

HOUSE BILL NO. 5871

March 03, 2022, Introduced by Rep. Hauck and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 502 and 504 (MCL 333.27502 and 333.27504), section 502 as amended by 2018 PA 648 and section 504 as amended by 2018 PA 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) A processor license authorizes purchase of
2 marihuana only from a grower, **provisioning center, or another**
3 **processor** and sale of marihuana-infused products or marihuana only
4 to a **grower, provisioning center, or another processor.**

1 (2) Except as otherwise provided in section 505 and this
2 subsection, a processor license authorizes the processor to
3 transfer marihuana only by means of a secure transporter. A
4 processor license authorizes a processor to transfer marihuana
5 without using a secure transporter to a grower or provisioning
6 center if both of the following are met:

7 (a) The grower or provisioning center occupies the same
8 location as the processor and the marihuana is transferred using
9 only private real property without accessing public roadways.

10 (b) The processor enters each transfer into the statewide
11 monitoring system.

12 (3) To be eligible for a processor license, the applicant and
13 each investor in the processor must not have an interest in a
14 secure transporter or safety compliance facility.

15 (4) Until December 31, 2018, for a period of 30 days after the
16 issuance of a processor license and in accord with rules, a
17 processor may transfer any of the following that are lawfully
18 possessed by an individual formerly registered as a primary
19 caregiver who is an active employee of the processor:

20 (a) Marihuana plants.

21 (b) Usable marihuana.

22 (5) A processor shall comply with all of the following:

23 (a) Until December 31, 2021, have, or have as an active
24 employee an individual who has, a minimum of 2 years' experience as
25 a registered primary caregiver.

26 (b) While holding a license as a processor, not be a
27 registered primary caregiver and not employ an individual who is
28 simultaneously a registered primary caregiver.

29 (c) Enter all transactions, current inventory, and other

1 information into the statewide monitoring system as required in
2 this act, rules, and the marihuana tracking act.

3 (6) This act does not prohibit a processor from handling,
4 processing, marketing, or brokering, as those terms are defined in
5 section 2 of the industrial hemp research and development act, MCL
6 286.842, industrial hemp.

7 Sec. 504. (1) A provisioning center license authorizes the
8 purchase or transfer of marihuana only from a grower, ~~or~~ processor,
9 **or another provisioning center** and sale or transfer to only a
10 registered qualifying patient, ~~or~~ registered primary caregiver,
11 **grower, processor, or another provisioning center**. Except as
12 otherwise provided in section 505 and this subsection, all
13 transfers of marihuana to a provisioning center from a separate
14 marihuana facility must be by means of a secure transporter. A
15 transfer of marihuana to a provisioning center from a marihuana
16 facility that occupies the same location as the provisioning center
17 does not require a secure transporter if the marihuana is
18 transferred to the provisioning center using only private real
19 property without accessing public roadways.

20 (2) A provisioning center license authorizes the provisioning
21 center to transfer marihuana to or from a safety compliance
22 facility for testing by means of a secure transporter or as
23 provided in section 505.

24 (3) To be eligible for a provisioning center license, the
25 applicant and each investor in the provisioning center must not
26 have an interest in a secure transporter or safety compliance
27 facility.

28 (4) A provisioning center shall comply with all of the
29 following:

1 (a) Sell or transfer marihuana to a registered qualifying
2 patient or registered primary caregiver only after it has been
3 tested and bears the label required for retail sale.

4 (b) Enter all transactions, current inventory, and other
5 information into the statewide monitoring system as required in
6 this act, rules, and the marihuana tracking act.

7 (c) Before selling or transferring marihuana to a registered
8 qualifying patient or to a registered primary caregiver on behalf
9 of a registered qualifying patient, inquire of the statewide
10 monitoring system to determine whether the patient and, if
11 applicable, the caregiver hold a valid, current, unexpired, and
12 unrevoked registry identification card and that the sale or
13 transfer will not exceed the daily and monthly purchasing limit
14 established by the medical marihuana licensing board under this
15 act.

16 (d) Not allow the sale, consumption, or use of alcohol or
17 tobacco products on the premises.

18 (e) Not allow a physician to conduct a medical examination or
19 issue a medical certification document on the premises for the
20 purpose of obtaining a registry identification card.