

# HOUSE BILL NO. 4322

March 22, 2023, Introduced by Reps. Coleman, Wilson, Dievendorf, Wegela, McFall, Filler, Liberati and DeSana 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 the title and sections 3, 4, 5, 8, 10, and 11 (MCL  
333.27953, 333.27954, 333.27955, 333.27958, 333.27960, and  
333.27961), sections 3 and 8 as amended by 2021 PA 56.

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

**1** TITLE  
**2** An initiation of legislation to allow under state law the  
**3** personal possession and use of marihuana by persons 21 years of age  
**4** or older; to provide for the lawful cultivation and sale of

1 marihuana and industrial hemp by **certain** persons; ~~21 years of age~~  
 2 ~~or older~~; to permit the taxation of revenue derived from commercial  
 3 marihuana facilities; to permit the promulgation of administrative  
 4 rules; and to prescribe certain penalties for violations of this  
 5 act. ~~If not enacted by the Michigan State Legislature in accordance~~  
 6 ~~with the Michigan Constitution of 1963, the proposed legislation is~~  
 7 ~~to be voted on at the General Election, November 6, 2018.~~

8 Sec. 3. As used in this act:

9 (a) **"Cannabis regulatory agency" means the marijuana**  
 10 **regulatory agency created under Executive Reorganization Order No.**  
 11 **2019-2, MCL 333.27001, renamed the cannabis regulatory agency under**  
 12 **Executive Reorganization Order No. 2022-1, MCL 333.27002.**

13 (b) ~~(a)~~—"Cultivate" means to propagate, breed, grow, harvest,  
 14 dry, cure, or separate parts of a marihuana plant by manual or  
 15 mechanical means.

16 (c) ~~(b)~~—"Department" means the ~~department of licensing and~~  
 17 ~~regulatory affairs.~~**cannabis regulatory agency.**

18 (d) ~~(e)~~—"Industrial hemp" means any of the following:

19 (i) A plant of the genus *Cannabis*, whether growing or not, with  
 20 a THC concentration of 0.3% or less on a dry-weight basis.

21 (ii) A part of a plant of the genus *Cannabis*, whether growing  
 22 or not, with a THC concentration of 0.3% or less on a dry-weight  
 23 basis.

24 (iii) The seeds of a plant of the genus *Cannabis* with a THC  
 25 concentration of 0.3% or less on a dry-weight basis.

26 (iv) If it has a THC concentration of 0.3% or less on a dry-  
 27 weight basis, a compound, manufacture, derivative, mixture,  
 28 preparation, extract, cannabinoid, acid, salt, isomer, or salt of  
 29 an isomer of any of the following:

1 (A) A plant of the genus *Cannabis*.

2 (B) A part of a plant of the genus *Cannabis*.

3 (v) A product to which 1 of the following applies:

4 (A) If the product is intended for human or animal  
5 consumption, the product, in the form in which it is intended for  
6 sale to a consumer, meets both of the following requirements:

7 (I) Has a THC concentration of 0.3% or less on a dry-weight or  
8 per volume basis.

9 (II) Contains a total amount of THC that is less than or equal  
10 to the limit established by the ~~marijuana~~**cannabis** regulatory  
11 agency under section 8(1)(n).

12 (B) If the product is not intended for human or animal  
13 consumption, the product meets both of the following requirements:

14 (I) Contains a substance listed in subparagraph (i), (ii), (iii),  
15 or (iv).

16 (II) Has a THC concentration of 0.3% or less on a dry-weight  
17 basis.

18 (e) ~~(d)~~—"Licensee" means a person holding a state license.

19 (f) ~~(e)~~—"Marihuana" means any of the following:

20 (i) A plant of the genus *Cannabis*, whether growing or not.

21 (ii) A part of a plant of the genus *Cannabis*, whether growing  
22 or not.

23 (iii) The seeds of a plant of the genus *Cannabis*.

24 (iv) Marihuana concentrate.

25 (v) A compound, manufacture, salt, derivative, mixture,  
26 extract, acid, isomer, salt of an isomer, or preparation of any of  
27 the following:

28 (A) A plant of the genus *Cannabis*.

29 (B) A part of a plant of the genus *Cannabis*.

1 (C) The seeds of a plant of the genus *Cannabis*.

2 (D) Marihuana concentrate.

3 (vi) A marihuana-infused product.

4 (vii) A product with a THC concentration of more than 0.3% on a  
5 dry-weight or per volume basis in the form in which it is intended  
6 for sale to a consumer.

7 (viii) A product that is intended for human or animal  
8 consumption and that contains, in the form in which it is intended  
9 for sale to a consumer, a total amount of THC that is greater than  
10 the limit established by the ~~marijuana~~-**cannabis** regulatory agency  
11 under section 8(1)(n).

12 (g) ~~(f)~~—Except for marihuana concentrate extracted from any of  
13 the following, "marihuana" does not include any of the following:

14 (i) The mature stalks of a plant of the genus *Cannabis*.

15 (ii) Fiber produced from the mature stalks of a plant of the  
16 genus *Cannabis*.

17 (iii) Oil or cake made from the seeds of a plant of the genus  
18 *Cannabis*.

19 (iv) A compound, manufacture, salt, derivative, mixture, or  
20 preparation of the mature stalks of a plant of the genus *Cannabis*.

21 (v) Industrial hemp.

22 (vi) An ingredient combined with marihuana to prepare topical  
23 or oral administrations, food, drink, or other products.

24 (vii) A drug for which an application filed in accordance with  
25 21 USC 355 is approved by the Food and Drug Administration.

26 (h) ~~(g)~~—"Marihuana accessories" means any equipment, product,  
27 material, or combination of equipment, products, or materials, that  
28 is specifically designed for use in planting, propagating,  
29 cultivating, growing, harvesting, manufacturing, compounding,

1 converting, producing, processing, preparing, testing, analyzing,  
 2 packaging, repackaging, storing, containing, ingesting, inhaling,  
 3 or otherwise introducing marihuana into the human body.

4 (i) ~~(h)~~—"Marihuana concentrate" means the resin extracted from  
 5 any part of a plant of the genus *Cannabis*.

6 (j) ~~(i)~~—"Marihuana establishment" means a marihuana grower,  
 7 marihuana safety compliance facility, marihuana processor,  
 8 marihuana microbusiness, marihuana retailer, marihuana secure  
 9 transporter, or any other type of marihuana-related business  
 10 licensed by the ~~marijuana~~ **cannabis** regulatory agency.

11 (k) ~~(j)~~—"Marihuana grower" means a person licensed to  
 12 cultivate marihuana and sell or otherwise transfer marihuana to  
 13 marihuana establishments.

14 (l) ~~(k)~~—"Marihuana-infused product" means a topical  
 15 formulation, tincture, beverage, edible substance, or similar  
 16 product containing marihuana and other ingredients and that is  
 17 intended for human consumption.

18 (m) ~~(l)~~—"Marihuana microbusiness" means a person licensed to  
 19 cultivate not more than 150 marihuana plants; process and package  
 20 marihuana; and sell or otherwise transfer marihuana to individuals  
 21 who are 21 years of age or older or to a marihuana safety  
 22 compliance facility, but not to other marihuana establishments.

23 (n) ~~(m)~~—"Marihuana processor" means a person licensed to  
 24 obtain marihuana from marihuana establishments; process and package  
 25 marihuana; and sell or otherwise transfer marihuana to marihuana  
 26 establishments.

27 (o) ~~(n)~~—"Marihuana retailer" means a person licensed to obtain  
 28 marihuana from marihuana establishments and to sell or otherwise  
 29 transfer marihuana to marihuana establishments and to individuals

1 who are 21 years of age or older.

2 (p) ~~(e)~~—"Marihuana secure transporter" means a person licensed  
3 to obtain marihuana from marihuana establishments in order to  
4 transport marihuana to marihuana establishments.

5 (q) ~~(p)~~—"Marihuana safety compliance facility" means a person  
6 licensed to test marihuana, including certification for potency and  
7 the presence of contaminants.

8 (r) ~~(q)~~—"Marijuana regulatory agency" means the marijuana  
9 regulatory agency created under Executive Reorganization Order No.  
10 2019-2, MCL 333.27001.

11 (s) ~~(r)~~—"Municipal license" means a license issued by a  
12 municipality pursuant to section 16 that allows a person to operate  
13 a marihuana establishment in that municipality.

14 (t) ~~(s)~~—"Municipality" means a city, village, or township.

15 (u) ~~(t)~~—"Person" means an individual, corporation, limited  
16 liability company, partnership of any type, trust, or other legal  
17 entity.

18 (v) ~~(u)~~—"Process" or "processing" means to separate or  
19 otherwise prepare parts of a marihuana plant and to compound,  
20 blend, extract, infuse, or otherwise make or prepare marihuana  
21 concentrate or marihuana-infused products.

22 (w) ~~(v)~~—"State license" means a license issued by the  
23 ~~marijuana~~**cannabis** regulatory agency that allows a person to  
24 operate a marihuana establishment.

25 (x) ~~(w)~~—"THC" means any of the following:

26 (i) Tetrahydrocannabinolic acid.

27 (ii) Unless excluded by the ~~marijuana~~**cannabis** regulatory  
28 agency under section 8(2)(c), a tetrahydrocannabinol, regardless of  
29 whether it is artificially or naturally derived.

1 (iii) A tetrahydrocannabinol that is a structural, optical, or  
 2 geometric isomer of a tetrahydrocannabinol described in  
 3 subparagraph (ii).

4 (y) ~~(x)~~—"Unreasonably impracticable" means that the measures  
 5 necessary to comply with the rules or ordinances adopted pursuant  
 6 to this act subject licensees to unreasonable risk or require such  
 7 a high investment of money, time, or any other resource or asset  
 8 that a reasonably prudent businessperson would not operate the  
 9 marihuana establishment.

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

12 (a) ~~operating,~~ **Operating**, navigating, or being in physical  
 13 control of any motor vehicle, aircraft, snowmobile, off-road  
 14 recreational vehicle, or motorboat while under the influence of  
 15 marihuana. †

16 (b) ~~transfer of~~ **Except as otherwise allowed under section 10,**  
 17 **transferring** marihuana or marihuana accessories to a person ~~under~~  
 18 ~~the age of~~ **who is younger than 21 years of age.** †

19 (c) ~~any~~ **Except as otherwise allowed under section 10, a person**  
 20 ~~under the age of~~ **who is younger than 21 years of age** to possess,  
 21 consume, purchase or otherwise obtain, cultivate, process,  
 22 transport, or sell marihuana. †

23 (d) ~~separation of~~ **Separating** plant resin by butane extraction  
 24 or another method that utilizes a substance with a flashpoint below  
 25 100 degrees Fahrenheit in any public place, motor vehicle, or  
 26 within the curtilage of any residential structure. †

27 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking  
 28 marihuana where prohibited by the person who owns, occupies, or  
 29 manages the property, except for purposes of this subdivision a

1 public place does not include an area designated for consumption  
 2 within a municipality that has authorized consumption in designated  
 3 areas that are not accessible to persons ~~under~~ **who are younger than**  
 4 21 years of age. †

5 (f) ~~cultivating~~ **Cultivating** marihuana plants if the plants are  
 6 visible from a public place without the use of binoculars,  
 7 aircraft, or other optical aids or outside of an enclosed area  
 8 equipped with locks or other functioning security devices that  
 9 restrict access to the area. †

10 (g) ~~consuming~~ **Consuming** marihuana while operating, navigating,  
 11 or being in physical control of any motor vehicle, aircraft,  
 12 snowmobile, off-road recreational vehicle, or motorboat, or smoking  
 13 marihuana within the passenger area of a vehicle upon a public way.  
 14 †

15 (h) ~~possessing~~ **Possessing** marihuana accessories or possessing  
 16 or consuming marihuana on the grounds of a public or private school  
 17 where children attend classes in preschool programs, kindergarten  
 18 programs, or grades 1 through 12, in a school bus, or on the  
 19 grounds of any correctional facility. †~~or~~

20 (i) Possessing more than 2.5 ounces of marihuana within a  
 21 person's place of residence unless the excess marihuana is stored  
 22 in a container or area equipped with locks or other functioning  
 23 security devices that restrict access to the contents of the  
 24 container or area.

25 **(2)** ~~2.~~ This act does not limit any privileges, rights,  
 26 immunities, or defenses of a person as provided in the Michigan  
 27 ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008 IL 1, MCL  
 28 333.26421 to 333.26430, the medical marihuana facilities licensing  
 29 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of



1 this state allowing for or regulating marihuana for medical use.

2 (3) ~~3.~~—This act does not require an employer to permit or  
 3 accommodate conduct otherwise allowed by this act in any workplace  
 4 or on the employer's property. This act does not prohibit an  
 5 employer from disciplining an employee for violation of a workplace  
 6 drug policy or for working while under the influence of marihuana.  
 7 This act does not prevent an employer from refusing to hire,  
 8 discharging, disciplining, or otherwise taking an adverse  
 9 employment action against a person with respect to hire, tenure,  
 10 terms, conditions, or privileges of employment because of that  
 11 person's violation of a workplace drug policy or because that  
 12 person was working while under the influence of marihuana.

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

19 (5) ~~5.~~—All other laws inconsistent with this act do not apply  
 20 to conduct that is permitted by this act.

21 Sec. 5. (1) ~~1.~~—Notwithstanding any other law or provision of  
 22 this act, and except as otherwise provided in section 4, ~~of this~~  
 23 ~~act,~~ the following acts by a person **who is** 21 years of age or older  
 24 are not unlawful, are not an offense, are not grounds for seizing  
 25 or forfeiting property, are not grounds for arrest, prosecution, or  
 26 penalty in any manner, are not grounds for search or inspection,  
 27 and are not grounds to deny any other right or privilege:

28 (a) ~~except~~—**Except** as permitted by subdivision (b), possessing,  
 29 using or consuming, internally possessing, purchasing,

1 transporting, or processing 2.5 ounces or less of marihuana, except  
 2 that not more than 15 grams of marihuana may be in the form of  
 3 marihuana concentrate. †

4 (b) ~~within~~**Within** the person's residence, possessing, storing,  
 5 and processing not more than 10 ounces of marihuana and any  
 6 marihuana produced by marihuana plants cultivated on the premises  
 7 and cultivating not more than 12 marihuana plants for personal use,  
 8 provided that no more than 12 marihuana plants are possessed,  
 9 cultivated, or processed on the premises at once. †

10 (c) ~~assisting~~**Assisting** another person who is 21 years of age  
 11 or older in any of the acts described in this section. †~~and~~

12 (d) ~~giving~~**Giving** away or otherwise transferring without  
 13 remuneration up to 2.5 ounces of marihuana, except that not more  
 14 than 15 grams of marihuana may be in the form of marihuana  
 15 concentrate, to a person **who is** 21 years of age or older, as long  
 16 as the transfer is not advertised or promoted to the public.

17 (2) ~~2.~~Notwithstanding any other law or provision of this act,  
 18 except as otherwise provided in section 4 **and subsection (4)**, ~~of~~  
 19 ~~this act,~~ the use, manufacture, possession, and purchase of  
 20 marihuana accessories by a person **who is** 21 years of age or older,  
 21 **or 19 years of age or older as allowed under section 10**, and the  
 22 distribution or sale of marihuana accessories to a person **who is** 21  
 23 years of age or older is authorized, is not unlawful, is not an  
 24 offense, is not grounds for seizing or forfeiting property, is not  
 25 grounds for arrest, prosecution, or penalty in any manner, and is  
 26 not grounds to deny any other right or privilege.

27 (3) ~~3.~~A person shall not be denied custody of or visitation  
 28 with a minor for conduct that is permitted by this act, unless the  
 29 person's behavior is such that it creates an unreasonable danger to

1 the minor that can be clearly articulated and substantiated.

2 **(4) A person who is 19 years of age or older may manufacture,**  
3 **purchase, distribute, and sell marihuana accessories if the person**  
4 **is an agent acting on behalf of a marihuana establishment.**

5 Sec. 8. (1) The ~~marijuana~~**cannabis** regulatory agency shall  
6 promulgate rules to implement and administer this act that include  
7 all of the following:

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

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

14 (c) Qualifications for licensure that are directly and  
15 demonstrably related to the operation of a marihuana establishment.  
16 However, a prior conviction solely for a marihuana-related offense  
17 must not disqualify an individual or otherwise affect eligibility  
18 for licensure, unless the offense involved distribution of a  
19 controlled substance to a minor.

20 (d) Requirements and standards for safe cultivation,  
21 processing, and distribution of marihuana by marihuana  
22 establishments, including health standards to ensure the safe  
23 preparation of marihuana-infused products and prohibitions on  
24 pesticides that are not safe for use on marihuana.

25 (e) Testing, packaging, and labeling standards, procedures,  
26 and requirements for marihuana, including, but not limited to, all  
27 of the following:

28 (i) A maximum THC level for marihuana-infused products.

29 (ii) A requirement that a representative sample of marihuana be

1 tested by a marihuana safety compliance facility.

2 (iii) A requirement that the amount of marihuana or marihuana  
3 concentrate contained within a marihuana-infused product be  
4 specified on the product label.

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

9 WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY  
10 WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL  
11 INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL  
12 PROBLEMS FOR THE CHILD.

13 (f) Security requirements, including lighting, physical  
14 security, and alarm requirements, and requirements for securely  
15 transporting marihuana between marihuana establishments. The  
16 requirements described in this subdivision must not prohibit  
17 cultivation of marihuana outdoors or in greenhouses.

18 (g) Record keeping requirements for marihuana establishments  
19 and monitoring requirements to track the transfer of marihuana by  
20 licensees.

21 (h) Requirements for the operation of marihuana secure  
22 transporters to ensure that all marihuana establishments are  
23 properly serviced.

24 (i) Reasonable restrictions on advertising, marketing, and  
25 display of marihuana and marihuana establishments.

26 (j) A plan to promote and encourage participation in the  
27 marihuana industry by people from communities that have been  
28 disproportionately impacted by marihuana prohibition and  
29 enforcement and to positively impact those communities.

1 (k) Penalties for failure to comply with a rule promulgated  
 2 pursuant to this section or for a violation of this act by a  
 3 licensee, including civil fines and suspension, revocation, or  
 4 restriction of a state license.

5 (l) Informational pamphlet standards for marihuana retailers  
 6 and marihuana microbusinesses, including, but not limited to, a  
 7 requirement to make available to every customer at the time of sale  
 8 a pamphlet measuring 3.5 inches by 5 inches that includes safety  
 9 information related to marihuana use by minors and the poison  
 10 control hotline number.

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

13 (n) A limit on the total amount of THC that a product  
 14 described in section ~~3(e)(v)(A)~~ **3(d)(v)(a)** may contain.

15 (2) The ~~marijuana~~ **cannabis** regulatory agency may promulgate  
 16 rules to do any of the following:

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

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

22 (ii) Consumption of marihuana within designated areas.

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

25 (iv) Cultivation for purposes of propagation.

26 (v) Facilitation of scientific research or education.

27 (b) Regulate the cultivation, processing, distribution, and  
 28 sale of industrial hemp.

29 (c) Exclude from the definition of THC in section 3 a

1 tetrahydrocannabinol if, after the ~~marijuana~~**cannabis** regulatory  
2 agency makes findings with respect to each of the following  
3 factors, the ~~marijuana~~**cannabis** regulatory agency determines that  
4 the tetrahydrocannabinol does not have a potential for abuse:

5 (i) The actual or relative potential for abuse of the  
6 tetrahydrocannabinol.

7 (ii) The scientific evidence of the tetrahydrocannabinol's  
8 pharmacological effect, if known.

9 (iii) The state of current scientific knowledge regarding the  
10 tetrahydrocannabinol.

11 (iv) The history and current pattern of abuse of the  
12 tetrahydrocannabinol.

13 (v) The scope, duration, and significance of abuse of the  
14 tetrahydrocannabinol.

15 (vi) The tetrahydrocannabinol's risk to the public health.

16 (vii) The potential of the tetrahydrocannabinol to produce  
17 psychic or physiological dependence liability.

18 (3) The ~~marijuana~~**cannabis** regulatory agency shall not  
19 promulgate a rule that **is unreasonably impracticable or** does any of  
20 the following:

21 (a) Establishes a limit on the number of any type of state  
22 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 (4) A rule promulgated under this act must be promulgated  
 7 pursuant to the administrative procedures act of 1969, 1969 PA 306,  
 8 MCL 24.201 to 24.328.

9 Sec. 10. **(1)** ~~1.~~ Notwithstanding any other law or provision of  
 10 this act, and except as otherwise provided in section 4 ~~of this act~~  
 11 or the rules promulgated ~~thereunder,~~ **under this act**, the following  
 12 acts are not unlawful, are not an offense, are not grounds for  
 13 seizing or forfeiting property, are not grounds for arrest,  
 14 prosecution, or penalty in any manner, are not grounds for search  
 15 or inspection except as authorized by this act, and are not grounds  
 16 to deny any other right or privilege:

17 (a) **For** a marihuana grower or an agent acting on behalf of a  
 18 marihuana grower who is ~~21~~**19** years of age or older, cultivating  
 19 not more than the number of marihuana plants authorized by the  
 20 state license class; possessing, packaging, storing, or testing  
 21 marihuana; acquiring marihuana seeds or seedlings from a person who  
 22 is 21 years of age or older; selling or otherwise transferring,  
 23 purchasing or otherwise obtaining, or transporting marihuana to or  
 24 from a marihuana establishment; or receiving compensation for goods  
 25 or services. †

26 (b) **For** a marihuana processor or agent acting on behalf of a  
 27 marihuana processor who is ~~21~~**19** years of age or older, possessing,  
 28 processing, packaging, storing, or testing marihuana; selling or  
 29 otherwise transferring, purchasing or otherwise obtaining, or

1 transporting marihuana to or from a marihuana establishment; or  
 2 receiving compensation for goods or services. †

3 (c) **For** a marihuana secure transporter or an agent acting on  
 4 behalf of a marihuana secure transporter who is ~~21~~**19** years of age  
 5 or older, possessing or storing marihuana; transporting marihuana  
 6 to or from a marihuana establishment; or receiving compensation for  
 7 services. †

8 (d) **For** a marihuana safety compliance facility or an agent  
 9 acting on behalf of a marihuana safety compliance facility who is  
 10 ~~21~~**19** years of age or older, testing, possessing, repackaging, or  
 11 storing marihuana; transferring, obtaining, or transporting  
 12 marihuana to or from a marihuana establishment; or receiving  
 13 compensation for services. †

14 (e) **For** a marihuana retailer or an agent acting on behalf of a  
 15 marihuana retailer who is ~~21~~**19** years of age or older, possessing,  
 16 storing, or testing marihuana; selling or otherwise transferring,  
 17 purchasing or otherwise obtaining, or transporting marihuana to or  
 18 from a marihuana establishment; selling or otherwise transferring  
 19 marihuana to a person **who is** 21 years of age or older; or receiving  
 20 compensation for goods or services. †~~or~~

21 (f) **For** a marihuana microbusiness or an agent acting on behalf  
 22 of a marihuana microbusiness who is ~~21~~**19** years of age or older,  
 23 cultivating not more than 150 marihuana plants; possessing,  
 24 processing, packaging, storing, or testing marihuana from marihuana  
 25 plants cultivated on the premises; selling or otherwise  
 26 transferring marihuana cultivated or processed on the premises to a  
 27 person **who is** 21 years of age or older; or receiving compensation  
 28 for goods or services.

29 (g) ~~leasing~~**Leasing** or otherwise allowing the use of property



1 owned, occupied, or managed for activities allowed under this act.  
2 †

3 (h) ~~enrolling~~ **Enrolling** or employing a person who engages in  
4 marihuana-related activities allowed under this act. †

5 (i) ~~possessing~~ **Possessing**, cultivating, processing,  
6 obtaining, transferring, or transporting industrial hemp. † ~~or~~

7 (j) ~~providing~~ **Providing** professional services to prospective  
8 or licensed marihuana establishments related to activity under this  
9 act.

10 (2) ~~2.~~ A person acting as an agent of a marihuana retailer who  
11 sells or otherwise transfers marihuana or marihuana accessories to  
12 a person ~~under~~ **who is younger than** 21 years of age is not subject  
13 to arrest, prosecution, forfeiture of property, disciplinary action  
14 by a professional licensing board, denial of any right or  
15 privilege, or penalty in any manner, if the person reasonably  
16 verified that the recipient appeared to be 21 years of age or older  
17 by means of government-issued photographic identification  
18 containing a date of birth, and the person complied with any rules  
19 promulgated pursuant to this act.

20 (3) ~~3.~~ It is the public policy of this state that contracts  
21 related to the operation of marihuana establishments be  
22 enforceable.

23 Sec. 11. (1) ~~(a)~~ A marihuana establishment ~~may~~ **shall** not allow  
24 cultivation, processing, sale, or display of marihuana or marihuana  
25 accessories to be visible from a public place outside of the  
26 marihuana establishment without the use of binoculars, aircraft, or  
27 other optical aids.

28 (2) ~~(b)~~ A marihuana establishment ~~may~~ **shall** not cultivate,  
29 process, test, or store marihuana at any location other than a

1 physical address approved by the ~~department~~**cannabis regulatory**  
 2 **agency** and within an enclosed area that is secured in a manner that  
 3 prevents access by persons not permitted by the marihuana  
 4 establishment to access the area.

5 (3) ~~(e)~~A marihuana establishment shall secure every entrance  
 6 to the establishment so that access to areas containing marihuana  
 7 is restricted to employees and other persons permitted by the  
 8 marihuana establishment to access the area and to agents of the  
 9 ~~department~~**cannabis regulatory agency** or state and local law  
 10 enforcement officers and emergency personnel and shall secure its  
 11 inventory and equipment during and after operating hours to deter  
 12 and prevent theft of marihuana and marihuana accessories.

13 (4) ~~(d)~~~~No~~**A** marihuana establishment ~~may~~**shall not** refuse  
 14 representatives of the ~~department~~**cannabis regulatory agency** the  
 15 right during the **marihuana establishment's** hours of operation to  
 16 inspect the licensed premises or to audit the books and records of  
 17 the marihuana establishment.

18 (5) ~~(e)~~~~No~~**A** marihuana establishment ~~may~~**shall not** allow a  
 19 person ~~under 21~~**who is younger than 19** years of age to volunteer or  
 20 work for the marihuana establishment.

21 (6) ~~(f)~~~~No~~**A** marihuana establishment ~~may~~**shall not** sell or  
 22 otherwise transfer marihuana that was not produced, distributed,  
 23 and taxed in compliance with this act.

24 (7) ~~(g)~~A marihuana grower, marihuana retailer, marihuana  
 25 processor, marihuana microbusiness, or marihuana testing facility,  
 26 or ~~agents~~**an agent** acting on ~~their~~**its** behalf, may not transport  
 27 more than 15 ounces of marihuana or more than 60 grams of marihuana  
 28 concentrate at ~~one~~**1** time.

29 (8) ~~(h)~~A marihuana secure transporter may not hold title to

1 marihuana.

2       (9) ~~(i) No~~ **A** marihuana processor ~~may~~ **shall not** process and ~~ne~~  
3 **a** marihuana retailer ~~may~~ **shall not** sell edible marihuana-infused  
4 candy in shapes or packages that are attractive to children or that  
5 are easily confused with commercially sold candy that does not  
6 contain marihuana.

7       (10) ~~(j) No~~ **A** marihuana retailer ~~may~~ **shall not** sell or  
8 otherwise transfer marihuana ~~that~~ **unless the marihuana** is ~~not~~  
9 contained in an opaque, resealable, child-resistant package  
10 designed to be significantly difficult for ~~children under~~ **a child**  
11 **younger than** 5 years of age to open and not difficult for **a** normal  
12 ~~adults~~ **adult** to use properly as ~~defined by 16 C.F.R. 1700.20~~  
13 ~~(1995), unless the~~ **provided for under 16 CFR 1700.20. This**  
14 **subsection does not apply to** marihuana **that** is transferred for  
15 consumption on the premises where **it is** sold.

16       (11) ~~(k) No~~ **A** marihuana establishment ~~may~~ **shall not** sell or  
17 otherwise transfer tobacco.