

HOUSE BILL NO. 5129

June 24, 2021, Introduced by Reps. Calley, Borton, Bellino, Slagh and Rendon 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 4 (MCL 333.27954).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. **(1)** ~~1.~~—This act does not authorize **any of the**
2 **following:**

3 (a) ~~operating,~~ **Operating**, navigating, or being in physical
4 control of any motor vehicle, aircraft, snowmobile, off-road
5 recreational vehicle, or motorboat while under the influence of

1 marihuana. †

2 (b) ~~transfer of~~ **Transferring** marihuana or marihuana
3 accessories to a ~~person under the age of~~ **an individual who is**
4 **younger than 21 years of age.** †

5 (c) ~~any person under the age of~~ **An individual who is younger**
6 **than 21 years of age** to possess, consume, purchase or otherwise
7 obtain, cultivate, process, transport, or sell marihuana. †

8 (d) ~~separation of plant resin~~ **Separating marihuana concentrate**
9 by butane extraction or another method that utilizes a substance
10 with a flashpoint below 100 degrees Fahrenheit in any **of the**
11 **following:**

12 (i) **A public place.** †

13 (ii) **A motor vehicle.** ~~or within~~

14 (iii) **Within** the curtilage of any residential structure. †

15 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking
16 marihuana **in a food service establishment or** where prohibited by
17 the person who owns, occupies, or manages the property. ~~except~~
18 ~~for purposes of~~ **As used in** this subdivision: ~~a public~~

19 (i) **"Food service establishment"** means that term as defined in
20 **section 1107 of the food law, 2000 PA 92, MCL 289.1107.**

21 (ii) **"Public place"** does not include an area designated for
22 **marihuana** consumption within a municipality that has authorized
23 **marihuana** consumption in designated areas that are not accessible
24 to ~~persons under~~ **individuals who are younger than** 21 years of age.

25 †

26 (f) ~~cultivating~~ **Cultivating** marihuana plants ~~if~~ **under either**
27 **of the following circumstances:**

28 (i) **If the** plants are visible from a public place without the
29 use of binoculars, aircraft, or other optical aids. ~~or outside~~

1 (ii) **Outside** of an enclosed area equipped with locks or other
2 functioning security devices that restrict access to the area. †

3 (g) ~~consuming~~ **Consuming** marihuana while operating, navigating,
4 or being in physical control of any motor vehicle, aircraft,
5 snowmobile, off-road recreational vehicle, or motorboat, or smoking
6 marihuana within the passenger area of a vehicle ~~upon~~ **on** a public
7 way. †

8 (h) ~~possessing~~ **Possessing** marihuana accessories or possessing
9 or consuming marihuana on the grounds of a public or private school
10 where ~~children~~ **minors** attend classes in preschool programs,
11 kindergarten programs, or grades 1 ~~through~~ **to** 12, in a school bus,
12 or on the grounds of any correctional facility. †~~or~~

13 (i) Possessing more than 2.5 ounces of marihuana within a
14 ~~person's~~ **an individual's** place of residence unless the excess
15 marihuana is stored in a container or area equipped with locks or
16 other functioning security devices that restrict access to the
17 contents of the container or area.

18 (2) ~~2.~~ This act does not limit any privileges, rights,
19 immunities, or defenses of a person as provided in the Michigan
20 ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008 IL 1, MCL
21 333.26421 to 333.26430, the medical marihuana facilities licensing
22 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of
23 this state ~~allowing~~ **that allows** for or ~~regulating~~ **regulates**
24 marihuana for medical use.

25 (3) ~~3.~~ This act does not require an employer to ~~permit~~ **allow**
26 or accommodate conduct **that is** otherwise allowed ~~by~~ **under** this act
27 in any workplace **of the employer** or on the employer's property.
28 This act does not prohibit an employer from ~~disciplining~~ **doing**
29 **either of the following:**

1 **(a) Disciplining** an employee ~~for violation of because the~~
2 **employee violated** a workplace drug policy or ~~for working worked~~
3 while under the influence of marihuana. ~~This act does not prevent~~
4 ~~an employer from refusing~~

5 **(b) Refusing** to hire, discharging, disciplining, or otherwise
6 taking an adverse employment action against ~~a person an individual~~
7 with respect to hire, tenure, terms, conditions, or privileges of
8 employment because ~~of that person's violation of the individual~~
9 **violated** a workplace drug policy or ~~because that person was working~~
10 **worked** while under the influence of marihuana.

11 **(4)** ~~4. This act allows a person to~~ **A person may** prohibit or
12 otherwise regulate the consumption, cultivation, distribution,
13 processing, sale, or display of marihuana and marihuana accessories
14 on property the person owns, occupies, or manages, except that a
15 lease agreement may not prohibit a tenant from ~~lawfully possessing~~
16 **marihuana in accordance with this act** and consuming marihuana by
17 means other than smoking.

18 **(5)** ~~5. All other laws inconsistent with this act do not apply~~
19 to conduct that is ~~permitted by~~ **allowed under** this act.