



1 rules; and to prescribe certain penalties for violations of this  
 2 act. ~~If not enacted by the Michigan State Legislature in accordance~~  
 3 ~~with the Michigan Constitution of 1963, the proposed legislation is~~  
 4 ~~to be voted on at the General Election, November 6, 2018.~~

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

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

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

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

18 (d) ~~separation of~~ **Separating** plant resin by butane extraction  
 19 or another method that utilizes a substance with a flashpoint below  
 20 100 degrees Fahrenheit in any public place, motor vehicle, or  
 21 within the curtilage of any residential structure. †

22 (e) ~~consuming~~ **Consuming** marihuana in a public place or smoking  
 23 marihuana where prohibited by the person who owns, occupies, or  
 24 manages the property, except for purposes of this subdivision a  
 25 public place does not include an area designated for consumption  
 26 within a municipality that has authorized consumption in designated  
 27 areas that are not accessible to persons ~~under~~ **who are younger than**  
 28 **21 years of age.** †

29 (f) ~~cultivating~~ **Cultivating** marihuana plants if the plants are



1 visible from a public place without the use of binoculars,  
2 aircraft, or other optical aids or outside of an enclosed area  
3 equipped with locks or other functioning security devices that  
4 restrict access to the area. †

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

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

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

20 (2) ~~2.~~ This act does not limit any privileges, rights,  
21 immunities, or defenses of a person as provided in the Michigan  
22 ~~medical marihuana act,~~ **Medical Marihuana Act**, 2008 IL 1, MCL  
23 333.26421 to 333.26430, the medical marihuana facilities licensing  
24 act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of  
25 this state allowing for or regulating marihuana for medical use.

26 (3) ~~3.~~ This act does not require an employer to permit or  
27 accommodate conduct otherwise allowed by this act in any workplace  
28 or on the employer's property. This act does not prohibit an  
29 employer from disciplining an employee for violation of a workplace



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

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

14 (5) ~~5.~~—All other laws inconsistent with this act do not apply  
 15 to conduct that is permitted by this act.

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

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

28 (b) ~~within~~—**Within** the person's residence, possessing, storing,  
 29 and processing not more than 10 ounces of marihuana and any



1 marihuana produced by marihuana plants cultivated on the premises  
 2 and cultivating not more than 12 marihuana plants for personal use,  
 3 provided that no more than 12 marihuana plants are possessed,  
 4 cultivated, or processed on the premises at once. †

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

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

12 (2) ~~2.~~ Notwithstanding any other law or provision of this act,  
 13 except as otherwise provided in section 4 **and subsection (4)**, ~~of~~  
 14 ~~this act,~~ the use, manufacture, possession, and purchase of  
 15 marihuana accessories by a person **who is** 21 years of age or older,  
 16 **or 19 years of age or older as allowed under section 10**, and the  
 17 distribution or sale of marihuana accessories to a person **who is** 21  
 18 years of age or older is authorized, is not unlawful, is not an  
 19 offense, is not grounds for seizing or forfeiting property, is not  
 20 grounds for arrest, prosecution, or penalty in any manner, and is  
 21 not grounds to deny any other right or privilege.

22 (3) ~~3.~~ A person shall not be denied custody of or visitation  
 23 with a minor for conduct that is permitted by this act, unless the  
 24 person's behavior is such that it creates an unreasonable danger to  
 25 the minor that can be clearly articulated and substantiated.

26 (4) **A person who is 19 years of age or older may manufacture,**  
 27 **purchase, distribute, and sell marihuana accessories if the person**  
 28 **is acting in accordance with section 10.**

29 Sec. 10. (1) Notwithstanding any other law or provision of



1 this act, and except as otherwise provided in section 4 **or 11(5)** or  
2 the rules promulgated under this act, the following acts are not  
3 unlawful, are not an offense, are not grounds for seizing or  
4 forfeiting property, are not grounds for arrest, prosecution, or  
5 penalty in any manner, are not grounds for search or inspection  
6 except as authorized by this act, and are not grounds to deny any  
7 other right or privilege:

8 (a) For a marihuana grower or an agent acting on behalf of a  
9 marihuana grower who is ~~21~~**19** years of age or older, cultivating  
10 not more than the number of marihuana plants authorized by the  
11 state license class; possessing, packaging, storing, or testing  
12 marihuana; acquiring marihuana seeds or seedlings from a person who  
13 is 21 years of age or older; selling or otherwise transferring,  
14 purchasing or otherwise obtaining, or transporting marihuana to or  
15 from a marihuana establishment or a tribal marihuana business; or  
16 receiving compensation for goods or services.

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

24 (c) For a marihuana secure transporter or an agent acting on  
25 behalf of a marihuana secure transporter who is ~~21~~**19** years of age  
26 or older, possessing or storing marihuana; transporting marihuana  
27 to or from a marihuana establishment or a tribal marihuana  
28 business; or receiving compensation for services.

29 (d) For a marihuana safety compliance facility or an agent



1 acting on behalf of a marihuana safety compliance facility who is  
2 ~~21~~—19 years of age or older, testing, possessing, repackaging, or  
3 storing marihuana; transferring, obtaining, or transporting  
4 marihuana to or from a marihuana establishment or a tribal  
5 marihuana business; or receiving compensation for services.

6 (e) For a marihuana retailer or an agent acting on behalf of a  
7 marihuana retailer who is ~~21~~—19 years of age or older, possessing,  
8 storing, or testing marihuana; selling or otherwise transferring,  
9 purchasing or otherwise obtaining, or transporting marihuana to or  
10 from a marihuana establishment or a tribal marihuana business;  
11 selling or otherwise transferring marihuana to a person who is 21  
12 years of age or older; or receiving compensation for goods or  
13 services.

14 (f) For a marihuana microbusiness or an agent acting on behalf  
15 of a marihuana microbusiness who is ~~21~~—19 years of age or older,  
16 cultivating not more than 150 marihuana plants; possessing,  
17 processing, packaging, storing, or testing marihuana from marihuana  
18 plants cultivated on the premises; selling or otherwise  
19 transferring marihuana cultivated or processed on the premises to a  
20 person who is 21 years of age or older; or receiving compensation  
21 for goods or services.

22 (g) For a tribal marihuana business or an agent acting on  
23 behalf of a tribal marihuana business who is ~~21~~—19 years of age or  
24 older, engaging in an activity the tribal marihuana business is  
25 authorized to engage in under an applicable agreement entered into  
26 under section 7(2)(b) that is in effect.

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

29 (i) Enrolling or employing a person who engages in marihuana-



1 related activities allowed under this act.

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

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

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

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

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

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





1           (3) ~~(e)~~ A marihuana establishment shall secure every entrance  
 2 to the establishment so that access to areas containing marihuana  
 3 is restricted to employees and other persons permitted by the  
 4 marihuana establishment to access the area and to agents of the  
 5 ~~department~~ **cannabis regulatory agency** or state and local law  
 6 enforcement officers and emergency personnel and shall secure its  
 7 inventory and equipment during and after operating hours to deter  
 8 and prevent theft of marihuana and marihuana accessories.

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

14           (5) ~~(e)~~ ~~No~~ **A** marihuana establishment ~~may~~ **or tribal marihuana**  
 15 **business shall not** allow a person ~~under 21~~ **who is younger than 19**  
 16 years of age to ~~volunteer or~~ work for the marihuana establishment  
 17 **or tribal marihuana business. A marihuana establishment or tribal**  
 18 **marihuana business shall not allow a person who is 19 years of age**  
 19 **or older but younger than 21 years of age to work for the marihuana**  
 20 **establishment or tribal marihuana business unless both of the**  
 21 **following conditions are met:**

22           (a) An agent of the marihuana establishment or tribal  
 23 marihuana business who is 21 years of age or older is present at  
 24 the marihuana establishment or tribal marihuana business while the  
 25 person is working.

26           (b) An agent of the marihuana establishment or tribal  
 27 marihuana business who is 21 years of age or older directly  
 28 supervises the person while the person is working.

29           (6) ~~(f)~~ ~~No~~ **A** marihuana establishment ~~may~~ **shall not** sell or



1 otherwise transfer marihuana that was not produced, distributed,  
2 and taxed in compliance with this act.

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

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

10 (9) ~~(i)~~ ~~No~~ **A** marihuana processor ~~may~~ **shall not** process and ~~ne~~  
11 **a** marihuana retailer ~~may~~ **shall not** sell edible marihuana-infused  
12 candy in shapes or packages that are attractive to children or that  
13 are easily confused with commercially sold candy that does not  
14 contain marihuana.

15 (10) ~~(j)~~ ~~No~~ **A** marihuana retailer ~~may~~ **shall not** sell or  
16 otherwise transfer marihuana ~~that~~ **unless the marihuana is not**  
17 contained in an opaque, resealable, child-resistant package  
18 designed to be significantly difficult for ~~children under~~ **a child**  
19 **younger than** 5 years of age to open and not difficult for **a** normal  
20 ~~adults~~ **adult** to use properly as ~~defined by 16 C.F.R. 1700.20~~  
21 ~~(1995), unless the~~ **provided for under 16 CFR 1700.20. This**  
22 **subsection does not apply to** marihuana **that** is transferred for  
23 consumption on the premises where **it is** sold.

24 (11) ~~(k)~~ ~~No~~ **A** marihuana establishment ~~may~~ **shall not** sell or  
25 otherwise transfer tobacco.

