

# HOUSE BILL NO. 6061

May 03, 2022, Introduced by Reps. Coleman, Garza, Liberati, Rabhi, Filler, Brenda Carter, Scott and Tyrone Carter and referred to the Committee on Regulatory Reform.

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).

## 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  
5 marihuana and industrial hemp by **certain** persons; ~~21 years of age~~

~~or older;~~ to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. ~~If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 6, 2018.~~

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

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

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

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

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

(e) ~~consuming~~ **Consuming** marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons ~~under who are younger than~~

1 21 years of age. †

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

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

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

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

22 (2) ~~2.~~This act does not limit any privileges, rights,  
23 immunities, or defenses of a person as provided in the Michigan  
24 ~~medical marihuana act,~~**Medical Marihuana Act**, 2008 IL 1, MCL  
25 333.26421 to 333.26430, the medical marihuana facilities licensing  
26 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of  
27 this state allowing for or regulating marihuana for medical use.

28 (3) ~~3.~~This act does not require an employer to permit or  
29 accommodate conduct otherwise allowed by this act in any workplace

or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

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

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

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

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

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

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

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

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

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

(4) **A person who is 18 years of age or older may manufacture, purchase, distribute, and sell marihuana accessories if the person**

1 is an agent acting on behalf of marihuana establishment.

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

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

19 (b) **For** a marihuana processor or agent acting on behalf of a  
20 marihuana processor who is ~~21~~**18** years of age or older, possessing,  
21 processing, packaging, storing, or testing marihuana; selling or  
22 otherwise transferring, purchasing or otherwise obtaining, or  
23 transporting marihuana to or from a marihuana establishment; or  
24 receiving compensation for goods or services. †

25 (c) **For** a marihuana secure transporter or an agent acting on  
26 behalf of a marihuana secure transporter who is ~~21~~**18** years of age  
27 or older, possessing or storing marihuana; transporting marihuana  
28 to or from a marihuana establishment; or receiving compensation for  
29 services. †

(d) **For** a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21–18 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services. ~~+~~

(e) **For** a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21–18 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person **who is** 21 years of age or older; or receiving compensation for goods or services. ~~+-or~~

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

(g) ~~leasing~~ **Leasing** or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act. ~~+~~

(h) ~~enrolling~~ **Enrolling** or employing a person who engages in marihuana-related activities allowed under this act. ~~+~~

(i) ~~possessing,~~ **Possessing**, cultivating, processing, obtaining, transferring, or transporting industrial hemp. ~~+-or~~

(j) ~~providing~~ **Providing** professional services to prospective

1 or licensed marihuana establishments related to activity under this  
2 act.

3 (2) ~~2.~~—A person acting as an agent of a marihuana retailer who  
4 sells or otherwise transfers marihuana or marihuana accessories to  
5 a person ~~under~~**who is younger than** 21 years of age is not subject  
6 to arrest, prosecution, forfeiture of property, disciplinary action  
7 by a professional licensing board, denial of any right or  
8 privilege, or penalty in any manner, if the person reasonably  
9 verified that the recipient appeared to be 21 years of age or older  
10 by means of government-issued photographic identification  
11 containing a date of birth, and the person complied with any rules  
12 promulgated pursuant to this act.

13 (3) ~~3.~~—It is the public policy of this state that contracts  
14 related to the operation of marihuana establishments be  
15 enforceable.

16 Sec. 11. (1) ~~(a)~~—A marihuana establishment ~~may~~**shall** not allow  
17 cultivation, processing, sale, or display of marihuana or marihuana  
18 accessories to be visible from a public place outside of the  
19 marihuana establishment without the use of binoculars, aircraft, or  
20 other optical aids.

21 (2) ~~(b)~~—A marihuana establishment ~~may~~**shall** not cultivate,  
22 process, test, or store marihuana at any location other than a  
23 physical address approved by the ~~department~~**marijuana regulatory**  
24 **agency** and within an enclosed area that is secured in a manner that  
25 prevents access by persons not permitted by the marihuana  
26 establishment to access the area.

27 (3) ~~(c)~~—A marihuana establishment shall secure every entrance  
28 to the establishment so that access to areas containing marihuana  
29 is restricted to employees and other persons permitted by the



1 marihuana establishment to access the area and to agents of the  
 2 ~~department~~ **marijuana regulatory agency** or state and local law  
 3 enforcement officers and emergency personnel and shall secure its  
 4 inventory and equipment during and after operating hours to deter  
 5 and prevent theft of marihuana and marihuana accessories.

6 (4) ~~(d) No~~ **A** marihuana establishment ~~may~~ **shall not** refuse  
 7 representatives of the ~~department~~ **marijuana regulatory agency** the  
 8 right during the **marihuana establishment's** hours of operation to  
 9 inspect the licensed premises or to audit the books and records of  
 10 the marihuana establishment.

11 (5) ~~(e) No~~ **A** marihuana establishment ~~may~~ **shall not** allow a  
 12 person ~~under 21~~ **who is younger than 18** years of age to volunteer or  
 13 work for the marihuana establishment.

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

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

22 (8) ~~(h) A~~ marihuana secure transporter may not hold title to  
 23 marihuana.

24 (9) ~~(i) No~~ **A** marihuana processor ~~may~~ **shall not** process and ~~no~~  
 25 **a** marihuana retailer ~~may~~ **shall not** sell edible marihuana-infused  
 26 candy in shapes or packages that are attractive to children or that  
 27 are easily confused with commercially sold candy that does not  
 28 contain marihuana.

29 (10) ~~(j) No~~ **A** marihuana retailer ~~may~~ **shall not** sell or

1 otherwise transfer marihuana ~~that~~**unless the marihuana** is ~~not~~  
2 contained in an opaque, resealable, child-resistant package  
3 designed to be significantly difficult for ~~children under a child~~  
4 **younger than** 5 years of age to open and not difficult for **a** normal  
5 ~~adults~~**adult** to use properly as ~~defined by 16 C.F.R. 1700.20~~  
6 ~~(1995), unless the~~**provided for under 16 CFR 1700.20. This**  
7 **subsection does not apply to** marihuana **that** is transferred for  
8 consumption on the premises where **it is** sold.  
9 **(11) ~~(k) No~~ A** marihuana establishment ~~may~~**shall not** sell or  
10 otherwise transfer tobacco.