

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT)
Initiated Law 1 of 2018

333.27960 Lawful activities by marihuana grower, processor, transporter, or retailer; limitations; contracts related to operation of marihuana establishments.

Sec. 10. (1) Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 or the rules promulgated under this act, the following acts 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 except as authorized by this act, and are not grounds to deny any other right or privilege:

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

(b) For a marihuana processor or an agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment or a tribal marihuana business; or receiving compensation for goods or services.

(c) For a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment or a tribal marihuana business; or receiving compensation for services.

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

(e) For a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 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 or a tribal marihuana business; selling or otherwise transferring marihuana to a person who is 21 years of age or older; or receiving compensation for goods or services.

(f) For a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 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) For a tribal marihuana business or an agent acting on behalf of a tribal marihuana business who is 21 years of age or older, engaging in an activity the tribal marihuana business is authorized to engage in under an applicable agreement entered into under section 7(2)(b) that is in effect.

(h) Leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act.

(i) Enrolling or employing a person who engages in marihuana-related activities allowed under this act.

(j) Possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp.

(k) Providing professional services to prospective or licensed marihuana establishments related to activity under this act.

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

(3) It is the public policy of this state that contracts related to the operation of marihuana establishments or tribal marihuana businesses be enforceable.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018;—Am. 2023, Act 166, Imd. Eff. Oct. 19, 2023.

Compiler's note: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675

against.

For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

For the renaming of the marijuana regulatory agency to the cannabis regulatory agency, see E.R.O. No. 2022-1, compiled at MCL 333.27002.