

SENATE BILL NO. 1095

September 10, 2020, Introduced by Senator BUMSTEAD 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 section 3 (MCL 333.27953).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Cultivate" means to propagate, breed, grow, harvest, dry,
3 cure, or separate parts of the marihuana plant by manual or
4 mechanical means.

5 (b) "Department" means the department of licensing and
6 regulatory affairs.

1 (c) "Flowering marihuana plant" means a male or female
 2 marihuana plant that has visible calices, stigma, or pre-flowers
 3 located at the node of a stem or branch.

4 (d) ~~(e)~~—"Industrial hemp" means a plant of the genus ~~eannabis~~
 5 **Cannabis** and any part of that plant, whether growing or not, with a
 6 delta-9 tetrahydrocannabinol concentration ~~that does not exceed of~~
 7 0.3% **or less** on a dry-weight basis ~~—~~or per volume or weight of
 8 marihuana-infused product, or **for which** the combined percent
 9 **percentage** of delta-9-tetrahydrocannabinol and
 10 tetrahydrocannabinolic acid in any part of the plant, ~~of the genus~~
 11 ~~eannabis~~—regardless of moisture content, **is 0.3% or less.**

12 (e) ~~(d)~~—"Licensee" means a person holding a state license.

13 (f) ~~(e)~~—"Marihuana" means all parts of the **marihuana** plant, ~~of~~
 14 ~~the genus cannabis,~~ growing or not; the seeds of the plant; the
 15 resin extracted from any part of the plant; and every compound,
 16 manufacture, salt, derivative, mixture, or preparation of the plant
 17 or its seeds or resin, including marihuana concentrate and
 18 marihuana-infused products. ~~For purposes of this act, marihuana~~
 19 **Marihuana** does not include **any of the following:**

20 (i) ~~(1) the~~ **The** mature stalks of the plant, fiber produced from
 21 the **mature** stalks, oil or cake made from the seeds of the plant, **or**
 22 any other compound, manufacture, salt, derivative, mixture, or
 23 preparation of the mature stalks. ~~—except the resin extracted from~~
 24 ~~those stalks, fiber, oil, or cake, or any sterilized seed of the~~
 25 ~~plant that is incapable of germination;~~

26 (ii) ~~(2) industrial~~ **Industrial** hemp. ~~—or~~

27 (iii) ~~(3) any~~ **Any** other ingredient combined with marihuana to
 28 prepare topical or oral administrations, food, drink, or other
 29 products.

1 (g) ~~(f)~~—"Marihuana accessories" means any equipment, product,
 2 material, or combination of equipment, products, or materials ~~7~~
 3 ~~which~~~~that~~ is specifically designed for use in planting,
 4 propagating, cultivating, growing, harvesting, manufacturing,
 5 compounding, converting, producing, processing, preparing, testing,
 6 analyzing, packaging, repackaging, storing, containing, ingesting,
 7 inhaling, or otherwise introducing marihuana into the human body.

8 (h) ~~(g)~~—"Marihuana concentrate" means the resin extracted from
 9 any part of the plant of the genus ~~cannabis~~.**Cannabis**.

10 (i) ~~(h)~~—"Marihuana establishment" means a marihuana grower,
 11 marihuana safety compliance facility, marihuana processor,
 12 marihuana microbusiness, marihuana retailer, marihuana secure
 13 transporter, or any other type of marihuana-related business
 14 licensed by the ~~department~~.**marijuana regulatory agency**.

15 (j) ~~(i)~~—"Marihuana grower" means a person licensed to
 16 cultivate marihuana and sell or otherwise transfer marihuana to
 17 marihuana establishments.

18 (k) ~~(j)~~—"Marihuana-infused product" means a topical
 19 formulation, tincture, beverage, edible substance, or similar
 20 product containing marihuana and other ingredients and that is
 21 intended for human consumption.

22 (l) ~~(k)~~—"Marihuana microbusiness" means a person licensed to
 23 cultivate not more than 150 **flowering** marihuana plants; process and
 24 package marihuana; and sell or otherwise transfer marihuana to
 25 individuals who are 21 years of age or older or to a marihuana
 26 safety compliance facility, but not to other marihuana
 27 establishments.

28 (m) ~~(l)~~—"Marihuana processor" means a person licensed to
 29 obtain marihuana from marihuana establishments, ~~7~~process and

1 package marihuana, ~~+~~ and sell or otherwise transfer marihuana to
2 marihuana establishments.

3 (n) ~~(m)~~ "Marihuana retailer" means a person licensed to obtain
4 marihuana from marihuana establishments and ~~to~~ sell or otherwise
5 transfer marihuana to marihuana establishments ~~and to~~ **or**
6 individuals who are 21 years of age or older.

7 (o) ~~(n)~~ "Marihuana secure transporter" means a person licensed
8 to obtain marihuana from marihuana establishments in order to
9 transport marihuana to marihuana establishments.

10 (p) ~~(o)~~ "Marihuana safety compliance facility" means a person
11 licensed to test marihuana, including certification for potency and
12 the presence of contaminants.

13 (q) **"Marijuana regulatory agency" means the marijuana**
14 **regulatory agency created under Executive Reorganization Order No.**
15 **2019-2, MCL 333.27001.**

16 (r) ~~(p)~~ "Municipal license" means a license issued by a
17 municipality ~~pursuant to~~ **under** section 16 ~~of this act~~ that allows a
18 person to operate a marihuana establishment in that municipality.

19 (s) ~~(q)~~ "Municipality" means a city, village, or township.

20 (t) ~~(r)~~ "Person" means an individual, corporation, limited
21 liability company, partnership of any type, trust, or other legal
22 entity.

23 (u) ~~(s)~~ "Process" or "Processing" means to separate or
24 otherwise prepare parts of the marihuana plant and to compound,
25 blend, extract, infuse, or otherwise make or prepare marihuana
26 concentrate or marihuana-infused products.

27 (v) ~~(t)~~ "State license" means a license issued by the
28 ~~department~~ **marijuana regulatory agency** that allows a person to
29 operate a marihuana establishment.

1 **(w)** ~~(u)~~ "Unreasonably impracticable" means that the measures
2 necessary to comply with the rules or ordinances adopted pursuant
3 ~~to~~ **under** this act subject licensees to unreasonable risk or require
4 such a high investment of money, time, or any other resource or
5 asset that a reasonably prudent businessperson would not operate
6 the marihuana establishment.