

# HOUSE BILL No. 5800

August 3, 2016, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

A bill to amend 2008 IL 1, entitled  
"Michigan medical marihuana act,"  
by amending section 7 (MCL 333.26427); and to repeal acts and  
parts of acts.

## 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 with  
4 the provisions of this act.

5       (b) This act shall not permit any person to do any of the  
6 following:

7           (1) Undertake any task under the influence of marihuana,  
8 when doing so would constitute negligence or professional  
9 malpractice.

1           (2) Possess marihuana, or otherwise engage in the medical  
2 use of marihuana:

3           (A) in a school bus;

4           (B) on the grounds of any preschool or primary or secondary  
5 school; or

6           (C) in any correctional facility.

7           (3) Smoke marihuana:

8           (A) on any form of public transportation; or

9           (B) in any public place.

10          (4) Operate, navigate, or be in actual physical control of  
11 any motor vehicle, aircraft, or motorboat while under the  
12 influence of marihuana.

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

15          (c) Nothing in this act shall be construed to require:

16           (1) A government medical assistance program or commercial or  
17 non-profit health insurer to reimburse a person for costs  
18 associated with the medical use of marihuana.

19           (2) An employer to accommodate the ingestion of marihuana in  
20 any workplace or any employee working while under the influence  
21 of marihuana.

22          (d) Fraudulent representation to a law enforcement official  
23 of any fact or circumstance relating to the medical use of  
24 marihuana to avoid arrest or prosecution shall be punishable by a  
25 fine of \$500.00, which shall be in addition to any other  
26 penalties that may apply for making a false statement or for the  
27 use of marihuana other than use undertaken pursuant to this act.

(E) A PERSON SHALL NOT TRANSPORT IN A MOTOR VEHICLE MARIHUANA OR USABLE MARIHUANA THAT THE PERSON OBTAINED FROM ANOTHER PERSON UNLESS IT IS IN A PACKAGE LABELED WITH ALL OF THE FOLLOWING:

(1) THE NAME AND ADDRESS OF THE SUPPLIER.

(2) THE NAME OF THE PATIENT FOR WHOSE USE THE MARIHUANA OR USEABLE MARIHUANA IS OBTAINED.

(3) THE DATE THE PERSON OBTAINED THE MARIHUANA OR USABLE MARIHUANA FROM THE SUPPLIER.

(4) THE WEIGHT OF THE MARIHUANA OR USABLE MARIHUANA, EXCEPT THAT IF THE MARIHUANA OR USABLE MARIHUANA IS COMBINED WITH A SUBSTRATE TO AID IN EFFECTIVE DELIVERY OF THERAPEUTIC COMPONENTS IN MARIHUANA, THE LABEL SHALL INDICATE THE GROSS WEIGHT AND THE NUMBER OF TREATMENT DOSES. THE LABEL MEETS THE REQUIREMENTS OF THIS SUBDIVISION IF IT INDICATES THE QUANTITY AT THE TIME THE MARIHUANA OR USABLE MARIHUANA WAS RECEIVED FROM THE SUPPLIER.

(F) SUBSECTION (E) DOES NOT APPLY TO PHARMACEUTICAL-GRADE MARIHUANA THAT IS REGULATED UNDER AND COMPLIES WITH ARTICLE 8 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.8101 TO 333.8511.

(G) A PERSON SHALL NOT SMOKE USABLE MARIHUANA IN OR UPON A MOTOR VEHICLE OR ANY SELF-PROPELLED VEHICLE DESIGNED FOR LAND TRAVEL. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

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

1           Enacting section 1. Section 474 of the Michigan penal code,  
2 1931 PA 328, MCL 750.474, is repealed.

3           Enacting section 2. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.