



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4126 (Substitute S-2)
House Bill 4127 (Substitute S-2)
Sponsor: Representative Thomas A. Albert (H.B. 4126)
Representative Daire Rendon (H.B. 4127)
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Date Completed: 12-10-19

CONTENT

House Bills 4126 (S-2) and 4127 (S-2) would amend the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and Medical Marihuana Facilities Licensing Act (MMFLA), respectively, to do the following:

- **Require the Marijuana Regulatory Agency (MRA) to promulgate a rule requiring all marihuana sold through marihuana retailers, microbusinesses, and provisioning centers to include on the packaging a warning for women who are pregnant or breastfeeding.**
- **Require the MRA to establish informational pamphlet standards for marihuana provisioning centers, retailers, and microbusinesses, including a requirement to make available to every patron at the time of sale a pamphlet that included safety information related to marihuana use by minors and the poison control hotline number.**

House Bill 4126 (S-2)

The MRTMA requires the Department of Licensing and Regulatory Affairs to promulgate rules to implement and administer the MRTMA. The bill would refer to the Marijuana Regulatory Agency, instead of the Department.

The rules must include testing, packaging, and labeling standards, procedures, and requirements for marihuana, including all of the following:

- A maximum tetrahydrocannabinol level for marihuana-infused products.
- A requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility.
- A requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label.

Under the bill, the testing, labeling, and packaging standards, procedures, and requirements also would have to include a requirement that all marihuana sold through marihuana retailers and microbusinesses include on the outside of the packaging the following warning printed in clearly legible type and surrounded by a continuous heavy line:

Warning: Use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

The bill also would require the MRA to promulgate rules to establish informational pamphlet standards for marihuana retailers and microbusinesses, including a requirement to make available to every patron at the time of sale a pamphlet measuring three and one-half inches by five inches that included safety information related to marihuana use by minors and the poison control hotline number.

The MRTMA also allows the Department to promulgate rules to provide for the issuance of additional types or classes of licenses to operate marihuana-related businesses or to regulate the cultivation, distribution, and sale of industrial hemp. The Department may not promulgate a rule that establishes a limit on the number of any type of licenses that may be granted, that require a customer to provide a marihuana retailer with certain identification information, or that prohibit a marihuana establishment from operating at a shared location of a marihuana facility operating under the MMFLA. The bill would replace references to "the Department" with the Marihuana Regulatory Agency.

House Bill 4127 (S-2)

The MMFLA requires the Department, in consultation with the Medical Marihuana Licensing Board, to promulgate rules and emergency rules as necessary to implement, administer, and enforce the Act. The bill would refer to the Marijuana Regulatory Agency, instead of the Department, in consultation with the Board.

The rules must ensure the safety, security, and integrity of the operation of marihuana facilities, and, among other things, must establish labeling and packaging standards, procedures, and requirements for marihuana sold or transferred through provisioning centers, including a prohibition on labeling or packaging that is intended to appeal to minors.

Under the bill, the labeling and packaging standards, procedures, and requirements also would have to include a requirement that all marihuana sold through provisioning centers include on the outside of the packaging the following warning printed in clearly legible type and surrounded by a continuous heavy line:

Warning: Use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

The bill also would require the MRA to promulgate rules to establish informational pamphlet standards for provisioning centers, including a requirement to make available to every patron at the time of sale a pamphlet measuring three and one-half inches by five inches that included safety information related to marihuana use by minors and the poison control hotline number.

MCL 333.27958 (H.B. 4126)
333.27206 (H.B. 4127)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.