

HOUSE BILL NO. 4322

February 24, 2021, Introduced by Rep. Wendzel and referred to the Committee on Regulatory Reform.

A bill to amend 2018 IL 1, entitled
"Michigan Regulation and Taxation of Marihuana Act,"
by amending section 8 (MCL 333.27958), as amended by 2020 PA 208.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The marijuana regulatory agency shall promulgate
2 rules to implement and administer this act that include all of the
3 following:

4 (a) Procedures for issuing a state license pursuant to section
5 9 and for renewing, suspending, and revoking a state license.

1 (b) A schedule of fees in amounts not more than necessary to
2 pay for implementation, administration, and enforcement costs of
3 this act and that relate to the size of each licensee or the volume
4 of business conducted by the licensee.

5 (c) Qualifications for licensure that are directly and
6 demonstrably related to the operation of a marihuana establishment.
7 However, a prior conviction solely for a marihuana-related offense
8 does not disqualify an individual or otherwise affect eligibility
9 for licensure, unless the offense involved distribution of a
10 controlled substance to a minor.

11 (d) Requirements and standards for safe cultivation,
12 processing, and distribution of marihuana by marihuana
13 establishments, including health standards to ensure the safe
14 preparation of marihuana-infused products and prohibitions on
15 pesticides that are not safe for use on marihuana.

16 (e) Testing, packaging, and labeling standards, procedures,
17 and requirements for marihuana, including, but not limited to, all
18 of the following:

19 (i) A maximum tetrahydrocannabinol level for marihuana-infused
20 products.

21 (ii) A requirement that a representative sample of marihuana be
22 tested by a marihuana safety compliance facility.

23 (iii) A requirement that the amount of marihuana or marihuana
24 concentrate contained within a marihuana-infused product be
25 specified on the product label.

26 (iv) A requirement that all marihuana sold through marihuana
27 retailers and marihuana microbusinesses include on the exterior of
28 the marihuana packaging the following warning printed in clearly
29 legible type and surrounded by a continuous heavy line:

1 WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY
2 WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL
3 INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL
4 PROBLEMS FOR THE CHILD.

5 (f) Security requirements, including lighting, physical
6 security, and alarm requirements, and requirements for securely
7 transporting marihuana between marihuana establishments. The
8 requirements described in this subdivision must not prohibit
9 cultivation of marihuana outdoors or in greenhouses.

10 (g) Record keeping requirements for marihuana establishments
11 and monitoring requirements to track the transfer of marihuana by
12 licensees.

13 (h) Requirements for the operation of marihuana secure
14 transporters to ensure that all marihuana establishments are
15 properly serviced.

16 (i) Reasonable restrictions on advertising, marketing, and
17 display of marihuana and marihuana establishments.

18 (j) A plan to promote and encourage participation in the
19 marihuana industry by people from communities that have been
20 disproportionately impacted by marihuana prohibition and
21 enforcement and to positively impact those communities.

22 (k) Penalties for failure to comply with any rule promulgated
23 pursuant to this section or for any violation of this act by a
24 licensee, including civil fines and suspension, revocation, or
25 restriction of a state license.

26 (l) Informational pamphlet standards for marihuana retailers
27 and marihuana microbusinesses, including, but not limited to, a
28 requirement to make available to every customer at the time of sale
29 a pamphlet measuring 3.5 inches by 5 inches that includes safety

1 information related to marihuana use by minors and the poison
2 control hotline number.

3 (m) Procedures and standards for approving an appointee to
4 operate a marihuana establishment under section 9a.

5 (2) The marijuana regulatory agency may promulgate rules to do
6 any of the following:

7 (a) Provide for the issuance of additional types or classes of
8 state licenses to operate marihuana-related businesses, including
9 licenses that authorize any of the following:

10 (i) Limited cultivation, processing, transportation, delivery,
11 storage, sale, or purchase of marihuana.

12 (ii) Consumption of marihuana within designated areas.

13 (iii) Consumption of marihuana at special events in limited
14 areas and for a limited time.

15 (iv) Cultivation for purposes of propagation.

16 (v) Facilitation of scientific research or education.

17 (b) Regulate the cultivation, processing, distribution, and
18 sale of industrial hemp.

19 (3) The marijuana regulatory agency shall not promulgate a
20 rule that does any of the following:

21 (a) Establishes a limit on the number of any type of state
22 ~~licenses~~**license** that may be granted.

23 (b) Requires a customer to provide a marihuana retailer with
24 identifying information other than identification to determine the
25 customer's age or requires the marihuana retailer to acquire or
26 record personal information about customers other than information
27 typically required in a retail transaction.

28 (c) Prohibits a marihuana establishment from operating at a
29 shared location of a marihuana facility operating pursuant to the

1 medical marihuana facilities licensing act, 2016 PA 281, MCL
2 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana
3 processor, or marihuana retailer from operating within a single
4 facility.

5 (d) Is unreasonably impracticable.

6 **(e) Prohibits a licensee from donating money to a nonprofit**
7 **organization.**

8 **(f) Prohibits a licensee from sponsoring, supporting, or**
9 **donating money to a substance use disorder education program for**
10 **youth.**

11 (4) A rule promulgated under this act must be promulgated
12 pursuant to the administrative procedures act of 1969, 1969 PA 306,
13 MCL 24.201 to 24.328.