

HOUSE BILL NO. 5128

June 24, 2021, Introduced by Reps. Calley, Borton, Bellino, Slagh and Rendon and referred to the Committee on Regulatory Reform.

A bill to amend 2008 IL 1, entitled
"Michigan Medical Marihuana Act,"
by amending section 7 (MCL 333.26427), as amended by 2016 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 7. Scope of Act.

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

5 (b) This act does not ~~permit any~~ **authorize a** person to do any

1 of the following:

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

5 (2) Possess marihuana, or ~~otherwise~~ engage in the medical use
6 of marihuana, at any of the following locations:

7 (A) In a school bus.

8 (B) On the grounds of any preschool or primary or secondary
9 school.

10 (C) In any correctional facility.

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

12 (A) On any form of public transportation.

13 **(B) In a food service establishment as that term is defined in**
14 **section 1107 of the food law, 2000 PA 92, MCL 289.1107.**

15 (C) ~~(B)~~ In any public place.

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

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

21 (6) Separate plant resin from a marihuana plant by butane
22 extraction in any **of the following:**

23 **(A) A** public place. ~~or~~

24 **(B) A** motor vehicle. ~~, or inside~~

25 **(C) Inside** or within the curtilage of any residential
26 structure.

27 (7) Separate plant resin from a marihuana plant by butane
28 extraction in a manner that demonstrates a failure to exercise
29 reasonable care or reckless disregard for the safety of others.

1 (c) Nothing in this act ~~shall be construed to require~~ **requires**
2 any of the following:

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

6 (2) An employer to accommodate the ingestion of marihuana in
7 any workplace or any employee working while under the influence of
8 marihuana.

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

13 (d) Fraudulent representation to a law enforcement official of
14 any fact or circumstance relating to the medical use of marihuana
15 to avoid arrest or prosecution is punishable by a fine of \$500.00,
16 ~~which is in addition to any other penalties that may apply for~~
17 making a false statement or for the use of marihuana other than use
18 ~~undertaken pursuant to~~ **that complies with** this act.

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