

SENATE BILL NO. 807

April 09, 2024, Introduced by Senator MCCANN and referred to the Committee on Regulatory Affairs.

A bill to amend 2018 IL 1, entitled "Michigan Regulation and Taxation of Marihuana Act," by amending the title and sections 4, 5, 10, and 11 (MCL 333.27954, 333.27955, 333.27960, and 333.27961), section 10 as amended by 2023 PA 166.

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

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

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

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

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

25 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking
 26 marihuana where prohibited by the person who owns, occupies, or
 27 manages the property, except for purposes of this subdivision a
 28 public place does not include an area designated for consumption
 29 within a municipality that has authorized consumption in designated

1 areas that are not accessible to persons ~~under~~ **who are younger than**
2 21 years of age. †

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

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

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

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

23 (2) ~~2.~~ This act does not limit any privileges, rights,
24 immunities, or defenses of a person as provided in the Michigan
25 ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008 IL 1, MCL
26 333.26421 to 333.26430, the medical marihuana facilities licensing
27 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of
28 this state allowing for or regulating marihuana for medical use.

29 (3) ~~3.~~ This act does not require an employer to permit or

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

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

17 (5) ~~5.~~—All other laws inconsistent with this act do not apply
18 to conduct that is permitted by this act.

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

26 (a) ~~except~~ **Except** as permitted by subdivision (b), possessing,
27 using or consuming, internally possessing, purchasing,
28 transporting, or processing 2.5 ounces or less of marihuana, except
29 that not more than 15 grams of marihuana may be in the form of

1 marihuana concentrate. †

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

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

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

15 (2) ~~2.~~ Notwithstanding any other law or provision of this act,
16 except as otherwise provided in section 4 **and subsection (4)**, ~~of~~
17 ~~this act,~~ the use, manufacture, possession, and purchase of
18 marihuana accessories by a person **who is** 21 years of age or older,
19 **or 19 years of age or older as allowed under section 10**, and the
20 distribution or sale of marihuana accessories to a person **who is** 21
21 years of age or older is authorized, is not unlawful, is not an
22 offense, is not grounds for seizing or forfeiting property, is not
23 grounds for arrest, prosecution, or penalty in any manner, and is
24 not grounds to deny any other right or privilege.

25 (3) ~~3.~~ A person shall not be denied custody of or visitation
26 with a minor for conduct that is permitted by this act, unless the
27 person's behavior is such that it creates an unreasonable danger to
28 the minor that can be clearly articulated and substantiated.

29 (4) **A person who is 19 years of age or older may manufacture,**

1 **purchase, distribute, and sell marihuana accessories if the person**
2 **is acting in accordance with section 10.**

3 Sec. 10. (1) Notwithstanding any other law or provision of
4 this act, and except as otherwise provided in section 4 **or 11(5)** or
5 the rules promulgated under this act, the following acts are not
6 unlawful, are not an offense, are not grounds for seizing or
7 forfeiting property, are not grounds for arrest, prosecution, or
8 penalty in any manner, are not grounds for search or inspection
9 except as authorized by this act, and are not grounds to deny any
10 other right or privilege:

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

20 (b) For a marihuana processor or an agent acting on behalf of
21 a marihuana processor who is ~~21~~**19** years of age or older,
22 possessing, processing, packaging, storing, or testing marihuana;
23 selling or otherwise transferring, purchasing or otherwise
24 obtaining, or transporting marihuana to or from a marihuana
25 establishment or a tribal marihuana business; or receiving
26 compensation for goods or services.

27 (c) For a marihuana secure transporter or an agent acting on
28 behalf of a marihuana secure transporter who is ~~21~~**19** years of age
29 or older, possessing or storing marihuana; transporting marihuana

1 to or from a marihuana establishment or a tribal marihuana
2 business; or receiving compensation for services.

3 (d) For a marihuana safety compliance facility or an agent
4 acting on behalf of a marihuana safety compliance facility who is
5 ~~21~~—19 years of age or older, testing, possessing, repackaging, or
6 storing marihuana; transferring, obtaining, or transporting
7 marihuana to or from a marihuana establishment or a tribal
8 marihuana business; or receiving compensation for services.

9 (e) For a marihuana retailer or an agent acting on behalf of a
10 marihuana retailer who is ~~21~~—19 years of age or older, possessing,
11 storing, or testing marihuana; selling or otherwise transferring,
12 purchasing or otherwise obtaining, or transporting marihuana to or
13 from a marihuana establishment or a tribal marihuana business;
14 selling or otherwise transferring marihuana to a person who is 21
15 years of age or older; or receiving compensation for goods or
16 services.

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

25 (g) For a tribal marihuana business or an agent acting on
26 behalf of a tribal marihuana business who is ~~21~~—19 years of age or
27 older, engaging in an activity the tribal marihuana business is
28 authorized to engage in under an applicable agreement entered into
29 under section 7(2) (b) that is in effect.

1 (h) Leasing or otherwise allowing the use of property owned,
2 occupied, or managed for activities allowed under this act.

3 (i) Enrolling or employing a person who engages in marihuana-
4 related activities allowed under this act.

5 (j) Possessing, cultivating, processing, obtaining,
6 transferring, or transporting industrial hemp.

7 (k) Providing professional services to prospective or licensed
8 marihuana establishments related to activity under this act.

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

19 (3) It is the public policy of this state that contracts
20 related to the operation of marihuana establishments or tribal
21 marihuana businesses be enforceable.

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

27 **(2)** ~~(b)~~ A marihuana establishment ~~may~~ **shall** not cultivate,
28 process, test, or store marihuana at any location other than a
29 physical address approved by the ~~department~~ **cannabis regulatory**

1 **agency** and within an enclosed area that is secured in a manner that
2 prevents access by persons not permitted by the marihuana
3 establishment to access the area.

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

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

17 (5) ~~(e)~~ ~~No~~—A marihuana establishment ~~may~~ **or tribal marihuana**
18 **business shall not** allow a person ~~under 21~~ **who is younger than 19**
19 years of age to volunteer or work for the marihuana establishment
20 **or tribal marihuana business. A marihuana establishment or tribal**
21 **marihuana business shall not allow a person who is 19 years of age**
22 **or older but younger than 21 years of age to volunteer or work for**
23 **the marihuana establishment or tribal marihuana business unless**
24 **both of the following conditions are met:**

25 (a) An agent of the marihuana establishment or tribal
26 marihuana business who is 21 years of age or older is present at
27 the marihuana establishment or tribal marihuana business while the
28 person is volunteering or working.

29 (b) An agent of the marihuana establishment or tribal

1 marihuana business who is 21 years of age or older directly
 2 supervises the person while the person is volunteering or working.

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

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

11 (8) ~~(h) A~~ marihuana secure transporter may not hold title to
 12 marihuana.

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

18 (10) ~~(j) No~~ **A** marihuana retailer ~~may~~ **shall not** sell or
 19 otherwise transfer marihuana ~~that~~ **unless the marihuana is not**
 20 contained in an opaque, resealable, child-resistant package
 21 designed to be significantly difficult for ~~children under~~ **a child**
 22 **younger than** 5 years of age to open and not difficult for **a** normal
 23 ~~adults~~ **adult** to use properly as defined by 16 C.F.R. 1700.20
 24 ~~(1995), unless the~~ **provided for under 16 CFR 1700.20. This**
 25 **subsection does not apply to** marihuana **that** is transferred for
 26 consumption on the premises where **it is** sold.

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