

# HOUSE BILL NO. 4503

April 25, 2019, Introduced by Rep. Lilly and referred to the Committee on Judiciary.

A bill to amend 2018 IL 1, entitled  
"Michigan regulation and taxation of marihuana act,"  
by amending sections 4 and 15 (MCL 333.27954 and 333.27965).

## 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



1 recreational vehicle, or motorboat while under the influence of  
2 marihuana. †

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

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

9 (d) ~~separation of~~ **Separating** plant resin by butane extraction  
10 or another method that utilizes a substance with a flashpoint below  
11 100 degrees Fahrenheit in any public place, motor vehicle, or  
12 within the curtilage of any residential structure. †

13 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking  
14 marihuana where prohibited by the person who owns, occupies, or  
15 manages the property. ~~, except for~~ **For** purposes of this  
16 subdivision, ~~a~~ public place does not include an area designated for  
17 consumption within a municipality that has authorized consumption  
18 in designated areas that are not accessible to ~~persons under a~~  
19 **person younger than 21 years of age.** †

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

25 (g) ~~consuming~~ **Consuming** marihuana while operating, navigating,  
26 or being in physical control of any motor vehicle, aircraft,  
27 snowmobile, off-road recreational vehicle, or motorboat, or smoking  
28 marihuana within the passenger area of a vehicle upon a public way.  
29 †



1 (h) ~~possessing~~ **Possessing** marihuana accessories or possessing  
2 or consuming marihuana on the grounds of a public or private school  
3 where children attend classes in preschool programs, kindergarten  
4 programs, or grades 1 ~~through~~ **to** 12, in a school bus, or on the  
5 grounds of any correctional facility. ~~;~~ ~~or~~

6 (i) Possessing more than 2.5 ounces of marihuana within a  
7 person's place of residence unless the excess marihuana is stored  
8 in a container or area equipped with locks or other functioning  
9 security devices that restrict access to the contents of the  
10 container or area.

11 (j) **A person to violate either of the following:**

12 (i) **Section 5k(2) of 1927 PA 372, MCL 28.425k.**

13 (ii) **Section 237(1)(c) of the Michigan penal code, 1931 PA 328,**  
14 **MCL 750.237.**

15 (2) ~~2.~~—This act does not limit any privileges, rights,  
16 immunities, or defenses of a person as provided in the Michigan  
17 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the  
18 medical marihuana facilities licensing act, 2016 PA 281, MCL  
19 333.27101 to 333.27801, or any other law of this state allowing for  
20 or regulating marihuana for medical use.

21 (3) ~~3.~~—This act does not require an employer to permit or  
22 accommodate conduct otherwise allowed by this act in any workplace  
23 or on the employer's property. This act does not prohibit an  
24 employer from disciplining an employee for ~~violation of~~ **violating** a  
25 workplace drug policy or for working while under the influence of  
26 marihuana. This act does not ~~prevent~~ **prohibit** an employer from  
27 refusing to hire, discharging, disciplining, or otherwise taking an  
28 adverse employment action against a person with respect to hire,  
29 tenure, terms, conditions, or privileges of employment because of



1 that person's violation of a workplace drug policy or because that  
2 person was working while under the influence of marihuana.

3 ~~(4) 4. This act allows a person to~~ **A person may** prohibit or  
4 otherwise regulate the consumption, cultivation, distribution,  
5 processing, sale, or display of marihuana and marihuana accessories  
6 on property the person owns, occupies, or manages, except that a  
7 lease agreement may not prohibit a tenant from lawfully possessing  
8 and consuming marihuana by means other than smoking.

9 ~~(5) 5.~~ All other laws inconsistent with this act do not apply  
10 to conduct that is permitted by this act.

11 Sec. 15. A person who commits any of the following acts, and  
12 is not otherwise authorized by this act to ~~conduct such activities,~~  
13 **commit the acts**, may be punished only as provided in this section  
14 and is not subject to any other form of punishment or  
15 disqualification, unless the person consents to another disposition  
16 authorized by law:

17 ~~(a) 1.~~ Except for a person who engaged in conduct described in  
18 ~~sections~~ **section** 4(1) (a), ~~4(1) (b), 4(1) (c), 4(1) (d), 4(1) (g), or~~  
19 ~~4(1) (h),~~ **(b), (c), (d), (g), (h), or (j)**, a person who possesses  
20 not more than the amount of marihuana allowed ~~by~~ **under** section 5,  
21 cultivates not more than the amount of marihuana allowed ~~by~~ **under**  
22 section 5, delivers without receiving any remuneration to a person  
23 who is ~~at least~~ 21 years of age **or older** not more than the amount  
24 of marihuana allowed ~~by~~ **under** section 5, or possesses with intent  
25 to deliver not more than the amount of marihuana allowed ~~by~~ **under**  
26 section 5, is responsible for a civil infraction and may be  
27 punished by a fine of not more than ~~\$100~~ **\$100.00** and forfeiture of  
28 the marihuana.

29 ~~(b) 2.~~ Except for a person who engaged in conduct described in



1 section 4, a person who possesses not more than twice the amount of  
 2 marihuana allowed ~~by~~**under** section 5, cultivates not more than  
 3 twice the amount of marihuana allowed ~~by~~**under** section 5, delivers  
 4 without receiving any remuneration to a person who is ~~at least~~21  
 5 years of age **or older** not more than twice the amount of marihuana  
 6 allowed ~~by~~**under** section 5, or possesses with intent to deliver not  
 7 more than twice the amount of marihuana allowed ~~by~~**under** section 5,  
 8 **may be punished as follows:**

9 (i) ~~(a) for~~**For** a first violation, **the person** is responsible  
 10 for a civil infraction and may be punished by a fine of not more  
 11 than ~~\$500~~**\$500.00** and forfeiture of the marihuana. †

12 (ii) ~~(b) for~~**For** a second violation, **the person** is responsible  
 13 for a civil infraction and may be punished by a fine of not more  
 14 than ~~\$1,000~~**\$1,000.00** and forfeiture of the marihuana. †

15 (iii) ~~(c) for~~**For** a third ~~or~~**and any** subsequent violation, **the**  
 16 **person** is guilty of a misdemeanor and may be punished by a fine of  
 17 not more than ~~\$2,000~~**\$2,000.00** and forfeiture of the marihuana.

18 (c) ~~3.~~Except for a person who engaged in conduct described ~~by~~  
 19 **in** section 4(1)(a), ~~4(1)(d), or 4(1)(g),~~ **(d), (g), or (j)**, a person  
 20 ~~under~~**younger than** 21 years of age who possesses not more than 2.5  
 21 ounces of marihuana or who cultivates not more than 12 marihuana  
 22 plants **may be punished as follows:**

23 (i) ~~(a) for~~**For** a first violation, **the person** is responsible  
 24 for a civil infraction and may be punished as follows:

25 (A) ~~(1) if~~**If** the person is ~~less~~**younger** than 18 years of age,  
 26 by a fine of not more than ~~\$100~~**\$100.00** or community service,  
 27 forfeiture of the marihuana, and completion of 4 hours of drug  
 28 education or counseling. †~~or~~

29 (B) ~~(2) if~~**If** the person is ~~at least~~18 years of age **or older,**



1 by a fine of not more than ~~\$100~~ **\$100.00** and forfeiture of the  
2 marihuana.

3 **(ii)** ~~(b) for~~ **For** a second violation, **the person** is responsible  
4 for a civil infraction and may be punished as follows:

5 **(A)** ~~(1) if~~ **If** the person is ~~less~~ **younger** than 18 years of age,  
6 by a fine of not more than ~~\$500~~ **\$500.00** or community service,  
7 forfeiture of the marihuana, and completion of 8 hours of drug  
8 education or counseling. ~~;~~ ~~or~~

9 **(B)** ~~(2) if~~ **If** the person is ~~at least~~ 18 years of age **or older**,  
10 by a fine of not more than ~~\$500~~ **\$500.00** and forfeiture of the  
11 marihuana.

12 **(d)** ~~4.~~ Except for a person who engaged in conduct described in  
13 section 4, a person who possesses more than twice the amount of  
14 marihuana allowed ~~by~~ **under** section 5, cultivates more than twice  
15 the amount of marihuana allowed ~~by~~ **under** section 5, or delivers  
16 without receiving any remuneration to a person who is ~~at least~~ 21  
17 years of age **or older** more than twice the amount of marihuana  
18 allowed ~~by~~ **under** section 5, ~~shall be~~ **is** responsible for a  
19 misdemeanor, but ~~shall~~ **is** not ~~be~~ subject to imprisonment unless the  
20 violation was habitual, willful, and for a commercial purpose or  
21 the violation involved violence.

22 Enacting section 1. This amendatory act does not take effect  
23 unless all of the following bills of the 100th Legislature are  
24 enacted into law:

25 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4501 (request no.  
26 02174'19).

27 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4502 (request no.  
28 02174'19 a).

29 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4504 (request no.



1 02174'19 c).

