections for the Medical Use of Marihuana.

22           Sec. 4. (a) A **registered** qualifying patient ~~who has been~~  
23 ~~issued and possesses a registry identification card~~ **must not be**  
24 **denied any right or privilege and** is not subject to arrest,  
25 prosecution, or penalty in any manner, ~~or denied any right or~~  
26 ~~privilege,~~ including, but not limited to, civil penalty or  
27 disciplinary action by a business or occupational or professional  
28 licensing board or bureau, for the medical use of marihuana in  
29 accordance with this act. ~~, provided that the qualifying patient~~





1 ~~possesses an amount of marihuana that does not exceed a combined~~  
2 ~~total of 2.5 ounces of usable marihuana and usable marihuana~~  
3 ~~equivalents, and, if the qualifying patient has not specified that~~  
4 ~~a primary caregiver will be allowed under state law to cultivate~~  
5 ~~marihuana for the qualifying patient, 12 marihuana plants kept in~~  
6 ~~an enclosed, locked facility. Any incidental amount of seeds,~~  
7 ~~stalks, and unusable roots shall also be allowed under state law~~  
8 ~~and shall not be included in this amount. The privilege from arrest~~  
9 under this subsection applies only if the **registered** qualifying  
10 patient presents ~~both~~ his or her registry identification card and a  
11 valid driver license or government-issued identification card that  
12 bears a photographic image of the **registered** qualifying patient.  
13 **This subsection applies only if the registered qualifying patient**  
14 **possesses marihuana in forms and amounts that do not exceed any**  
15 **combination of the following:**

16 (1) A combined total of 2.5 ounces of usable marihuana and  
17 usable marihuana equivalents.

18 (2) If the registered qualifying patient has not specified  
19 that a registered primary caregiver or licensed specialty medical  
20 grower will be allowed under state law to cultivate marihuana for  
21 the registered qualifying patient, 12 marihuana plants kept in an  
22 enclosed, locked facility.

23 (3) Any incidental amount of seeds, stalks, and unusable  
24 roots.

25 (b) A **registered** primary caregiver ~~who has been issued and~~  
26 ~~possesses a registry identification card~~ **must not be denied any**  
27 **right or privilege and** is not subject to arrest, prosecution, or  
28 penalty in any manner, ~~or denied any right or privilege,~~ including,  
29 but not limited to, civil penalty or disciplinary action by a



1 business or occupational or professional licensing board or bureau,  
 2 for assisting a **registered** qualifying patient to whom he or she is  
 3 connected through the ~~department's marijuana regulatory agency's~~  
 4 registration process with the medical use of marihuana in  
 5 accordance with this act. The privilege from arrest under this  
 6 subsection applies only if the **registered** primary caregiver  
 7 presents ~~both~~ his or her registry identification card and a valid  
 8 driver license or government-issued identification card that bears  
 9 a photographic image of the **registered** primary caregiver. This  
 10 subsection applies only if the **registered** primary caregiver  
 11 possesses marihuana in forms and amounts that do not exceed any of  
 12 the following:

13 ~~(1) For each qualifying patient to whom he or she is connected~~  
 14 ~~through the department's registration process, a combined total of~~  
 15 ~~2.5 ounces of usable marihuana and usable marihuana equivalents.~~

16 ~~(1) (2) For each registered qualifying patient who has~~  
 17 ~~specified that the primary caregiver will be allowed under state~~  
 18 ~~law to cultivate marihuana for the qualifying patient, 12 marihuana~~  
 19 ~~plants kept in an enclosed, locked facility.~~ **Before 180 days after**  
 20 **the effective date of the amendatory act that added section 4c,**  
 21 **both of the following:**

22 **(A) For each registered qualifying patient to whom the**  
 23 **registered primary caregiver is connected through the marijuana**  
 24 **regulatory agency's registration process, a combined total of 2.5**  
 25 **ounces of usable marihuana and usable marihuana equivalents.**

26 **(B) For each registered qualifying patient who has specified**  
 27 **that the registered primary caregiver will be allowed under state**  
 28 **law to cultivate marihuana for the registered qualifying patient,**  
 29 **12 marihuana plants kept in a single enclosed, locked facility.**



1 (2) On or after 180 days after the effective date of the  
2 amendatory act that added section 4c, both of the following:

3 (A) A combined total of 2.5 ounces of marihuana and usable  
4 marihuana equivalents.

5 (B) 12 marihuana plants kept in a single enclosed, locked  
6 facility.

7 (3) Any incidental amount of seeds, stalks, and unusable  
8 roots.

9 (c) A licensed specialty medical grower must not be denied any  
10 right or privilege and is not subject to arrest, prosecution, or  
11 penalty in any manner, including, but not limited to, civil penalty  
12 or disciplinary action by a business or occupational or  
13 professional licensing board or bureau, for engaging in any of the  
14 activities a licensed specialty medical grower is authorized to  
15 engage in under section 4c. The privilege from arrest under this  
16 subsection applies only if the licensed specialty medical grower  
17 presents his or her specialty medical grower certificate of  
18 licensure, or a copy of the certificate, and a valid driver license  
19 or government-issued identification card that bears a photographic  
20 image of the licensed specialty medical grower. This subsection  
21 applies only if the licensed specialty medical grower possesses  
22 marihuana in forms and amounts that do not exceed any of the  
23 following:

24 (1) For each registered qualifying patient to whom the  
25 licensed specialty medical grower is connected through the  
26 marijuana regulatory agency's registration process, a combined  
27 total of 2.5 ounces of usable marihuana and usable marihuana  
28 equivalents.

29 (2) For each registered qualifying patient who has specified



1 that the licensed specialty medical grower will be allowed under  
 2 state law to cultivate marihuana for the registered qualifying  
 3 patient, 12 marihuana plants kept in a single enclosed, locked  
 4 facility.

5 (3) Any incidental amount of seeds, stalks, and unusable  
 6 roots.

7 (d) An authorized individual must not be denied any right or  
 8 privilege and is not subject to arrest, prosecution, or penalty in  
 9 any manner, including, but not limited to, civil penalty or  
 10 disciplinary action by a business or occupational or professional  
 11 licensing board or bureau, for assisting a registered primary  
 12 caregiver or a licensed specialty medical grower with the  
 13 cultivation of marihuana if the marijuana regulatory agency has  
 14 approved the authorized individual to assist that registered  
 15 primary caregiver or licensed specialty medical grower. The  
 16 privilege from arrest under this subsection applies only if the  
 17 licensed specialty medical grower presents his or her valid driver  
 18 license or government-issued identification card that bears a  
 19 photographic image of the licensed specialty medical grower.

20 (e) ~~(e)~~ For purposes of determining usable marihuana  
 21 equivalency, the following ~~shall be~~ **are** considered equivalent to 1  
 22 ounce of usable marihuana:

- 23 (1) 16 ounces of marihuana-infused product if in a solid form.  
 24 (2) 7 grams of marihuana-infused product if in a gaseous form.  
 25 (3) 36 fluid ounces of marihuana-infused product if in a  
 26 liquid form.

27 (f) ~~(d)~~ A person ~~shall~~ **must** not be denied custody or  
 28 visitation of a minor for acting in accordance with this act,  
 29 unless the person's behavior ~~is such that it~~ creates an



1 unreasonable danger to the minor that can be clearly articulated  
2 and substantiated.

3       **(g)** ~~(e)~~—There is a presumption that a **registered** qualifying  
4 patient or **registered** primary caregiver is engaged in the medical  
5 use of marihuana in accordance with this act if the **registered**  
6 qualifying patient or **registered** primary caregiver complies with  
7 both of the following:

8           (1) Is in possession of a registry identification card.

9           (2) Is in possession of an amount of marihuana that does not  
10 exceed the amount allowed under this act.

11       **(h)** The presumption **in subsection (g)** may be rebutted by  
12 evidence that conduct related to marihuana was not for the purpose  
13 of alleviating the **registered** qualifying patient's debilitating  
14 medical condition or symptoms associated with the debilitating  
15 medical condition, in accordance with this act.

16       **(i)** There is a presumption that a **licensed specialty medical**  
17 **grower is engaged in the medical use of marihuana in accordance**  
18 **with this act if the licensed specialty medical grower complies**  
19 **with both of the following:**

20           (1) Is in possession of the **licensed specialty medical**  
21 **grower's certificate of licensure, or a copy of the certificate.**

22           (2) Is in possession of an amount of marihuana that does not  
23 exceed the amount allowed under this act.

24       **(j)** The presumption in subsection **(i)** may be rebutted by  
25 evidence that conduct related to marihuana was not for a purpose  
26 described in section 4c(4)(b) to (d).

27       **(k)** ~~(f)~~—A registered primary caregiver may receive  
28 compensation for costs associated with assisting a registered  
29 qualifying patient in the medical use of marihuana. ~~Any such~~ **This**



1 compensation does not constitute the sale of ~~controlled~~  
 2 ~~substances.~~ **a controlled substance.**

3 ~~(l) (g)~~—A physician ~~shall~~ **must** not be **denied any right or**  
 4 **privilege and is not** subject to arrest, prosecution, or penalty in  
 5 any manner, ~~or denied any right or privilege,~~ including, but not  
 6 limited to, civil penalty or disciplinary action by the Michigan  
 7 board of medicine, the Michigan board of osteopathic medicine and  
 8 surgery, or any other business or occupational or professional  
 9 licensing board or bureau, solely for providing written  
 10 certifications, in the course of a bona fide physician-patient  
 11 relationship and after the physician has completed a full  
 12 assessment of ~~the~~ **a** qualifying patient's medical history, or for  
 13 otherwise stating that, in the physician's professional opinion, a  
 14 **qualifying** patient is likely to receive therapeutic or palliative  
 15 benefit from the medical use of marihuana to treat or alleviate the  
 16 **qualifying** patient's serious or debilitating medical condition or  
 17 symptoms associated with the serious or debilitating medical  
 18 condition. ~~, provided that nothing shall prevent~~ **However, this**  
 19 **section does not prevent** a professional licensing board from  
 20 sanctioning a physician for failing to properly evaluate a  
 21 **qualifying** patient's medical condition or otherwise violating the  
 22 standard of care for evaluating medical conditions.

23 ~~(m) (h)~~—A person ~~shall~~ **must** not be **denied any right or**  
 24 **privilege and is not** subject to arrest, prosecution, or penalty in  
 25 any manner, ~~or denied any right or privilege,~~ including, but not  
 26 limited to, civil penalty or disciplinary action by a business or  
 27 occupational or professional licensing board or bureau, for  
 28 providing a registered qualifying patient or a registered primary  
 29 caregiver with marihuana paraphernalia for purposes of a **registered**



1 qualifying patient's medical use of marihuana.

2       (n) ~~(i) Any~~ **Except as otherwise provided under section**  
 3 **4c(8) (a), a person shall not seize or forfeit any** marihuana,  
 4 marihuana paraphernalia, or licit property that is possessed,  
 5 owned, or used in connection with the medical use of marihuana ~~as~~  
 6 allowed under this act ~~or~~ **in connection with** acts incidental to  
 7 such ~~that~~ use. ~~shall not be seized or forfeited.~~

8       (o) ~~(j) A person shall~~ **must** not be **denied any right or**  
 9 **privilege and is not** subject to arrest, prosecution, or penalty in  
 10 any manner, ~~or denied any right or privilege,~~ including, but not  
 11 limited to, civil penalty or disciplinary action by a business or  
 12 occupational or professional licensing board or bureau, solely for  
 13 ~~being either of the following:~~

14       (1) **Being** in the presence or vicinity of the medical use of  
 15 marihuana in accordance with this act. ~~or for assisting~~

16       (2) **Assisting** a registered qualifying patient with using or  
 17 administering marihuana.

18       (p) ~~(k) A registry identification card, or its equivalent,~~  
 19 that is issued under the laws of another state, district,  
 20 territory, commonwealth, or insular possession of the United States  
 21 that allows the medical use of marihuana by a visiting qualifying  
 22 patient, ~~or to allow~~ **allows** a person to assist with a visiting  
 23 qualifying patient's medical use of marihuana, ~~shall have~~ **has** the  
 24 same force and effect as a registry identification card issued by  
 25 the ~~department.~~ **marijuana regulatory agency.**

26       (q) ~~(l) Any~~ **If a** registered qualifying patient or registered  
 27 primary caregiver ~~who~~ **sells or transfers** marihuana to ~~someone~~ **a**  
 28 **person** who is not ~~allowed the medical use of~~ **authorized to obtain**  
 29 marihuana under this act, **the marijuana regulatory agency** shall



1 ~~have his or her~~ **revoke the registered qualifying patient's or**  
 2 **registered primary caregiver's** registry identification card.  
 3 ~~revoked and is guilty of a felony punishable by imprisonment for~~  
 4 ~~not more than 2 years or a fine of not more than \$2,000.00, or~~  
 5 ~~both, in addition to any other penalties for the distribution of~~  
 6 ~~marihuana.~~

7 **(r)** ~~(m)~~ A person shall ~~must~~ not be **denied any right or**  
 8 **privilege and is not** subject to arrest, prosecution, or penalty in  
 9 any manner, ~~or denied any right or privilege,~~ including, but not  
 10 limited to, civil penalty or disciplinary action by a business or  
 11 occupational or professional licensing board or bureau, for  
 12 manufacturing a marihuana-infused product if the person is any of  
 13 the following:

14 (1) A registered qualifying patient, manufacturing **in**  
 15 **compliance with this act** for ~~his or her~~ **the registered qualifying**  
 16 **patient's** own personal use.

17 (2) A registered primary caregiver **or licensed specialty**  
 18 **medical grower,** manufacturing **in compliance with this act** for the  
 19 use of a **registered qualifying** patient to whom ~~he or she~~ **the**  
 20 **registered primary caregiver or licensed specialty medical grower**  
 21 is connected through the ~~department's~~ **marijuana regulatory agency's**  
 22 registration process.

23 ~~(n) A qualifying patient shall not transfer a marihuana-~~  
 24 ~~infused product or marihuana to any individual.~~

25 **(s)** ~~(e)~~ **Except as otherwise provided in sections 4a and 4c,**  
 26 **a registered primary caregiver or licensed specialty medical grower**  
 27 shall not transfer a ~~marihuana-infused product~~ **marihuana** to any ~~an~~  
 28 individual who is not a **registered** qualifying patient to whom ~~he or~~  
 29 ~~she~~ **the registered primary caregiver or licensed specialty medical**





1 **grower** is connected through the ~~department's~~ **marijuana regulatory**  
2 **agency's** registration process. **A registered primary caregiver shall**  
3 **not transfer or sell overages to any person.**

4 (t) **A registered primary caregiver must cultivate or**  
5 **manufacture marihuana in an enclosed, locked facility at the**  
6 **location the registered primary caregiver provided in its**  
7 **application for registration. Only 1 registered primary caregiver**  
8 **may cultivate or manufacture marihuana at the same location.**

9 (u) **Beginning 180 days after the effective date of the**  
10 **amendatory act that added this subsection, a registered primary**  
11 **caregiver may designate an individual to assist the registered**  
12 **primary caregiver in cultivating marihuana. To designate an**  
13 **individual, the registered primary caregiver must submit the**  
14 **individual's name, date of birth, telephone number, and home**  
15 **address to the marijuana regulatory agency on a form and in a**  
16 **manner as provided for by the marijuana regulatory agency.**

17 (v) **The marijuana regulatory agency shall approve an**  
18 **individual designated under subsection (u) to assist a registered**  
19 **primary caregiver if all of the following conditions are met:**

20 (1) **Approving the individual would not result in more than 2**  
21 **individuals being approved to assist the registered primary**  
22 **caregiver at the same time.**

23 (2) **The individual meets the requirements for registration as**  
24 **a registered primary caregiver listed in section 6(d) (1) or (2), as**  
25 **applicable.**

26 **Sec. 4b. (1) Except as provided in subsections (2) to (4), a**  
27 **registered qualifying patient, ~~or~~ registered primary caregiver, or**  
28 **licensed specialty medical grower shall not transport or possess a**  
29 **marihuana-infused product in or upon a motor vehicle.**



1           (2) This section does not prohibit a **registered** qualifying  
 2 patient from transporting or possessing a marihuana-infused product  
 3 in or upon a motor vehicle if the marihuana-infused product is in a  
 4 sealed and labeled package that is carried in the trunk of the  
 5 vehicle or, if the vehicle does not have a trunk, is carried so as  
 6 not to be readily accessible from the interior of the vehicle. The  
 7 label must state the weight of the marihuana-infused product in  
 8 ounces, name of the manufacturer, date of manufacture, name of the  
 9 person from whom the marihuana-infused product was received, and  
 10 date of receipt.

11           (3) This section does not prohibit a **registered** primary  
 12 caregiver **or licensed specialty medical grower** from transporting or  
 13 possessing a marihuana-infused product in or upon a motor vehicle  
 14 if the marihuana-infused product is accompanied by an accurate  
 15 marihuana transportation manifest and enclosed in a case carried in  
 16 the trunk of the vehicle or, if the vehicle does not have a trunk,  
 17 is enclosed in a case and carried so as not to be readily  
 18 accessible from the interior of the vehicle. The **transportation**  
 19 manifest ~~form~~ must state the weight of each marihuana-infused  
 20 product in ounces, name and address of the manufacturer, date of  
 21 manufacture, destination name and address, date and time of  
 22 departure, estimated date and time of arrival, and, if applicable,  
 23 name and address of the person from whom the product was received  
 24 and date of receipt.

25           (4) This section does not prohibit a **registered** primary  
 26 caregiver **or licensed specialty medical grower** from transporting or  
 27 possessing a marihuana-infused product in or upon a motor vehicle  
 28 for the use of ~~his or her~~ **the registered primary caregiver's or**  
 29 **licensed specialty medical grower's** child, spouse, or parent who is



1 a **registered** qualifying patient if the marihuana-infused product is  
2 in a sealed and labeled package that is carried in the trunk of the  
3 vehicle or, if the vehicle does not have a trunk, is carried so as  
4 not to be readily accessible from the interior of the vehicle. The  
5 label must state the weight of the marihuana-infused product in  
6 ounces, name of the manufacturer, date of manufacture, name of the  
7 **registered** qualifying patient, and, if applicable, name of the  
8 person from whom the marihuana-infused product was received and  
9 date of receipt.

10 (5) For purposes of determining compliance with quantity  
11 limitations under section 4, there is a rebuttable presumption that  
12 the weight of a marihuana-infused product listed on its package  
13 label or on a marihuana transportation manifest is accurate.

14 (6) A **registered** qualifying patient, ~~or~~ **registered** primary  
15 caregiver, **or licensed specialty medical grower** who violates this  
16 section is responsible for a civil fine of not more than \$250.00.

17 **Sec. 4c. (1) To apply for a specialty medical grower license,**  
18 **an individual must submit both of the following to the marijuana**  
19 **regulatory agency:**

20 (a) **An application fee in the amount of \$500.00.**

21 (b) **An application on a form and in a manner as provided for**  
22 **by the marijuana regulatory agency. The application must include**  
23 **all of the following:**

24 (c) **The individual's name, date of birth, telephone number,**  
25 **and home address.**

26 (d) **The address where the individual's enclosed, locked**  
27 **facility is or will be located.**

28 (e) **A statement that the information supplied by the**  
29 **individual is, to the best of the individual's knowledge, true and**



1 that the individual acknowledges that he or she is submitting the  
2 application under the penalty of perjury.

3 (2) The marijuana regulatory agency shall verify the  
4 information contained in an application submitted under subsection  
5 (1) and shall grant or deny the application not later than 15  
6 business days after it receives the application. Not later than 5  
7 business days after the marijuana regulatory agency approves a  
8 licensed specialty medical grower's application, the marijuana  
9 regulatory agency shall issue a certificate of licensure to the  
10 licensed specialty medical grower on a form as provided for by the  
11 marijuana regulatory agency. The marijuana regulatory agency shall  
12 not adopt or enforce a requirement for licensure as a licensed  
13 specialty medical grower if the requirement is not established  
14 under this section. The marijuana regulatory agency shall grant a  
15 specialty medical grower license to an individual or renew an  
16 individual's specialty medical grower license if all of the  
17 following conditions are met:

18 (a) The individual is 21 years of age or older.

19 (b) The individual submits a complete application and pays the  
20 application fee.

21 (c) The individual does not have an ownership interest in any  
22 of the following:

23 (i) A safety compliance facility or secure transporter licensed  
24 under the medical marihuana facilities licensing act.

25 (ii) A marihuana safety compliance facility or marihuana secure  
26 transporter licensed under the Michigan Regulation and Taxation of  
27 Marihuana Act.

28 (d) In the immediately preceding 10 years, the individual has  
29 not been convicted of a felony. This subdivision does not apply to



1 a conviction based solely on a marihuana-related offense, unless  
2 the offense involved the distribution of marihuana to a minor.

3 (e) In the immediately preceding 5 years, the individual has  
4 not admitted to, pled guilty to, or been convicted of violating  
5 this act, the medical marihuana facilities licensing act, the  
6 Michigan Regulation and Taxation of Marihuana Act, or the marihuana  
7 tracking act.

8 (f) If, in the immediately preceding 5 years, the marijuana  
9 regulatory agency issued to the individual a notice of violation  
10 for violating this act, the medical marihuana facilities licensing  
11 act, the Michigan Regulation and Taxation of Marihuana Act, or the  
12 marihuana tracking act, the individual contested the notice.

13 (g) If, in the immediately preceding 5 years, an  
14 administrative law judge issued a decision that upheld a notice of  
15 violation described in subdivision (f), the decision was  
16 overturned.

17 (3) A specialty medical license expires 1 year after the date  
18 it is granted.

19 (4) A licensed specialty medical grower may do any of the  
20 following:

21 (a) Cultivate or manufacture marihuana in compliance with this  
22 act and the marihuana tracking act for a purpose described in  
23 subdivision (b), (c), or (d).

24 (b) Assist not more than 5 registered qualifying patients to  
25 whom the licensed specialty medical grower is connected through the  
26 marijuana regulatory agency's registration process with the medical  
27 use of marihuana in compliance with this act.

28 (c) Sell or transfer marihuana to a registered qualifying  
29 patient to whom the licensed specialty medical grower is connected



1 through the marijuana regulatory agency's registration process if  
2 all of the following conditions are met:

3 (i) The sale or transfer is entered into the statewide  
4 monitoring system as required under section 3 of the marihuana  
5 tracking act, MCL 333.27903.

6 (ii) The outside of the packaging that contains the marihuana  
7 includes a label with all of the following information:

8 (A) The name of the licensed specialty medical grower.

9 (B) The name of the safety compliance facility that performs  
10 the testing under subparagraph (iii) .

11 (iii) Before the sale or transfer, the marihuana is tested by a  
12 safety compliance facility licensed under the medical marihuana  
13 facilities licensing act in compliance with the testing standards  
14 then in effect for marihuana sold by provisioning centers licensed  
15 under the medical marihuana facilities licensing act.

16 (d) Sell or transfer overages to a grower licensed under the  
17 medical marihuana facilities licensing act if all of the following  
18 conditions are met:

19 (i) The sale or transfer is entered into the statewide  
20 monitoring system as required under section 3 of the marihuana  
21 tracking act, MCL 333.27903.

22 (ii) The sale or transfer is conducted using a secure  
23 transporter licensed under the medical marihuana facilities  
24 licensing act.

25 (iii) The outside of the packaging that contains the marihuana  
26 includes a label with all of the following information:

27 (A) The name of the licensed specialty medical grower.

28 (B) The name of the safety compliance facility that performs  
29 the testing under subparagraph (iv) .



1 (iv) Before the sale or transfer, the marihuana is tested by a  
2 safety compliance facility licensed under the medical marihuana  
3 facilities licensing act in compliance with the testing standards  
4 then in effect for marihuana sold by a provisioning center licensed  
5 under the medical marihuana facilities licensing act.

6 (e) Purchase marihuana from a provisioning center licensed  
7 under the medical marihuana facilities licensing act for a purpose  
8 described in subdivision (b) or (c).

9 (5) A licensed specialty medical grower must cultivate or  
10 manufacture marihuana in a single enclosed, locked facility at the  
11 location the licensed specialty medical grower provided in its  
12 application for licensure. A licensed specialty medical grower  
13 shall display his or her certificate of licensure, or a copy of the  
14 certificate, in a conspicuous place in the enclosed, locked  
15 facility. The location at which the licensed specialty medical  
16 grower cultivates or manufactures marihuana must be unzoned, zoned  
17 for agricultural or industrial use as of right, or zoned to  
18 explicitly authorize a licensed specialty medical grower to  
19 cultivate or manufacture marihuana. Cultivation and manufacture of  
20 marihuana are subject to local zoning regulation to the extent that  
21 local zoning does not directly conflict with this act. The  
22 marijuana regulatory agency, a local law enforcement agency, a  
23 local ordinance enforcement officer, or the department of state  
24 police may inspect the location, any property at the location, or  
25 the enclosed, locked facility at any time, with or without notice.  
26 Only 1 licensed specialty medical grower may cultivate or  
27 manufacture marihuana at the same location, unless both of the  
28 following conditions are met:

29 (a) The local unit of government in which the location is



1 located has adopted an ordinance that explicitly authorizes more  
2 than 1 licensed specialty medical grower to cultivate or  
3 manufacture marihuana at the same location.

4 (b) Each licensed specialty medical grower cultivates or  
5 manufactures marihuana in a separate enclosed, locked facility that  
6 does not share an entrance or metered utilities with any other  
7 enclosed, locked facility.

8 (6) A licensed specialty medical grower may designate an  
9 individual to assist the licensed specialty medical grower in  
10 cultivating marihuana. To designate an individual, the licensed  
11 specialty medical grower must do both of the following:

12 (a) Submit the individual's name, date of birth, telephone  
13 number, and home address to the marijuana regulatory agency on a  
14 form and in a manner as provided for by the marijuana regulatory  
15 agency.

16 (b) Input the information required to be submitted under  
17 subdivision (a) into the statewide monitoring system.

18 (7) The marijuana regulatory agency shall approve an  
19 individual designated under subsection (6) to assist a licensed  
20 specialty medical grower if all of the following conditions are  
21 met:

22 (a) Approving the individual would not result in more than 2  
23 individuals being approved to assist the licensed specialty medical  
24 grower at the same time.

25 (b) The individual meets the requirements listed in subsection  
26 (2)(c) to (e) for licensure as a licensed specialty medical grower.

27 (8) If a licensed specialty medical grower violates this act,  
28 the rules promulgated under this act, or the marihuana tracking  
29 act, or if the licensed specialty medical grower ceases to meet the





1 requirements for licensure listed in subsection (2)(c) to (e), all  
2 of the following apply:

3 (a) The marijuana regulatory agency, a local law enforcement  
4 agency, or the department of state police may confiscate or destroy  
5 any marihuana or equipment used to cultivate or manufacture  
6 marihuana that is any of the following:

7 (i) In the possession of the licensed specialty medical grower.

8 (ii) Located at the location at which the licensed specialty  
9 medical grower cultivates or manufactures marihuana.

10 (iii) Owned by the licensed specialty medical grower.

11 (b) The marijuana regulatory agency may suspend, revoke, or  
12 restrict the licensed specialty medical grower's license or deny  
13 the licensed specialty medical grower's application for licensure  
14 in compliance with the administrative procedures act of 1969, 1969  
15 PA 306, MCL 24.201 to 24.328.

16 (9) The marijuana regulatory agency may suspend a specialty  
17 medical grower's license without notice or hearing if the marijuana  
18 regulatory agency determines that the safety or health of  
19 registered qualifying patients or members of the public is  
20 jeopardized by the continued operation of the licensed specialty  
21 medical grower. If the marijuana regulatory agency suspends a  
22 license under this subsection without notice or hearing, the  
23 marijuana regulatory agency must hold a prompt postsuspension  
24 hearing to determine if the suspension should remain in effect. The  
25 suspension may remain in effect until the marijuana regulatory  
26 agency determines that the cause for suspension has been abated.  
27 The marijuana regulatory agency may revoke the license if the  
28 marijuana regulatory agency determines that the licensee has not  
29 made satisfactory progress toward abatement.



1           (10) If a party that is aggrieved by an action taken by the  
 2 marijuana regulatory agency to suspend, revoke, restrict, or refuse  
 3 to renew a specialty medical grower license, or to impose a fine,  
 4 requests the marijuana regulatory agency to hold a hearing on the  
 5 action, the marijuana regulatory agency shall hold a hearing if the  
 6 request is made in writing to the marijuana regulatory agency not  
 7 later than 21 days after the date the marijuana regulatory agency  
 8 serves notice of the action to the party. The marijuana regulatory  
 9 agency must serve notice by personal delivery or certified mail,  
 10 prepaid postage, to the aggrieved party. Notice served by certified  
 11 mail is considered complete on the business day following the date  
 12 of the mailing.

13           (11) The marijuana regulatory agency may do any of the  
 14 following to exercise its duties under this act:

- 15           (a) Conduct investigative and contested case hearings.
- 16           (b) Issue subpoenas to compel the attendance of witnesses.
- 17           (c) Issue subpoenas to compel the production of books,  
 18 ledgers, records, memoranda, electronically retrievable data, and  
 19 other documents.
- 20           (d) Administer oaths and affirmations to witnesses.

21           (12) A specialty medical grower license is a revocable  
 22 privilege granted by this state and is not a property right.  
 23 Granting a license does not create or vest a right, title,  
 24 franchise, or any other property interest. A specialty medical  
 25 grower license is not transferable.

26           5. Department to Promulgate Rules.

27           Sec. 5. (1) ~~(a) Not later than 120 days after the effective~~  
 28 ~~date of this act, the department~~ **The marijuana regulatory agency**  
 29 shall promulgate rules pursuant to the administrative procedures



1 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the  
 2 manner in which the ~~department~~ **marijuana regulatory agency** shall  
 3 consider the addition of medical conditions or treatments to the  
 4 list of debilitating medical conditions set forth in section 3(a)  
 5 ~~of this act. In promulgating rules, the department shall~~ **3. The**  
 6 **marijuana regulatory agency's rules must** allow for petition by the  
 7 public to include additional medical conditions and treatments. In  
 8 considering ~~such petitions, a petition~~, the ~~department~~ **marijuana**  
 9 **regulatory agency** shall include public notice of, and an  
 10 opportunity to comment in a public hearing ~~upon, such petitions.~~  
 11 **on, the petition.** The ~~department~~ **marijuana regulatory agency** shall,  
 12 after **the public hearing on the petition**, approve or deny ~~such~~  
 13 ~~petitions within the petition not later than~~ 180 days ~~of~~ **after** the  
 14 submission of the petition. The approval or denial of ~~such a~~  
 15 petition ~~shall be considered~~ **is** a final department action ~~, that is~~  
 16 subject to judicial review pursuant to the administrative  
 17 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.  
 18 Jurisdiction and venue for judicial review are vested in the  
 19 circuit court for the county of Ingham.

20 (2) ~~(b) Not later than 120 days after the effective date of~~  
 21 ~~this act, the department~~ **The marijuana regulatory agency** shall  
 22 promulgate rules pursuant to the administrative procedures act of  
 23 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the manner in  
 24 which ~~it~~ **the marijuana regulatory agency** shall consider  
 25 applications for and renewals of registry identification cards for  
 26 qualifying patients and primary caregivers. The ~~department's~~  
 27 **marijuana regulatory agency's** rules ~~shall~~ **must** establish  
 28 application and renewal fees that generate revenues sufficient to  
 29 offset all expenses of implementing and administering this act, **not**



1 including the licensure process for licensed specialty medical  
 2 growers. The ~~department-marijuana regulatory agency~~ may establish a  
 3 sliding scale of application and renewal fees based ~~upon-on~~ a  
 4 qualifying patient's family income. The ~~department-marijuana~~  
 5 regulatory agency may accept gifts, grants, and other donations  
 6 from private sources ~~in-order-to~~ reduce the application and renewal  
 7 fees.

8 (3) The marijuana regulatory agency may promulgate rules or  
 9 emergency rules to implement this act pursuant to the  
 10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
 11 24.328.

12 6. Administering the Marijuana Regulatory Agency's Rules.

13 Sec. 6. (a) The marijuana regulatory agency shall issue a  
 14 registry identification ~~cards-card~~ to a qualifying ~~patients-who~~  
 15 ~~submit-patient~~ if the qualifying patient submits all of the  
 16 following ~~to the marijuana regulatory agency~~ in accordance with  
 17 the marijuana regulatory agency's rules:

18 (1) A written certification.

19 (2) Application or renewal fee, as applicable.

20 (3) Name, address, and date of birth of the qualifying  
 21 patient, except that if the ~~applicant-qualifying patient~~ is  
 22 homeless, ~~no-an~~ address is not required.

23 (4) Name, address, and telephone number of the qualifying  
 24 patient's physician.

25 (5) Name, address, and date of birth of the qualifying  
 26 patient's primary caregiver or licensed specialty medical grower,  
 27 if any.

28 (6) Proof of ~~Michigan-legal~~ residency in this state. For the  
 29 purposes of this subdivision, ~~a-person-an~~ individual is considered



1 to have proved legal residency in this state if any of the  
2 following apply:

3 (i) The ~~person~~**individual** provides a copy of a valid, lawfully  
4 obtained Michigan driver license issued **to the individual** under the  
5 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or ~~an~~  
6 official state personal identification card issued **to the**  
7 **individual** under 1972 PA 222, MCL 28.291 to 28.300.

8 (ii) The ~~person~~**individual** provides a copy of a valid Michigan  
9 voter registration.

10 (7) If the qualifying patient designates a primary caregiver  
11 **or licensed specialty medical grower**, a designation as to whether  
12 the qualifying patient, ~~or~~ primary caregiver, **or licensed specialty**  
13 **medical grower** will be allowed under state law to possess marihuana  
14 plants for the qualifying patient's medical use.

15 (b) The marijuana regulatory agency shall not issue a registry  
16 identification card to a qualifying patient who is ~~under the age of~~  
17 **less than 18 years of age** unless all of the following conditions  
18 are met:

19 (1) The qualifying patient's physician has explained the  
20 potential risks and benefits of the medical use of marihuana to the  
21 qualifying patient and to his or her parent or legal guardian.

22 (2) The qualifying patient's parent or legal guardian submits  
23 a written certification from 2 physicians.

24 (3) The qualifying patient's parent or legal guardian consents  
25 in writing to do all of the following:

26 (i) ~~(A)~~ Allow the qualifying patient's medical use of  
27 marihuana.

28 (ii) ~~(B) Serve~~ **Do 1 or both of the following:**

29 **(A) Serve** as the qualifying patient's primary caregiver **or**



1 licensed specialty medical grower.

2 (B) Approve of a primary caregiver or licensed specialty  
3 medical grower for the qualifying patient.

4 (iii) ~~(C)~~ Control the acquisition of the marihuana, the dosage,  
5 and the frequency of the medical use of marihuana by the qualifying  
6 patient.

7 (c) The marijuana regulatory agency shall verify the  
8 information contained in an application or renewal submitted  
9 ~~pursuant to~~ **under** this section ~~,~~ and shall approve or deny an  
10 application or renewal ~~within~~ **not later than** 15 business days after  
11 receiving it. The marijuana regulatory agency may deny an  
12 application or renewal only if the applicant did not provide the  
13 information required pursuant to this section ~~,~~ or ~~if~~ the marijuana  
14 regulatory agency determines that the information provided was  
15 falsified. Rejection of an application or renewal is ~~considered a~~  
16 final ~~marijuana regulatory agency~~ action ~~,~~ **that is** subject to  
17 judicial review. Jurisdiction and venue for judicial review are  
18 vested in the circuit court for the county of Ingham.

19 (d) The marijuana regulatory agency shall issue a registry  
20 identification card to ~~the primary caregiver, if any,~~ **an individual**  
21 who is named **as the primary caregiver** in a **registered** qualifying  
22 patient's approved application ~~. However, each as follows:~~

23 (1) **For an application submitted before 180 days after the**  
24 **effective date of the amendatory act that added section 4c, if all**  
25 **of the following conditions are met:**

26 (i) **The individual is 21 years of age or older.**

27 (ii) **The individual has agreed to assist with the registered**  
28 **qualifying patient's medical use of marihuana.**

29 (iii) **In the immediately preceding 10 years, the individual has**



1 not been convicted of a felony.

2 (iv) The individual has not been convicted of either of the  
3 following:

4 (A) A felony involving illegal drugs.

5 (B) A felony that is an assaultive crime as defined in section  
6 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL  
7 770.9a.

8 (2) For an application submitted on or after 180 days after  
9 the effective date of the amendatory act that added section 4c, if  
10 all of the following conditions are met:

11 (i) The individual is 1 or both of the following:

12 (A) 21 years of age or older.

13 (B) The parent or legal guardian of the registered qualifying  
14 patient.

15 (ii) The individual has agreed to assist with the registered  
16 qualifying patient's medical use of marihuana.

17 (iii) In the immediately preceding 10 years, the individual has  
18 not been convicted of a felony. This subdivision does not apply to  
19 a conviction based solely on a marihuana-related offense, unless  
20 the offense involved the distribution of marihuana to a minor.

21 (iv) The individual provides to the marijuana regulatory agency  
22 the address of the location at which the individual will cultivate  
23 or manufacture marihuana.

24 (e) A primary caregiver is authorized to cultivate marihuana  
25 plants and manufacture marihuana only at the primary caregiver's  
26 residence or at a single location that is unzoned, zoned for  
27 agricultural or industrial use as of right, or zoned to explicitly  
28 authorize a primary caregiver to cultivate or manufacture  
29 marihuana. Cultivation and manufacture of marihuana are subject to



1 local zoning regulation to the extent that local zoning does not  
 2 directly conflict with this act. Only 1 primary caregiver may  
 3 cultivate or manufacture marihuana at the same location, unless  
 4 both of the following conditions are met:

5 (i) The local unit of government in which the location is  
 6 located has adopted an ordinance that explicitly authorizes more  
 7 than 1 primary caregiver to cultivate or manufacture marihuana at  
 8 the same location.

9 (ii) Each primary caregiver cultivates or manufactures in a  
 10 separate enclosed, locked facility that does not share an entrance  
 11 or metered utilities with any other enclosed, locked facility.

12 (f) Except as otherwise allowed under subsection (b) (3) (ii), a  
 13 ~~registered~~ qualifying patient ~~can have not more than~~ may be  
 14 connected through the marijuana regulatory agency's registration  
 15 process to only 1 of the following at the same time:

16 (1) A ~~registered~~ primary caregiver. ~~and a~~

17 (2) A licensed specialty medical grower.

18 (g) A ~~registered~~ primary caregiver may assist not more than 5  
 19 ~~registered~~ qualifying patients with ~~their~~ **each registered**  
 20 **qualifying patient's** medical use of marihuana.

21 (h) ~~(e)~~ The marijuana regulatory agency shall issue a registry  
 22 identification ~~cards within~~ **card not later than** 5 business days  
 23 after ~~approving~~ **it approves** an application or renewal. A registry  
 24 identification card expires 2 years after the date it is issued.  
 25 ~~Registry~~ **A registry** identification ~~cards~~ **card** must contain all of  
 26 the following:

27 (1) Name, address, and date of birth of the **registered**  
 28 qualifying patient.

29 (2) Name, address, and date of birth of the primary caregiver





1 **or licensed specialty medical grower**, if any, of the **registered**  
 2 qualifying patient.

3 (3) The date of issuance and expiration date of the registry  
 4 identification card.

5 (4) A random identification number.

6 (5) A photograph, if the marijuana regulatory agency requires  
 7 one by rule.

8 (6) A clear designation ~~showing that shows~~ whether the  
 9 **registered** primary caregiver or the **registered** qualifying patient  
 10 will be allowed under state law to possess the marijuana plants for  
 11 the **registered** qualifying patient's medical use ~~, which shall be as~~  
 12 ~~determined based solely on by~~ the **registered** qualifying patient's  
 13 ~~preference, patient.~~

14 (i) ~~(f)~~ If a registered qualifying patient's certifying  
 15 physician notifies the marijuana regulatory agency in writing that  
 16 the **registered qualifying** patient has ceased to suffer from a  
 17 debilitating medical condition, the **registered qualifying patient's**  
 18 card becomes ~~null and void~~ upon notification ~~by from~~ the marijuana  
 19 regulatory agency to the **registered qualifying** patient.

20 (j) ~~(g)~~ Possession of, or application for, a registry  
 21 identification card ~~shall or specialty medical grower license does~~  
 22 not constitute probable cause or reasonable suspicion, ~~nor shall it~~  
 23 **must not** be used to support the search of the ~~person-individual~~ or  
 24 property of the ~~person-individual~~ possessing or applying for the  
 25 registry identification card, ~~or otherwise and does not~~ subject the  
 26 ~~person-individual~~ or property of the ~~person-individual~~ to  
 27 inspection by any local, county, or state governmental agency. **This**  
 28 **subsection does not apply to an inspection described in section**  
 29 **4c(5).**



1           **(k)** ~~(h)~~—The following confidentiality rules apply:

2           (1) Subject to subdivisions (3) ~~and (4), to (5)~~, applications  
3 and supporting information submitted by qualifying patients,  
4 including information regarding their primary caregivers, ~~and~~  
5 **physicians, and licensed specialty medical growers**, are  
6 confidential.

7           (2) The marijuana regulatory agency shall maintain a  
8 confidential list of the ~~persons~~**individuals** to whom the marijuana  
9 regulatory agency has issued registry identification cards **or**  
10 **granted specialty medical grower licenses**. Except as provided in  
11 subdivisions (3) ~~and (4), to (5)~~, individual names and other  
12 identifying information on the list are confidential and are exempt  
13 from disclosure under the freedom of information act, 1976 PA 442,  
14 MCL 15.231 to 15.246.

15           (3) The marijuana regulatory agency shall verify to law  
16 enforcement personnel and to the necessary database created in the  
17 marihuana tracking act as established by the medical marihuana  
18 facilities licensing act whether a registry identification card **or**  
19 **specialty medical grower license** is valid ~~—~~without disclosing more  
20 information than is reasonably necessary to verify the authenticity  
21 of the registry identification card **or specialty medical grower**  
22 **license**.

23           (4) **If the department of state police, a local law enforcement**  
24 **agency, or a local ordinance enforcement officer requests from the**  
25 **marijuana regulatory agency the address of the location at which a**  
26 **registered primary caregiver or licensed specialty medical grower**  
27 **cultivates or manufactures marihuana, the marijuana regulatory**  
28 **agency shall provide the address to the requester.**

29           (5) ~~(4)~~—A person, including an employee, contractor, or



1 ~~official~~**officer** of the marijuana regulatory agency or another  
 2 state agency or local unit of government, who discloses  
 3 confidential information in violation of this act **and who, at the**  
 4 **time of the disclosure, knows that the disclosure violates this**  
 5 **act**, is guilty of a misdemeanor punishable by imprisonment for not  
 6 more than 6 months or a fine of not more than \$1,000.00, or both.  
 7 Notwithstanding this ~~provision,~~**subdivision, a** marijuana regulatory  
 8 agency employees may notify law enforcement about falsified or  
 9 fraudulent information submitted to the marijuana regulatory  
 10 agency.

11 (l) ~~(i)~~The marijuana regulatory agency shall submit to the  
 12 legislature an annual report that does not disclose any identifying  
 13 information about qualifying patients, primary caregivers, **licensed**  
 14 **specialty medical growers**, or physicians, but does contain, at a  
 15 minimum, all of the following information:

16 (1) The number of applications filed for registry  
 17 identification cards.

18 (2) **The number of applications filed for specialty medical**  
 19 **grower licenses.**

20 (3) ~~(2)~~The number of **registered** qualifying patients and  
 21 **registered** primary caregivers approved in each county.

22 (4) **The number of licenses granted to licensed specialty**  
 23 **medical growers in each county.**

24 (5) ~~(3)~~The nature of the debilitating medical conditions of  
 25 the qualifying patients.

26 (6) ~~(4)~~The number of registry identification cards revoked.

27 (7) **The number of specialty medical grower licenses revoked.**

28 (8) ~~(5)~~The number of physicians providing written  
 29 certifications for qualifying patients.



1           (m) ~~(j)~~—The marijuana regulatory agency may enter into a  
 2 contract with a private contractor to assist the marijuana  
 3 regulatory agency in performing its duties under this section. The  
 4 contract may provide for assistance in processing and issuing  
 5 registry identification cards, but the marijuana regulatory agency  
 6 ~~shall~~**must** retain the authority to make the final determination as  
 7 to issuing ~~the~~**a** registry identification card. Any contract must  
 8 include a provision requiring the contractor to preserve the  
 9 confidentiality of information in conformity with subsection  
 10 ~~(h)~~**(k)**.

11           (n) ~~(k)~~—Not later than 6 months after April 1, 2013, the  
 12 marijuana regulatory agency shall appoint a panel to review  
 13 petitions to approve medical conditions or treatments for addition  
 14 to the list of debilitating medical conditions under the rules. The  
 15 panel shall meet at least ~~twice~~**2 times** each year and shall review  
 16 and make a recommendation to the marijuana regulatory agency  
 17 concerning any **submitted** petitions ~~that have been submitted~~ that  
 18 are ~~completed~~**complete** and include any documentation required by  
 19 rule. All of the following apply to the panel:

20           (1) A majority of the panel members must be licensed  
 21 physicians, and the panel shall provide recommendations to the  
 22 marijuana regulatory agency regarding whether the petitions should  
 23 be approved or denied.

24           (2) All meetings of the panel are subject to the open meetings  
 25 act, 1976 PA 267, MCL 15.261 to 15.275.

26           (o) ~~(l)~~—The marihuana registry fund is created within the state  
 27 treasury. All fees collected under this act shall be deposited into  
 28 the fund. The state treasurer may receive money or other assets  
 29 from any source for deposit into the fund. The state treasurer



1 shall direct the investment of the fund. The state treasurer shall  
 2 credit to the fund interest and earnings from fund investments.  
 3 Money in the fund at the close of the fiscal year must remain in  
 4 the fund and must not lapse to the general fund. The marijuana  
 5 regulatory agency shall be the administrator of the fund for  
 6 auditing purposes. The marijuana regulatory agency shall expend  
 7 money from the fund, upon appropriation, ~~for the operation and~~  
 8 ~~oversight of the Michigan medical marihuana program. For the fiscal~~  
 9 ~~year ending September 30, 2016, \$8,500,000.00 is appropriated from~~  
 10 ~~the marihuana registry fund to the department for its initial costs~~  
 11 ~~of implementing the medical marihuana facilities licensing act and~~  
 12 ~~the marihuana tracking act. to implement this act.~~ For the fiscal  
 13 year ending September 30, 2021, \$24,000,000.00 of the money in the  
 14 marihuana registry fund is transferred to and must be deposited  
 15 into the Michigan set aside fund created under section 1i of 1965  
 16 PA 213, MCL 780.621i.

17 ~~(m) As used in this section, "marijuana regulatory agency"~~  
 18 ~~means the marijuana regulatory agency created under Executive~~  
 19 ~~Reorganization Order No. 2019-2, MCL 333.27001.~~

20 7. Scope of Act.

21 Sec. 7. (a) The medical use of marihuana is allowed under  
 22 state law to the extent that it ~~is carried out in accordance~~  
 23 **complies** with the ~~provisions of this act.~~

24 (b) This act does not ~~permit any~~ **authorize a** person to do any  
 25 of the following:

26 (1) Undertake any task under the influence of marihuana, ~~when~~  
 27 **if** doing so would constitute negligence or professional  
 28 malpractice.

29 (2) Possess marihuana, or otherwise engage in the medical use



1 of marihuana, at any of the following locations:

2 (i) ~~(A)~~—In a school bus.

3 (ii) ~~(B)~~—On the grounds of any preschool or primary or  
4 secondary school.

5 (iii) ~~(C)~~—In any correctional facility.

6 (3) Smoke marihuana at any of the following locations:

7 (i) ~~(A)~~—On any form of public transportation.

8 (ii) ~~(B)~~—In any public place.

9 (4) Operate, navigate, or be in actual physical control of any  
10 motor vehicle, aircraft, snowmobile, off-road recreational vehicle,  
11 or motorboat while under the influence of marihuana.

12 (5) Use marihuana if that person does not have a serious or  
13 debilitating medical condition.

14 (6) Separate plant resin from ~~a marihuana plant by butane~~  
15 ~~extraction in any public place or motor vehicle, or inside or~~  
16 ~~within the curtilage of any residential structure.~~

17 ~~(7) Separate plant resin from a marihuana plant by butane~~  
18 ~~extraction in a manner that demonstrates a failure to exercise~~  
19 ~~reasonable care or reckless disregard for the safety of~~  
20 ~~others.~~ **using a hydrocarbon solvent or any other flammable**  
21 **substance.**

22 (c) ~~Nothing in this~~ **This** act ~~shall be construed to~~ **does not**  
23 require any of the following:

24 (1) A government medical assistance program or commercial or  
25 ~~non-profit~~ **nonprofit** health insurer to reimburse a person for costs  
26 associated with the medical use of marihuana.

27 (2) An employer to accommodate the ingestion of marihuana in  
28 any workplace or any employee working while under the influence of  
29 marihuana.



1 (3) A private property owner to lease residential property to  
 2 any person who smokes or cultivates marihuana on the premises, if  
 3 the prohibition against smoking or cultivating marihuana is in the  
 4 written lease.

5 (d) Fraudulent representation to a law enforcement ~~official~~  
 6 **officer** of any fact or circumstance relating to the medical use of  
 7 marihuana to avoid arrest or prosecution is punishable by a fine of  
 8 \$500.00, which is in addition to any other penalties that may apply  
 9 for making a false statement or for the use of marihuana other than  
 10 use undertaken pursuant to this act.

11 (e) All other acts and parts of acts inconsistent with this  
 12 act do not apply to the medical use of marihuana as provided for by  
 13 this act.

14 8. Affirmative Defense and Dismissal for Medical Marihuana.

15 Sec. 8. **(1)** ~~(a)~~ Except as provided in section 7(b), a  
 16 **registered qualifying patient, and-or a patient's-registered**  
 17 **primary caregiver or licensed specialty medical grower to whom the**  
 18 **registered qualifying patient is connected through the marijuana**  
 19 **regulatory agency's registration process,** if any, may assert the  
 20 medical purpose for using marihuana as a defense to any prosecution  
 21 involving marihuana, and this defense ~~shall be~~ **is** presumed valid  
 22 ~~where-if~~ the evidence shows ~~that:~~ **all of the following:**

23 **(a)** ~~(1)~~ A physician has stated that, in the physician's  
 24 professional opinion, after having completed a full assessment of  
 25 the **registered qualifying** patient's medical history and current  
 26 medical condition made in the course of a bona fide physician-  
 27 patient relationship, the **registered qualifying** patient is likely  
 28 to receive therapeutic or palliative benefit from the medical use  
 29 of marihuana to treat or alleviate the **registered qualifying**



1 patient's serious or debilitating medical condition or symptoms of  
 2 the **registered qualifying** patient's serious or debilitating medical  
 3 condition. †

4 (b) ~~(2)~~—The **registered qualifying** patient, and ~~the patient's a~~  
 5 **registered** primary caregiver or **licensed specialty medical grower**  
 6 **to whom the registered qualifying patient is connected through the**  
 7 **marijuana regulatory agency's registration process**, if any, were  
 8 collectively in possession of a quantity of marihuana that was not  
 9 more than was reasonably necessary to ensure the uninterrupted  
 10 availability of marihuana for the purpose of treating or  
 11 alleviating the **registered qualifying** patient's serious or  
 12 debilitating medical condition or symptoms of the **registered**  
 13 **qualifying** patient's serious or debilitating medical condition. †  
 14 and

15 (c) ~~(3)~~—The **registered qualifying** patient and ~~the patient's a~~  
 16 **registered** primary caregiver or **licensed specialty medical grower**  
 17 **to whom the registered qualifying patient is connected through the**  
 18 **marijuana regulatory agency's registration process**, if any, were  
 19 engaged in the acquisition, possession, cultivation, manufacture,  
 20 use, delivery, transfer, or transportation of marihuana or  
 21 paraphernalia relating to the use of marihuana to treat or  
 22 alleviate the **registered qualifying** patient's serious or  
 23 debilitating medical condition or symptoms of the **registered**  
 24 **qualifying** patient's serious or debilitating medical condition.

25 (2) ~~(b)~~—A person may assert the medical purpose for using  
 26 marihuana in a motion to dismiss, and the charges ~~shall~~**must** be  
 27 dismissed following an evidentiary hearing ~~where~~**at which** the  
 28 person shows the elements listed in subsection ~~(a)~~**(1)**.

29 (3) ~~(e)~~—If a **registered qualifying** patient, or a ~~patient's~~





1 **registered** primary caregiver or **licensed specialty medical grower**  
 2 **to whom the registered qualifying patient is connected through the**  
 3 **marijuana regulatory agency's registration process, if any,**  
 4 demonstrates the **registered qualifying** patient's medical purpose  
 5 for using marihuana pursuant to this section, the **registered**  
 6 **qualifying** patient, ~~and the patient's registered~~ primary caregiver,  
 7 ~~shall and the licensed specialty medical grower are~~ not be subject  
 8 to the following for the **registered qualifying** patient's medical  
 9 use of marihuana:

10 (a) ~~(1) disciplinary~~ **Disciplinary** action by a business or  
 11 occupational or professional licensing board or bureau. ~~or~~

12 (b) ~~(2) forfeiture~~ **Forfeiture** of any interest in or right to  
 13 property.

14 Enacting section 1. This amendatory act takes effect 180 days  
 15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect  
 17 unless all of the following bills of the 101st Legislature are  
 18 enacted into law:

19 (a) House Bill No. 5300.

20 (b) House Bill No. 5302.

21 (c) House Bill No. 5319.

22 (d) House Bill No. 5321.

