

# HOUSE BILL No. 5843

April 19, 2018, Introduced by Reps. Cole, Bellino and Marino and referred to the Committee on Law and Justice.

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending section 502 (MCL 333.27502), 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 and sale of marihuana-infused products  
3 or marihuana only to a provisioning center or another processor.

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

10           (a) The grower or provisioning center occupies the same

1 location as the processor and the marihuana is transferred using  
2 only private real property without accessing public roadways.

3 (b) The processor enters each transfer into the statewide  
4 monitoring system.

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

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

13 (a) Marihuana plants.

14 (b) Usable marihuana.

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

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

19 (b) While holding a license as a processor, not be a  
20 registered primary caregiver and not employ an individual who is  
21 simultaneously a registered primary caregiver.

22 (c) Enter all transactions, current inventory, and other  
23 information into the statewide monitoring system as required in  
24 this act, rules, and the marihuana tracking act.

25 **(6) A PERSON SHALL NOT KNOWINGLY EXTRACT RESIN FROM MARIHUANA**  
26 **BY CHEMICAL EXTRACTION UNLESS THE PERSON HOLDS A PROCESSOR LICENSE.**

27 **(7) AN INDIVIDUAL SHALL NOT KNOWINGLY EXTRACT RESIN FROM**

1 MARIHUANA BY CHEMICAL EXTRACTION UNLESS HE OR SHE IS EMPLOYED BY A  
2 PERSON THAT HOLDS A PROCESSOR LICENSE AND PERFORMS THE EXTRACTION  
3 IN THE COURSE OF HIS OR HER EMPLOYMENT. AN INDIVIDUAL WHO EXTRACTS  
4 RESIN FROM MARIHUANA BY CHEMICAL EXTRACTION IN THE COURSE OF HIS OR  
5 HER EMPLOYMENT AND WHO REASONABLY BELIEVES HIS OR HER EMPLOYER  
6 HOLDS A PROCESSOR LICENSE IS NOT IN VIOLATION OF THIS SUBSECTION.

7 (8) A PERSON THAT VIOLATES SUBSECTION (6) OR (7) IS GUILTY OF  
8 A FELONY PUNISHABLE AS FOLLOWS:

9 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C),  
10 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN  
11 \$5,000.00, OR BOTH.

12 (B) IF THE VIOLATION CAUSES SERIOUS INJURY TO ANOTHER PERSON,  
13 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OR NOT MORE THAN  
14 \$5,000.00, OR BOTH. AS USED IN THIS SUBDIVISION, "SERIOUS INJURY"  
15 MEANS A PHYSICAL INJURY THAT IS NOT NECESSARILY PERMANENT, BUT THAT  
16 CONSTITUTES SERIOUS BODILY DISFIGUREMENT OR THAT SERIOUSLY IMPAIRS  
17 THE FUNCTIONING OF A BODY ORGAN OR LIMB. SERIOUS INJURY INCLUDES,  
18 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

19 (i) LOSS OF A LIMB OR USE OF A LIMB.

20 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A HAND,  
21 FOOT, FINGER, OR THUMB.

22 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

23 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

24 (v) SERIOUS VISIBLE DISFIGUREMENT.

25 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

26 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

27 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

1           *(ix)* SUBDURAL HEMORRHAGE OR HEMATOMA.  
2           (C) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER PERSON,  
3 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN  
4 \$5,000.00, OR BOTH.

5           Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.