

HOUSE BILL NO. 6545

December 18, 2020, Introduced by Reps. Yancey, Gay-Dagnogo, Brenda Carter and Garrett and referred to the Committee on Government Operations.

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

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
5 recreational vehicle, or motorboat while under the influence of

1 marihuana. ÷

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

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

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

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

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

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

29 (h) ~~possessing~~ **Possessing** marihuana accessories or possessing

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

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

10 (2) ~~2.~~ This act does not limit any privileges, rights,
11 immunities, or defenses of a person as provided in the Michigan
12 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the
13 medical marihuana facilities licensing act, 2016 PA 281, MCL
14 333.27101 to 333.27801, or any other law of this state allowing for
15 or regulating marihuana for medical use.

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

27 (3) **Except as otherwise provided in this subsection, an**
28 **employer shall not discharge, fail or refuse to hire or recruit, or**
29 **otherwise discriminate against an individual with respect to**

1 employment, compensation, or a term, condition, or privilege of
2 employment because the individual consumes marihuana. This
3 subsection does not apply to any of the following:

4 (a) Consumption that directly impairs an established bona fide
5 occupational requirement or an employment activity or
6 responsibility of the employee.

7 (b) Consumption on or in property that the employer owns or
8 leases if the consumption violates an established policy of the
9 employer.

10 (4) ~~4. This act allows a person to~~ **A person may** prohibit or
11 otherwise regulate the consumption, cultivation, distribution,
12 processing, sale, or display of marihuana and marihuana accessories
13 on property the person owns, occupies, or manages, except that a
14 lease agreement may not prohibit a tenant from lawfully possessing
15 and consuming marihuana by means other than smoking.

16 (5) ~~5.~~ All other laws inconsistent with this act do not apply
17 to conduct that is permitted by this act.