

HOUSE BILL NO. 5301

September 14, 2021, Introduced by Reps. Lilly and Steenland and referred to the Committee on Regulatory Reform.

A bill to amend 2008 IL 1, entitled "Michigan Medical Marihuana Act," by amending the title and sections 3, 4, 4b, 5, 6, 7, and 8 (MCL 333.26423, 333.26424, 333.26424b, 333.26425, 333.26426, 333.26427, and 333.26428), the title and section 4 as amended and section 4b as added by 2016 PA 283, section 3 as amended by 2021 PA 62, section 6 as amended by 2020 PA 400, section 7 as amended by 2016 PA 546, and section 8 as amended by 2012 PA 512, and by adding section 4c.

1 evaluation of the patient.

2 (2) The physician has created and maintained records of the
3 patient's condition in ~~accord~~**accordance** with medically accepted
4 standards.

5 (3) The physician has a reasonable expectation that he or she
6 will provide follow-up care to the patient to monitor the efficacy
7 of the use of medical marihuana as a treatment of the patient's
8 debilitating medical condition.

9 (4) If the patient has given permission, the physician has
10 notified the patient's primary care physician of the patient's
11 debilitating medical condition and certification for the medical
12 use of marihuana to treat that condition.

13 **(c)** ~~(b)~~ "Debilitating medical condition" means 1 or more of
14 the following:

15 (1) Cancer, glaucoma, positive status for human
16 immunodeficiency virus, acquired immune deficiency syndrome,
17 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
18 agitation of Alzheimer's disease, nail patella, or the treatment of
19 these conditions.

20 (2) A chronic or debilitating disease or medical condition or
21 its treatment that produces 1 or more of the following: ~~cachexia~~

22 **(i) Cachexia** or wasting syndrome. ~~or severe~~

23 **(ii) Severe** and chronic pain. ~~or severe~~

24 **(iii) Severe** nausea. ~~or seizures,~~

25 **(iv) Seizures**, including, but not limited to, those
26 characteristic of epilepsy. ~~or severe~~

27 **(v) Severe** and persistent muscle spasms, including, but not
28 limited to, those characteristic of multiple sclerosis.

29 (3) Any other medical condition or its treatment approved by

1 the marijuana regulatory agency, as provided for in section
2 ~~6(k)~~-6(m).

3 (d) ~~(e)~~"Department" means the department of licensing and
4 regulatory affairs.

5 (e) ~~(d)~~"Enclosed, locked facility" means a closet, room, or
6 other comparable, stationary, and fully enclosed area equipped with
7 secured locks or other functioning security devices that ~~permit~~
8 **allows** access ~~only~~ by **only** a registered primary caregiver, ~~or~~
9 registered qualifying patient, **licensed specialty medical grower,**
10 **or authorized individual**. Marijuana plants grown outdoors are
11 considered to be in an enclosed, locked facility if they are not
12 visible to the unaided eye from an adjacent property when viewed by
13 an individual at ground level or from a permanent structure and are
14 grown within a stationary structure that is enclosed on all sides,
15 except for the base, by chain-link fencing, wooden slats, or a
16 similar material that prevents access by the general public and
17 that is anchored, attached, or affixed to the ground; located on
18 land that is owned, leased, or rented by ~~either~~ the registered
19 qualifying patient or ~~a person~~ **an individual** designated through the
20 marijuana regulatory agency's registration process as the
21 **registered** primary caregiver **or licensed specialty medical grower**
22 for the registered qualifying patient or **registered qualifying**
23 patients for whom the marijuana plants are grown; and equipped with
24 functioning locks or other security devices that restrict access to
25 only the registered qualifying patient, ~~or the~~ registered primary
26 caregiver, **or licensed specialty medical grower** who owns, leases,
27 or rents the property on which the structure is located. Enclosed,
28 locked facility includes a motor vehicle if both of the following
29 conditions are met:

1 (1) The vehicle is being used temporarily to transport living
 2 marihuana plants from 1 location to another with the intent to
 3 permanently retain those plants at the second location.

4 (2) An individual ~~is not~~ inside the vehicle ~~unless he or she~~
 5 is ~~either~~ **1 of the following:**

6 **(i) The registered qualifying patient** to whom the living
 7 marihuana plants belong. ~~or the individual~~

8 **(ii) The registered primary caregiver or licensed specialty**
 9 **medical grower** designated by the registered qualifying patient
 10 through the marijuana regulatory agency's registration process. ~~as~~
 11 ~~the primary caregiver for the registered qualifying patient.~~

12 **(f) "Licensed specialty medical grower" means an individual**
 13 **who holds a specialty medical grower license granted under section**
 14 **4c.**

15 **(g) ~~(e)~~** "Marihuana" means that term as defined in section 3 of
 16 the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1,
 17 MCL 333.27953.

18 **(h) ~~(f)~~** "Marihuana-infused product" means a topical
 19 formulation, tincture, beverage, edible substance, or similar
 20 product containing any usable marihuana that is intended for human
 21 consumption in a manner other than smoke inhalation. Marihuana-
 22 infused product ~~shall is~~ not ~~be considered~~ a food for purposes of
 23 the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

24 **(i) ~~(g)~~** "Marihuana plant" means any plant of the species
 25 *Cannabis sativa* L.

26 **(j) ~~(h)~~** "Marijuana regulatory agency" means the marijuana
 27 regulatory agency created under Executive Reorganization Order No.
 28 2019-2, MCL 333.27001.

29 **(k) "Marihuana tracking act" means the marihuana tracking act,**

1 2016 PA 282, MCL 333.27901 to 333.27904.

2 (l) "Medical marihuana facilities licensing act" means the
3 medical marihuana facilities licensing act, MCL 333.27101 to
4 333.27801.

5 (m) ~~(i)~~—"Medical use of marihuana" means the acquisition,
6 possession, cultivation, manufacture, extraction, use, internal
7 possession, delivery, transfer, or transportation of marihuana,
8 marihuana-infused products, or paraphernalia relating to the
9 administration of marihuana to treat or alleviate a registered
10 qualifying patient's debilitating medical condition or symptoms
11 associated with the debilitating medical condition.

12 (n) "Michigan Regulation and Taxation of Marihuana Act" means
13 the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1,
14 MCL 333.27951 to 333.27967.

15 (o) "Overages" means either of the following:

16 (1) An amount of marihuana cultivated by a registered
17 qualifying patient that is in excess of the amount required by the
18 registered qualifying patient.

19 (2) An amount of marihuana cultivated by a registered primary
20 caregiver or licensed specialty medical grower that is in excess of
21 the amount transferred or sold to the registered qualifying
22 patients of the registered primary caregiver or licensed specialty
23 medical grower.

24 (p) ~~(j)~~—"Physician" means an individual licensed as a
25 physician under part 170 of the public health code, 1978 PA 368,
26 MCL 333.17001 to 333.17084, or an osteopathic physician under part
27 175 of the public health code, 1978 PA 368, MCL 333.17501 to
28 333.17556.

29 (q) ~~(k)~~—"Plant" means any living organism that produces its

1 own food through photosynthesis and has observable root formation
2 or is in growth material.

3 **(r)** ~~(l)~~ "Primary caregiver" or "caregiver" means ~~a person~~ **an**
4 **individual** who ~~is at least 21 years old and who has agreed to~~
5 ~~assist with a patient's medical use of marihuana and who has not~~
6 ~~been convicted of any felony within the past 10 years and has never~~
7 ~~been convicted of a felony involving illegal drugs or a felony that~~
8 ~~is an assaultive crime as defined in section 9a of chapter X of the~~
9 ~~code of criminal procedure, 1927 PA 175, MCL 770.9a.~~ **meets the**
10 **requirements for registration as a registered primary caregiver**
11 **listed in section 6(d)(1) or (2), as applicable.**

12 **(s)** ~~(m)~~ "Qualifying patient" or "patient" means ~~a person~~ **an**
13 **individual** who has been diagnosed by a physician as having a
14 debilitating medical condition.

15 **(t)** "Registered primary caregiver" means a primary caregiver
16 who has been issued a registry identification card under section
17 6(d), if the registry identification card is valid and unexpired.

18 **(u)** "Registered qualifying patient" means a qualifying patient
19 who has been issued a registry identification card under section
20 6(a), if the registry identification card is valid and unexpired.

21 **(v)** ~~(n)~~ "Registry identification card" means a document issued
22 by the marijuana regulatory agency ~~that identifies a person as to a~~
23 registered qualifying patient **under section 6(a)** or registered
24 primary caregiver **under section 6(d)**.

25 **(w)** ~~(o)~~ "Usable marihuana" means the dried leaves, flowers,
26 plant resin, or extract of the marihuana plant, but does not
27 include the seeds, stalks, and roots of the plant.

28 **(x)** ~~(p)~~ "Usable marihuana equivalent" means the amount of
29 usable marihuana in a marihuana-infused product that is calculated

1 as provided in section ~~4(e)~~. **4(e)**.

2 **(y)** ~~(q)~~ "Visiting qualifying patient" means a patient who is
3 not a resident of this state or who has been a resident of this
4 state for less than 30 days.

5 **(z)** ~~(r)~~ "Written certification" means a document signed by a
6 physician, ~~stating that states~~ all of the following:

7 (1) The patient's debilitating medical condition.

8 (2) The physician has completed a full assessment of the
9 patient's medical history and current medical condition, including
10 a relevant medical evaluation.

11 (3) In the physician's professional opinion, the patient is
12 likely to receive therapeutic or palliative benefit from the
13 medical use of marihuana to treat or alleviate the patient's
14 debilitating medical condition or symptoms associated with the
15 debilitating medical condition.

16 4. Protections for the Medical Use of Marihuana.

17 Sec. 4. (a) A **registered** qualifying patient ~~who has been~~
18 ~~issued and possesses a registry identification card~~ **must not be**
19 **denied any right or privilege and** is not subject to arrest,
20 prosecution, or penalty in any manner, ~~or denied any right or~~
21 ~~privilege,~~ including, but not limited to, civil penalty or
22 disciplinary action by a business or occupational or professional
23 licensing board or bureau, for the medical use of marihuana in
24 accordance with this act. ~~, provided that the qualifying patient~~
25 ~~possesses an amount of marihuana that does not exceed a combined~~
26 ~~total of 2.5 ounces of usable marihuana and usable marihuana~~
27 ~~equivalents, and, if the qualifying patient has not specified that~~
28 ~~a primary caregiver will be allowed under state law to cultivate~~
29 ~~marihuana for the qualifying patient, 12 marihuana plants kept in~~

1 ~~an enclosed, locked facility. Any incidental amount of seeds,~~
2 ~~stalks, and unusable roots shall also be allowed under state law~~
3 ~~and shall not be included in this amount. The privilege from arrest~~
4 under this subsection applies only if the **registered** qualifying
5 patient presents ~~both~~ his or her registry identification card and a
6 valid driver license or government-issued identification card that
7 bears a photographic image of the **registered** qualifying patient.
8 **This subsection applies only if the registered qualifying patient**
9 **possesses marihuana in forms and amounts that do not exceed any**
10 **combination of the following:**

11 (1) A combined total of 2.5 ounces of usable marihuana and
12 usable marihuana equivalents.

13 (2) If the registered qualifying patient has not specified
14 that a registered primary caregiver or licensed specialty medical
15 grower will be allowed under state law to cultivate marihuana for
16 the registered qualifying patient, 12 marihuana plants kept in an
17 enclosed, locked facility.

18 (3) Any incidental amount of seeds, stalks, and unusable
19 roots.

20 (b) A **registered** primary caregiver ~~who has been issued and~~
21 ~~possesses a registry identification card~~ **must not be denied any**
22 **right or privilege and** is not subject to arrest, prosecution, or
23 penalty in any manner, ~~or denied any right or privilege,~~ including,
24 but not limited to, civil penalty or disciplinary action by a
25 business or occupational or professional licensing board or bureau,
26 for assisting a **registered** qualifying patient to whom he or she is
27 connected through the ~~department's~~ **marijuana regulatory agency's**
28 registration process with the medical use of marihuana in
29 accordance with this act. The privilege from arrest under this

1 subsection applies only if the **registered** primary caregiver
2 presents ~~both~~ his or her registry identification card and a valid
3 driver license or government-issued identification card that bears
4 a photographic image of the **registered** primary caregiver. This
5 subsection applies only if the **registered** primary caregiver
6 possesses marihuana in forms and amounts that do not exceed any of
7 the following:

8 (1) For each **registered** qualifying patient to whom ~~he or she~~
9 **the registered primary caregiver** is connected through the
10 ~~department's marijuana regulatory agency's~~ registration process, a
11 combined total of 2.5 ounces of usable marihuana and usable
12 marihuana equivalents.

13 (2) For each registered qualifying patient who has specified
14 that the **registered** primary caregiver will be allowed under state
15 law to cultivate marihuana for the **registered** qualifying patient,
16 12 marihuana plants kept in ~~an~~ **a single** enclosed, locked facility.

17 (3) Any incidental amount of seeds, stalks, and unusable
18 roots.

19 (c) **A licensed specialty medical grower must not be denied any**
20 **right or privilege and is not subject to arrest, prosecution, or**
21 **penalty in any manner, including, but not limited to, civil penalty**
22 **or disciplinary action by a business or occupational or**
23 **professional licensing board or bureau, for engaging in any of the**
24 **activities a licensed specialty medical grower is authorized to**
25 **engage in under section 4c. The privilege from arrest under this**
26 **subsection applies only if the licensed specialty medical grower**
27 **presents his or her specialty medical grower certificate of**
28 **licensure, or a copy of the certificate, and a valid driver license**
29 **or government-issued identification card that bears a photographic**

1 image of the licensed specialty medical grower. This subsection
2 applies only if the licensed specialty medical grower possesses
3 marihuana in forms and amounts that do not exceed any of the
4 following:

5 (1) For each registered qualifying patient to whom the
6 licensed specialty medical grower is connected through the
7 marijuana regulatory agency's registration process, a combined
8 total of 2.5 ounces of usable marihuana and usable marihuana
9 equivalents.

10 (2) For each registered qualifying patient who has specified
11 that the licensed specialty medical grower will be allowed under
12 state law to cultivate marihuana for the registered qualifying
13 patient, 12 marihuana plants kept in a single enclosed, locked
14 facility.

15 (3) Any incidental amount of seeds, stalks, and unusable
16 roots.

17 (d) An authorized individual must not be denied any right or
18 privilege and is not subject to arrest, prosecution, or penalty in
19 any manner, including, but not limited to, civil penalty or
20 disciplinary action by a business or occupational or professional
21 licensing board or bureau, for assisting a registered primary
22 caregiver or a licensed specialty medical grower with the
23 cultivation of marihuana if the marijuana regulatory agency has
24 approved the authorized individual to assist that registered
25 primary caregiver or licensed specialty medical grower. The
26 privilege from arrest under this subsection applies only if the
27 licensed specialty medical grower presents his or her valid driver
28 license or government-issued identification card that bears a
29 photographic image of the licensed specialty medical grower.

1 **(e)** ~~(e)~~ For purposes of determining usable marihuana
 2 equivalency, the following ~~shall be~~ **are** considered equivalent to 1
 3 ounce of usable marihuana:

- 4 (1) 16 ounces of marihuana-infused product if in a solid form.
 5 (2) 7 grams of marihuana-infused product if in a gaseous form.
 6 (3) 36 fluid ounces of marihuana-infused product if in a
 7 liquid form.

8 **(f)** ~~(d)~~ A person ~~shall~~ **must** not be denied custody or
 9 visitation of a minor for acting in accordance with this act,
 10 unless the person's behavior ~~is such that it~~ creates an
 11 unreasonable danger to the minor that can be clearly articulated
 12 and substantiated.

13 **(g)** ~~(e)~~ There is a presumption that a **registered** qualifying
 14 patient or **registered** primary caregiver is engaged in the medical
 15 use of marihuana in accordance with this act if the **registered**
 16 qualifying patient or **registered** primary caregiver complies with
 17 both of the following:

- 18 (1) Is in possession of a registry identification card.
 19 (2) Is in possession of an amount of marihuana that does not
 20 exceed the amount allowed under this act.

21 **(h)** The presumption **in subsection (g)** may be rebutted by
 22 evidence that conduct related to marihuana was not for the purpose
 23 of alleviating the **registered** qualifying patient's debilitating
 24 medical condition or symptoms associated with the debilitating
 25 medical condition, in accordance with this act.

26 **(i)** There is a presumption that a **licensed specialty medical**
 27 **grower is engaged in the medical use of marihuana in accordance**
 28 **with this act if the licensed specialty medical grower complies**
 29 **with both of the following:**

1 (1) Is in possession of the licensed specialty medical
2 grower's certificate of licensure, or a copy of the certificate.

3 (2) Is in possession of an amount of marihuana that does not
4 exceed the amount allowed under this act.

5 (j) The presumption in subsection (i) may be rebutted by
6 evidence that conduct related to marihuana was not for a purpose
7 described in section 4c(4)(b) to (d).

8 (k) ~~(f)~~—A registered primary caregiver may receive
9 compensation for costs associated with assisting a registered
10 qualifying patient in the medical use of marihuana. ~~Any such~~ **This**
11 compensation does not constitute the sale of ~~controlled~~
12 ~~substances~~ **a controlled substance**.

13 (l) ~~(g)~~—A physician ~~shall~~ **must** not be **denied any right or**
14 **privilege and is not** subject to arrest, prosecution, or penalty in
15 any manner, ~~or denied any right or privilege,~~ including, but not
16 limited to, civil penalty or disciplinary action by the Michigan
17 board of medicine, the Michigan board of osteopathic medicine and
18 surgery, or any other business or occupational or professional
19 licensing board or bureau, solely for providing written
20 certifications, in the course of a bona fide physician-patient
21 relationship and after the physician has completed a full
22 assessment of ~~the~~ **a** qualifying patient's medical history, or for
23 otherwise stating that, in the physician's professional opinion, a
24 **qualifying** patient is likely to receive therapeutic or palliative
25 benefit from the medical use of marihuana to treat or alleviate the
26 **qualifying** patient's serious or debilitating medical condition or
27 symptoms associated with the serious or debilitating medical
28 condition. ~~, provided that nothing shall prevent~~ **However, this**
29 **section does not prevent** a professional licensing board from

1 sanctioning a physician for failing to properly evaluate a
 2 **qualifying** patient's medical condition or otherwise violating the
 3 standard of care for evaluating medical conditions.

4 **(m)** ~~(h)~~—A person shall ~~must~~ not be **denied any right or**
 5 **privilege and is not** subject to arrest, prosecution, or penalty in
 6 any manner, ~~or denied any right or privilege,~~ including, but not
 7 limited to, civil penalty or disciplinary action by a business or
 8 occupational or professional licensing board or bureau, for
 9 providing a registered qualifying patient or a registered primary
 10 caregiver with marihuana paraphernalia for purposes of a **registered**
 11 qualifying patient's medical use of marihuana.

12 **(n)** ~~(i)~~—~~Any~~ **Except as otherwise provided under section**
 13 **4c(8)(a), a person shall not seize or forfeit any** marihuana,
 14 marihuana paraphernalia, or licit property that is possessed,
 15 owned, or used in connection with the medical use of marihuana ~~as~~
 16 allowed under this act ~~or~~ **in connection with** acts incidental to
 17 ~~such that~~ use. ~~shall not be seized or forfeited.~~

18 **(o)** ~~(j)~~—A person shall ~~must~~ not be **denied any right or**
 19 **privilege and is not** subject to arrest, prosecution, or penalty in
 20 any manner, ~~or denied any right or privilege,~~ including, but not
 21 limited to, civil penalty or disciplinary action by a business or
 22 occupational or professional licensing board or bureau, solely for
 23 ~~being either of the following:~~

24 **(1) Being** in the presence or vicinity of the medical use of
 25 marihuana in accordance with this act. ~~or for assisting~~

26 **(2) Assisting** a registered qualifying patient with using or
 27 administering marihuana.

28 **(p)** ~~(k)~~—A registry identification card, or its equivalent,
 29 that is issued under the laws of another state, district,

1 territory, commonwealth, or insular possession of the United States
 2 that allows the medical use of marihuana by a visiting qualifying
 3 patient, or ~~to allow~~ **allows** a person to assist with a visiting
 4 qualifying patient's medical use of marihuana, ~~shall have~~ **has** the
 5 same force and effect as a registry identification card issued by
 6 the ~~department~~ **marijuana regulatory agency**.

7 **(q)** ~~(l) Any~~ **If a** registered qualifying patient or registered
 8 primary caregiver ~~who sells~~ **or transfers** marihuana to ~~someone~~ **a**
 9 **person** who is not ~~allowed the medical use of~~ **authorized to obtain**
 10 marihuana under this act, **the marijuana regulatory agency** shall
 11 ~~have his or her~~ **revoke the registered qualifying patient's or**
 12 **registered primary caregiver's** registry identification card.
 13 ~~revoked and is guilty of a felony punishable by imprisonment for~~
 14 ~~not more than 2 years or a fine of not more than \$2,000.00, or~~
 15 ~~both, in addition to any other penalties for the distribution of~~
 16 ~~marihuana.~~

17 **(r)** ~~(m) A person shall~~ **must** not be **denied any right or**
 18 **privilege and is not** subject to arrest, prosecution, or penalty in
 19 any manner, ~~or denied any right or privilege,~~ including, but not
 20 limited to, civil penalty or disciplinary action by a business or
 21 occupational or professional licensing board or bureau, for
 22 manufacturing a marihuana-infused product if the person is any of
 23 the following:

24 (1) A registered qualifying patient, manufacturing **in**
 25 **compliance with this act** for ~~his or her~~ **the registered qualifying**
 26 **patient's** own personal use.

27 (2) A registered primary caregiver **or licensed specialty**
 28 **medical grower,** manufacturing **in compliance with this act** for the
 29 use of a **registered qualifying** patient to whom ~~he or she~~ **the**

1 **registered primary caregiver or licensed specialty medical grower**
2 is connected through the ~~department's marijuana regulatory agency's~~
3 registration process.

4 ~~(n) A qualifying patient shall not transfer a marihuana-~~
5 ~~infused product or marihuana to any individual.~~

6 **(s) ~~(e) A~~ Except as otherwise provided in sections 4a and 4c,**
7 **a registered primary caregiver or licensed specialty medical grower**
8 shall not transfer a ~~marihuana-infused product marihuana~~ to any ~~an~~
9 individual who is not a **registered** qualifying patient to whom ~~he or~~
10 ~~she~~ **the registered primary caregiver or licensed specialty medical**
11 **grower** is connected through the ~~department's marijuana regulatory~~
12 **agency's** registration process. **A registered primary caregiver shall**
13 **not transfer or sell overages to any person.**

14 **(t) A registered primary caregiver must cultivate or**
15 **manufacture marihuana in an enclosed, locked facility at the**
16 **location the registered primary caregiver provided in its**
17 **application for registration. Only 1 registered primary caregiver**
18 **may cultivate or manufacture marihuana at the same location.**

19 **(u) A registered primary caregiver may designate an individual**
20 **to assist the registered primary caregiver in cultivating**
21 **marihuana. To designate an individual, the registered primary**
22 **caregiver must submit the individual's name, date of birth,**
23 **telephone number, and home address to the marijuana regulatory**
24 **agency on a form and in a manner as provided for by the marijuana**
25 **regulatory agency.**

26 **(v) The marijuana regulatory agency shall approve an**
27 **individual designated under subsection (u) to assist a registered**
28 **primary caregiver if all of the following conditions are met:**

29 **(1) Approving the individual would not result in more than 2**

1 individuals being approved to assist the registered primary
2 caregiver at the same time.

3 (2) The individual meets the requirements for registration as
4 a registered primary caregiver listed in section 6(d)(1) or (2), as
5 applicable.

6 Sec. 4b. (1) Except as provided in subsections (2) to (4), a
7 **registered** qualifying patient, ~~or registered~~ primary caregiver, **or**
8 **licensed specialty medical grower** shall not transport or possess a
9 marihuana-infused product in or upon a motor vehicle.

10 (2) This section does not prohibit a **registered** qualifying
11 patient from transporting or possessing a marihuana-infused product
12 in or upon a motor vehicle if the marihuana-infused product is in a
13 sealed and labeled package that is carried in the trunk of the
14 vehicle or, if the vehicle does not have a trunk, is carried so as
15 not to be readily accessible from the interior of the vehicle. The
16 label must state the weight of the marihuana-infused product in
17 ounces, name of the manufacturer, date of manufacture, name of the
18 person from whom the marihuana-infused product was received, and
19 date of receipt.

20 (3) This section does not prohibit a **registered** primary
21 caregiver **or licensed specialty medical grower** from transporting or
22 possessing a marihuana-infused product in or upon a motor vehicle
23 if the marihuana-infused product is accompanied by an accurate
24 marihuana transportation manifest and enclosed in a case carried in
25 the trunk of the vehicle or, if the vehicle does not have a trunk,
26 is enclosed in a case and carried so as not to be readily
27 accessible from the interior of the vehicle. The **transportation**
28 manifest ~~form~~ must state the weight of each marihuana-infused
29 product in ounces, name and address of the manufacturer, date of

1 manufacture, destination name and address, date and time of
2 departure, estimated date and time of arrival, and, if applicable,
3 name and address of the person from whom the product was received
4 and date of receipt.

5 (4) This section does not prohibit a **registered** primary
6 caregiver **or licensed specialty medical grower** from transporting or
7 possessing a marihuana-infused product in or upon a motor vehicle
8 for the use of ~~his or her~~ **the registered primary caregiver's or**
9 **licensed specialty medical grower's** child, spouse, or parent who is
10 a **registered** qualifying patient if the marihuana-infused product is
11 in a sealed and labeled package that is carried in the trunk of the
12 vehicle or, if the vehicle does not have a trunk, is carried so as
13 not to be readily accessible from the interior of the vehicle. The
14 label must state the weight of the marihuana-infused product in
15 ounces, name of the manufacturer, date of manufacture, name of the
16 **registered** qualifying patient, and, if applicable, name of the
17 person from whom the marihuana-infused product was received and
18 date of receipt.

19 (5) For purposes of determining compliance with quantity
20 limitations under section 4, there is a rebuttable presumption that
21 the weight of a marihuana-infused product listed on its package
22 label or on a marihuana transportation manifest is accurate.

23 (6) A **registered** qualifying patient, ~~or registered~~ primary
24 caregiver, **or licensed specialty medical grower** who violates this
25 section is responsible for a civil fine of not more than \$250.00.

26 **Sec. 4c. (1) To apply for a specialty medical grower license,**
27 **an individual must submit both of the following to the marijuana**
28 **regulatory agency:**

29 (a) **An application fee in the amount of \$500.00.**

1 (b) An application on a form and in a manner as provided for
2 by the marijuana regulatory agency. The application must include
3 all of the following:

4 (c) The individual's name, date of birth, telephone number,
5 and home address.

6 (d) The address where the individual's enclosed, locked
7 facility is or will be located.

8 (e) A statement that the information supplied by the
9 individual is, to the best of the individual's knowledge, true and
10 that the individual acknowledges that he or she is submitting the
11 application under the penalty of perjury.

12 (2) The marijuana regulatory agency shall verify the
13 information contained in an application submitted under subsection
14 (1) and shall grant or deny the application not later than 15
15 business days after it receives the application. Not later than 5
16 business days after the marijuana regulatory agency approves a
17 licensed specialty medical grower's application, the marijuana
18 regulatory agency shall issue a certificate of licensure to the
19 licensed specialty medical grower on a form as provided for by the
20 marijuana regulatory agency. The marijuana regulatory agency shall
21 grant a specialty medical grower license to an individual or renew
22 an individual's specialty medical grower license if all of the
23 following conditions are met:

24 (a) The individual submits a complete application and pays the
25 application fee.

26 (b) The individual does not have an ownership interest in any
27 of the following:

28 (i) A safety compliance facility or secure transporter licensed
29 under the medical marihuana facilities licensing act.

1 (ii) A marihuana safety compliance facility or marihuana secure
2 transporter licensed under the Michigan Regulation and Taxation of
3 Marihuana Act.

4 (c) In the immediately preceding 10 years, the individual has
5 not been convicted of a felony. This subdivision does not apply to
6 a conviction based solely on a marihuana-related offense, unless
7 the offense involved the distribution of marihuana to a minor.

8 (d) In the immediately preceding 5 years, the individual has
9 not violated this act, the medical marihuana facilities licensing
10 act, the Michigan Regulation and Taxation of Marihuana Act, or the
11 marihuana tracking act.

12 (3) A specialty medical license expires 1 year after the date
13 it is granted.

14 (4) A licensed specialty medical grower may do any of the
15 following:

16 (a) Cultivate or manufacture marihuana in compliance with this
17 act and the marihuana tracking act for a purpose described in
18 subdivision (b), (c), or (d).

19 (b) Assist a registered qualifying patient to whom the
20 licensed specialty medical grower is connected through the
21 marijuana regulatory agency's registration process with the medical
22 use of marihuana in compliance with this act.

23 (c) Sell or transfer marihuana to a registered qualifying
24 patient to whom the licensed specialty medical grower is connected
25 through the marijuana regulatory agency's registration process if
26 all of the following conditions are met:

27 (i) The sale or transfer is entered into the statewide
28 monitoring system as required under section 3 of the marihuana
29 tracking act, MCL 333.27903.

1 (ii) The outside of the packaging that contains the marihuana
2 includes a label with all of the following information:

3 (A) The name of the licensed specialty medical grower.

4 (B) The name of the safety compliance facility that performs
5 the testing under subparagraph (iii).

6 (iii) Before the sale or transfer, the marihuana is tested by a
7 safety compliance facility licensed under the medical marihuana
8 facilities licensing act in compliance with the testing standards
9 then in effect for marihuana sold by provisioning centers licensed
10 under the medical marihuana facilities licensing act.

11 (d) Sell or transfer overages to a grower licensed under the
12 medical marihuana facilities licensing act if all of the following
13 conditions are met:

14 (i) The sale or transfer is entered into the statewide
15 monitoring system as required under section 3 of the marihuana
16 tracking act, MCL 333.27903.

17 (ii) The sale or transfer is conducted using a secure
18 transporter licensed under the medical marihuana facilities
19 licensing act.

20 (iii) The outside of the packaging that contains the marihuana
21 includes a label with all of the following information:

22 (A) The name of the licensed specialty medical grower.

23 (B) The name of the safety compliance facility that performs
24 the testing under subparagraph (iv).

25 (iv) Before the sale or transfer, the marihuana is tested by a
26 safety compliance facility licensed under the medical marihuana
27 facilities licensing act in compliance with the testing standards
28 then in effect for marihuana sold by a provisioning center licensed
29 under the medical marihuana facilities licensing act.

1 (e) Purchase marihuana from a provisioning center licensed
2 under the medical marihuana facilities licensing act for a purpose
3 described in subdivision (b) or (c).

4 (5) A licensed specialty medical grower must cultivate or
5 manufacture marihuana in a single enclosed, locked facility at the
6 location the licensed specialty medical grower provided in its
7 application for licensure. A licensed specialty medical grower
8 shall display his or her certificate of licensure, or a copy of the
9 certificate, in a conspicuous place on the enclosed, locked
10 facility. The location at which the licensed specialty medical
11 grower cultivates or manufactures marihuana must be unzoned or
12 zoned for agricultural or industrial use. The marijuana regulatory
13 agency, a local law enforcement agency, or the department of state
14 police may inspect the location, any property at the location, or
15 the enclosed, locked facility at any time, with or without notice.
16 Only 1 licensed specialty medical grower may cultivate or
17 manufacture marihuana at the same location, unless both of the
18 following conditions are met:

19 (a) The local unit of government in which the location is
20 located has adopted an ordinance that explicitly authorizes more
21 than 1 licensed specialty medical grower to cultivate or
22 manufacture marihuana at the same location.

23 (b) Each licensed specialty medical grower cultivates or
24 manufactures marihuana in a separate enclosed, locked facility that
25 does not share an entrance or metered utilities with any other
26 enclosed, locked facility.

27 (6) A licensed specialty medical grower may designate an
28 individual to assist the licensed specialty medical grower in
29 cultivating marihuana. To designate an individual, the licensed

1 specialty medical grower must do both of the following:

2 (a) Submit the individual's name, date of birth, telephone
3 number, and home address to the marijuana regulatory agency on a
4 form and in a manner as provided for by the marijuana regulatory
5 agency.

6 (b) Input the information required to be submitted under
7 subdivision (a) into the statewide monitoring system.

8 (7) The marijuana regulatory agency shall approve an
9 individual designated under subsection (6) to assist a licensed
10 specialty medical grower if all of the following conditions are
11 met:

12 (a) Approving the individual would not result in more than 2
13 individuals being approved to assist the licensed specialty medical
14 grower at the same time.

15 (b) The individual meets the requirements listed in subsection
16 (2)(b) to (d) for licensure as a licensed specialty medical grower.

17 (8) If a licensed specialty medical grower violates this act,
18 the rules promulgated under this act, or the marihuana tracking
19 act, or if the licensed specialty medical grower ceases to meet the
20 requirements for licensure listed in subsection (2)(b) to (d), all
21 of the following apply:

22 (a) The marijuana regulatory agency, a local law enforcement
23 agency, or the department of state police may confiscate or destroy
24 any marihuana or equipment used to cultivate or manufacture
25 marihuana that is any of the following:

26 (i) In the possession of the licensed specialty medical grower.

27 (ii) Located at the location at which the licensed specialty
28 medical grower cultivates or manufactures marihuana.

29 (iii) Owned by the licensed specialty medical grower.

1 (b) The marijuana regulatory agency may suspend, revoke, or
2 restrict the licensed specialty medical grower's license or deny
3 the licensed specialty medical grower's application for licensure
4 in compliance with the administrative procedures act of 1969, 1969
5 PA 306, MCL 24.201 to 24.328.

6 (9) The marijuana regulatory agency may suspend a specialty
7 medical grower's license without notice or hearing if the marijuana
8 regulatory agency determines that the safety or health of
9 registered qualifying patients or members of the public is
10 jeopardized by the continued operation of the licensed specialty
11 medical grower. If the marijuana regulatory agency suspends a
12 license under this subsection without notice or hearing, the
13 marijuana regulatory agency must hold a prompt postsuspension
14 hearing to determine if the suspension should remain in effect. The
15 suspension may remain in effect until the marijuana regulatory
16 agency determines that the cause for suspension has been abated.
17 The marijuana regulatory agency may revoke the license if the
18 marijuana regulatory agency determines that the licensee has not
19 made satisfactory progress toward abatement.

20 (10) If a party that is aggrieved by an action taken by the
21 marijuana regulatory agency to suspend, revoke, restrict, or refuse
22 to renew a specialty medical grower license, or to impose a fine,
23 requests the marijuana regulatory agency to hold a hearing on the
24 action, the marijuana regulatory agency shall hold a hearing if the
25 request is made in writing to the marijuana regulatory agency not
26 later than 21 days after the date the marijuana regulatory agency
27 serves notice of the action to the party. The marijuana regulatory
28 agency must serve notice by personal delivery or certified mail,
29 prepaid postage, to the aggrieved party. Notice served by certified

1 mail is considered complete on the business day following the date
2 of the mailing.

3 (11) The marijuana regulatory agency may do any of the
4 following to exercise its duties under this act:

5 (a) Conduct investigative and contested case hearings.

6 (b) Issue subpoenas to compel the attendance of witnesses.

7 (c) Issue subpoenas to compel the production of books,
8 ledgers, records, memoranda, electronically retrievable data, and
9 other documents.

10 (d) Administer oaths and affirmations to witnesses.

11 (12) A specialty medical grower license is a revocable
12 privilege granted by this state and is not a property right.
13 Granting a license does not create or vest a right, title,
14 franchise, or any other property interest. A specialty medical
15 grower license is not transferable.

16 5. Department to Promulgate Rules.

17 Sec. 5. (1) ~~(a) Not later than 120 days after the effective~~
18 ~~date of this act, the department~~ **The marijuana regulatory agency**
19 shall promulgate rules pursuant to the administrative procedures
20 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the
21 manner in which the ~~department~~ **marijuana regulatory agency** shall
22 consider the addition of medical conditions or treatments to the
23 list of debilitating medical conditions set forth in section ~~3(a)~~
24 ~~of this act. In promulgating rules, the department shall~~ **3. The**
25 **marijuana regulatory agency's rules must** allow for petition by the
26 public to include additional medical conditions and treatments. In
27 considering ~~such petitions, a petition,~~ the ~~department~~ **marijuana**
28 **regulatory agency** shall include public notice of, and an
29 opportunity to comment in a public hearing ~~upon, such petitions.~~

1 ~~on, the petition.~~ The ~~department~~ **marijuana regulatory agency** shall,
 2 after **the public hearing on the petition**, approve or deny such
 3 ~~petitions within the petition not later than~~ 180 days ~~of~~ **after** the
 4 submission of the petition. The approval or denial of such a
 5 petition ~~shall be considered~~ **is** a final department action ~~, that is~~
 6 subject to judicial review pursuant to the administrative
 7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
 8 Jurisdiction and venue for judicial review are vested in the
 9 circuit court for the county of Ingham.

10 ~~(2) (b) Not later than 120 days after the effective date of~~
 11 ~~this act, the department~~ **The marijuana regulatory agency** shall
 12 promulgate rules pursuant to the administrative procedures act of
 13 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the manner in
 14 which ~~it~~ **the marijuana regulatory agency** shall consider
 15 applications for and renewals of registry identification cards for
 16 qualifying patients and primary caregivers. The ~~department's~~
 17 **marijuana regulatory agency's** rules ~~shall~~ **must** establish
 18 application and renewal fees that generate revenues sufficient to
 19 offset all expenses of implementing and administering this act, **not**
 20 **including the licensure process for licensed specialty medical**
 21 **growers.** The ~~department~~ **marijuana regulatory agency** may establish a
 22 sliding scale of application and renewal fees based ~~upon~~ **on** a
 23 qualifying patient's family income. The ~~department~~ **marijuana**
 24 **regulatory agency** may accept gifts, grants, and other donations
 25 from private sources ~~in order~~ to reduce the application and renewal
 26 fees.

27 **(3) The marijuana regulatory agency may promulgate rules or**
 28 **emergency rules to implement this act pursuant to the**
 29 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**

1 **24.328.**

2 6. Administering the Marijuana Regulatory Agency's Rules.

3 Sec. 6. (a) The marijuana regulatory agency shall issue a
4 registry identification ~~cards~~**card** to a qualifying ~~patients~~**patient** who
5 ~~submit~~**patient if the qualifying patient submits** all of the
6 following ~~,~~**to the marijuana regulatory agency** in accordance with
7 the marijuana regulatory agency's rules:

8 (1) A written certification.

9 (2) Application or renewal fee, **as applicable.**

10 (3) Name, address, and date of birth of the qualifying
11 patient, except that if the ~~applicant~~**qualifying patient** is
12 homeless, ~~no~~**an** address is **not** required.

13 (4) Name, address, and telephone number of the qualifying
14 patient's physician.

15 (5) Name, address, and date of birth of the qualifying
16 patient's primary caregiver **or licensed specialty medical grower,**
17 if any.

18 (6) Proof of ~~Michigan~~**legal** residency **in this state.** For the
19 purposes of this subdivision, ~~a person~~**an individual** is considered
20 to have proved legal residency in this state if any of the
21 following apply:

22 (i) The ~~person~~**individual** provides a copy of a valid, lawfully
23 obtained Michigan driver license issued **to the individual** under the
24 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or ~~an~~
25 official state personal identification card issued **to the**
26 **individual** under 1972 PA 222, MCL 28.291 to 28.300.

27 (ii) The ~~person~~**individual** provides a copy of a valid Michigan
28 voter registration.

29 (7) If the qualifying patient designates a primary caregiver

1 **or licensed specialty medical grower**, a designation as to whether
2 the qualifying patient, ~~or primary caregiver~~, **or licensed specialty**
3 **medical grower** will be allowed under state law to possess marihuana
4 plants for the qualifying patient's medical use.

5 (b) The marijuana regulatory agency shall not issue a registry
6 identification card to a qualifying patient who is ~~under the age of~~
7 **less than 18 years of age** unless all of the following conditions
8 are met:

9 (1) The qualifying patient's physician has explained the
10 potential risks and benefits of the medical use of marihuana to the
11 qualifying patient and to his or her parent or legal guardian.

12 (2) The qualifying patient's parent or legal guardian submits
13 a written certification from 2 physicians.

14 (3) The qualifying patient's parent or legal guardian consents
15 in writing to do all of the following:

16 (i) ~~(A)~~ Allow the qualifying patient's medical use of
17 marihuana.

18 (ii) ~~(B) Serve~~ **Do 1 or both of the following:**

19 **(A) Serve** as the qualifying patient's primary caregiver **or**
20 **licensed specialty medical grower.**

21 **(B) Approve of a primary caregiver or licensed specialty**
22 **medical grower for the qualifying patient.**

23 (iii) ~~(C)~~ Control the acquisition of the marihuana, the dosage,
24 and the frequency of the medical use of marihuana by the qualifying
25 patient.

26 (c) The marijuana regulatory agency shall verify the
27 information contained in an application or renewal submitted
28 ~~pursuant to~~ **under** this section, ~~and~~ shall approve or deny an
29 application or renewal ~~within~~ **not later than** 15 business days after

1 receiving it. The marijuana regulatory agency may deny an
 2 application or renewal only if the applicant did not provide the
 3 information required pursuant to this section ~~, or if the marijuana~~
 4 regulatory agency determines that the information provided was
 5 falsified. Rejection of an application or renewal is ~~considered a~~
 6 final ~~marijuana regulatory agency~~ action ~~, that is~~ subject to
 7 judicial review. Jurisdiction and venue for judicial review are
 8 vested in the circuit court for the county of Ingham.

9 (d) The marijuana regulatory agency shall issue a registry
 10 identification card to ~~the primary caregiver, if any,~~ **an individual**
 11 who is named **as the primary caregiver** in a **registered** qualifying
 12 patient's approved application ~~. However, each as follows:~~

13 (1) **For an application submitted before March 21, 2022, if all**
 14 **of the following conditions are met:**

15 (i) **The individual is 21 years of age or older.**

16 (ii) **The individual has agreed to assist with the registered**
 17 **qualifying patient's medical use of marihuana.**

18 (iii) **In the immediately preceding 10 years, the individual has**
 19 **not been convicted of a felony.**

20 (iv) **The individual has not been convicted of either of the**
 21 **following:**

22 (A) **A felony involving illegal drugs.**

23 (B) **A felony that is an assaultive crime as defined in section**
 24 **9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL**
 25 **770.9a.**

26 (2) **For an application submitted on or after March 21, 2022,**
 27 **if all of the following conditions are met:**

28 (i) **The individual is 21 years of age or older.**

29 (ii) **The individual has agreed to assist with the registered**

1 qualifying patient's medical use of marihuana.

2 (iii) In the immediately preceding 10 years, the individual has
3 not been convicted of a felony. This subdivision does not apply to
4 a conviction based solely on a marihuana-related offense, unless
5 the offense involved the distribution of marihuana to a minor.

6 (iv) The individual has not been convicted of either of the
7 following:

8 (A) A felony involving illegal drugs.

9 (B) A felony that is an assaultive crime as defined in section
10 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL
11 770.9a.

12 (v) The individual provides to the marijuana regulatory agency
13 the address of the location at which the individual will cultivate
14 or manufacture marihuana.

15 (e) Except as otherwise allowed under subsection (b) (3) (ii), a
16 registered qualifying patient ~~can have not more than may be~~
17 connected through the marijuana regulatory agency's registration
18 process to only 1 of the following at the same time:

19 (1) A registered primary caregiver. ~~and~~

20 (2) A licensed specialty medical grower.

21 (f) Before March 21, 2022 a primary caregiver may assist not
22 more than 5 registered qualifying patients with ~~their each~~
23 registered qualifying patient's medical use of marihuana. On or
24 after March 21, 2022 a primary caregiver may assist only 1
25 registered qualifying patient with the registered qualifying
26 patient's medical use of marihuana.

27 (g) ~~(e)~~The marijuana regulatory agency shall issue a registry
28 identification ~~cards within~~ card not later than 5 business days
29 after ~~approving~~ it approves an application or renewal. A registry

1 identification card expires 2 years after the date it is issued.
 2 ~~Registry~~ **A registry** identification ~~cards~~ **card** must contain all of
 3 the following:

4 (1) Name, address, and date of birth of the **registered**
 5 qualifying patient.

6 (2) Name, address, and date of birth of the primary caregiver
 7 **or licensed specialty medical grower**, if any, of the **registered**
 8 qualifying patient.

9 (3) The date of issuance and expiration date of the registry
 10 identification card.

11 (4) A random identification number.

12 (5) A photograph, if the marijuana regulatory agency requires
 13 one by rule.

14 (6) A clear designation ~~showing that~~ **shows** whether the
 15 **registered** primary caregiver or the **registered** qualifying patient
 16 will be allowed under state law to possess the marijuana plants for
 17 the **registered** qualifying patient's medical use, ~~which shall be as~~
 18 ~~determined based solely on~~ **by** the **registered** qualifying patient's
 19 ~~preference.~~ **patient.**

20 (h) ~~(f)~~—If a registered qualifying patient's certifying
 21 physician notifies the marijuana regulatory agency in writing that
 22 the **registered qualifying** patient has ceased to suffer from a
 23 debilitating medical condition, the **registered qualifying patient's**
 24 card becomes ~~null and void~~ upon notification ~~by~~ **from** the marijuana
 25 regulatory agency to the **registered qualifying** patient.

26 (i) ~~(g)~~—Possession of, or application for, a registry
 27 identification card ~~shall~~ **or specialty medical grower license does**
 28 not constitute probable cause or reasonable suspicion, ~~nor shall it~~
 29 **must not** be used to support the search of the ~~person~~ **individual** or

1 property of the ~~person~~**individual** possessing or applying for the
 2 registry identification card, ~~or otherwise~~**and does not** subject the
 3 ~~person~~**individual** or property of the ~~person~~**individual** to
 4 inspection by any local, county, or state governmental agency. **This**
 5 **subsection does not apply to an inspection described in section**
 6 **4c(5).**

7 (j) ~~(h)~~The following confidentiality rules apply:

8 (1) Subject to subdivisions (3) ~~and (4),~~**to (5),** applications
 9 and supporting information submitted by qualifying patients,
 10 including information regarding their primary caregivers, ~~and~~
 11 **physicians, and licensed specialty medical growers,** are
 12 confidential.

13 (2) The marijuana regulatory agency shall maintain a
 14 confidential list of the ~~persons~~**individuals** to whom the marijuana
 15 regulatory agency has issued registry identification cards **or**
 16 **granted specialty medical grower licenses.** Except as provided in
 17 subdivisions (3) ~~and (4),~~**to (5),** individual names and other
 18 identifying information on the list are confidential and are exempt
 19 from disclosure under the freedom of information act, 1976 PA 442,
 20 MCL 15.231 to 15.246.

21 (3) The marijuana regulatory agency shall verify to law
 22 enforcement personnel and to the necessary database created in the
 23 marihuana tracking act as established by the medical marihuana
 24 facilities licensing act whether a registry identification card **or**
 25 **specialty medical grower license** is valid ~~—~~without disclosing more
 26 information than is reasonably necessary to verify the authenticity
 27 of the registry identification card **or specialty medical grower**
 28 **license.**

29 (4) **The marijuana regulatory agency may disclose to the**

1 **department of state police or a local law enforcement agency the**
 2 **address of the location at which a registered primary caregiver or**
 3 **licensed specialty medical grower cultivates or manufactures**
 4 **marihuana.**

5 (5) ~~(4)~~—A person, including an employee, contractor, or
 6 ~~official-officer~~ of the marijuana regulatory agency or another
 7 state agency or local unit of government, who discloses
 8 confidential information in violation of this act is guilty of a
 9 misdemeanor punishable by imprisonment for not more than 6 months
 10 or a fine of not more than \$1,000.00, or both. Notwithstanding this
 11 ~~provision, subdivision, a~~ marijuana regulatory agency employees may
 12 notify law enforcement about falsified or fraudulent information
 13 submitted to the marijuana regulatory agency.

14 (k) ~~(i)~~—The marijuana regulatory agency shall submit to the
 15 legislature an annual report that does not disclose any identifying
 16 information about qualifying patients, primary caregivers, **licensed**
 17 **specialty medical growers**, or physicians, but does contain, at a
 18 minimum, all of the following information:

19 (1) The number of applications filed for registry
 20 identification cards.

21 (2) **The number of applications filed for specialty medical**
 22 **grower licenses.**

23 (3) ~~(2)~~—The number of **registered** qualifying patients and
 24 **registered** primary caregivers approved in each county.

25 (4) **The number of licenses granted to licensed specialty**
 26 **medical growers in each county.**

27 (5) ~~(3)~~—The nature of the debilitating medical conditions of
 28 the qualifying patients.

29 (6) ~~(4)~~—The number of registry identification cards revoked.

1 **(7) The number of specialty medical grower licenses revoked.**

2 **(8) ~~(5)~~**—The number of physicians providing written
3 certifications for qualifying patients.

4 **(l) ~~(j)~~**—The marijuana regulatory agency may enter into a
5 contract with a private contractor to assist the marijuana
6 regulatory agency in performing its duties under this section. The
7 contract may provide for assistance in processing and issuing
8 registry identification cards, but the marijuana regulatory agency
9 ~~shall~~**must** retain the authority to make the final determination as
10 to issuing ~~the~~**a** registry identification card. Any contract must
11 include a provision requiring the contractor to preserve the
12 confidentiality of information in conformity with subsection
13 ~~(h)~~**(j)**.

14 **(m) ~~(k)~~**—Not later than 6 months after April 1, 2013, the
15 marijuana regulatory agency shall appoint a panel to review
16 petitions to approve medical conditions or treatments for addition
17 to the list of debilitating medical conditions under the rules. The
18 panel shall meet at least ~~twice~~**2 times** each year and shall review
19 and make a recommendation to the marijuana regulatory agency
20 concerning any **submitted** petitions ~~that have been submitted~~ that
21 are ~~completed~~**complete** and include any documentation required by
22 rule. All of the following apply to the panel:

23 (1) A majority of the panel members must be licensed
24 physicians, and the panel shall provide recommendations to the
25 marijuana regulatory agency regarding whether the petitions should
26 be approved or denied.

27 (2) All meetings of the panel are subject to the open meetings
28 act, 1976 PA 267, MCL 15.261 to 15.275.

29 **(n) ~~(l)~~**—The marihuana registry fund is created within the state

1 treasury. All fees collected under this act shall be deposited into
 2 the fund. The state treasurer may receive money or other assets
 3 from any source for deposit into the fund. The state treasurer
 4 shall direct the investment of the fund. The state treasurer shall
 5 credit to the fund interest and earnings from fund investments.
 6 Money in the fund at the close of the fiscal year must remain in
 7 the fund and must not lapse to the general fund. The marijuana
 8 regulatory agency shall be the administrator of the fund for
 9 auditing purposes. The marijuana regulatory agency shall expend
 10 money from the fund, upon appropriation, ~~for the operation and~~
 11 ~~oversight of the Michigan medical marihuana program. For the fiscal~~
 12 ~~year ending September 30, 2016, \$8,500,000.00 is appropriated from~~
 13 ~~the marihuana registry fund to the department for its initial costs~~
 14 ~~of implementing the medical marihuana facilities licensing act and~~
 15 ~~the marihuana tracking act. to implement this act.~~ For the fiscal
 16 year ending September 30, 2021, \$24,000,000.00 of the money in the
 17 marihuana registry fund is transferred to and must be deposited
 18 into the Michigan set aside fund created under section 1i of 1965
 19 PA 213, MCL 780.621i.

20 ~~(m) As used in this section, "marijuana regulatory agency"~~
 21 ~~means the marijuana regulatory agency created under Executive~~
 22 ~~Reorganization Order No. 2019-2, MCL 333.27001.~~

23 7. Scope of Act.

24 Sec. 7. (a) The medical use of marihuana is allowed under
 25 state law to the extent that it ~~is carried out in accordance~~
 26 **complies** with ~~the provisions of this act.~~

27 (b) This act does not ~~permit any~~ **authorize a** person to do any
 28 of the following:

29 (1) Undertake any task under the influence of marihuana, ~~when~~

1 **if** doing so would constitute negligence or professional
2 malpractice.

3 (2) Possess marihuana, or otherwise engage in the medical use
4 of marihuana, at any of the following locations:

5 (i) ~~(A)~~—In a school bus.

6 (ii) ~~(B)~~—On the grounds of any preschool or primary or
7 secondary school.

8 (iii) ~~(C)~~—In any correctional facility.

9 (3) Smoke marihuana at any of the following locations:

10 (i) ~~(A)~~—On any form of public transportation.

11 (ii) ~~(B)~~—In any public place.

12 (4) Operate, navigate, or be in actual physical control of any
13 motor vehicle, aircraft, snowmobile, off-road recreational vehicle,
14 or motorboat while under the influence of marihuana.

15 (5) Use marihuana if that person does not have a serious or
16 debilitating medical condition.

17 (6) Separate plant resin from ~~a marihuana plant by butane~~
18 ~~extraction in any public place or motor vehicle, or inside or~~
19 ~~within the curtilage of any residential structure.~~

20 ~~(7) Separate plant resin from a marihuana plant by butane~~
21 ~~extraction in a manner that demonstrates a failure to exercise~~
22 ~~reasonable care or reckless disregard for the safety of~~
23 ~~others.~~ **using a hydrocarbon solvent or any other flammable**
24 **substance.**

25 (c) ~~Nothing in this~~ **This** act ~~shall be construed to~~ **does not**
26 require any of the following:

27 (1) A government medical assistance program or commercial or
28 ~~non-profit~~ **nonprofit** health insurer to reimburse a person for costs
29 associated with the medical use of marihuana.

1 (2) An employer to accommodate the ingestion of marihuana in
 2 any workplace or any employee working while under the influence of
 3 marihuana.

4 (3) A private property owner to lease residential property to
 5 any person who smokes or cultivates marihuana on the premises, if
 6 the prohibition against smoking or cultivating marihuana is in the
 7 written lease.

8 (d) Fraudulent representation to a law enforcement ~~official~~
 9 **officer** of any fact or circumstance relating to the medical use of
 10 marihuana to avoid arrest or prosecution is punishable by a fine of
 11 \$500.00, which is in addition to any other penalties that may apply
 12 for making a false statement or for the use of marihuana other than
 13 use undertaken pursuant to this act.

14 (e) All other acts and parts of acts inconsistent with this
 15 act do not apply to the medical use of marihuana as provided for by
 16 this act.

17 8. Affirmative Defense and Dismissal for Medical Marihuana.

18 Sec. 8. **(1)** ~~(a)~~ Except as provided in section 7(b), a
 19 **registered qualifying patient, and or a patient's registered**
 20 **primary caregiver or licensed specialty medical grower to whom the**
 21 **registered qualifying patient is connected through the marijuana**
 22 **regulatory agency's registration process,** if any, may assert the
 23 medical purpose for using marihuana as a defense to any prosecution
 24 involving marihuana, and this defense ~~shall be~~ **is** presumed valid
 25 ~~where if~~ the evidence shows ~~that:~~ **all of the following:**

26 **(a)** ~~(1)~~ A physician has stated that, in the physician's
 27 professional opinion, after having completed a full assessment of
 28 the **registered qualifying patient's** medical history and current
 29 medical condition made in the course of a bona fide physician-

1 patient relationship, the **registered qualifying** patient is likely
2 to receive therapeutic or palliative benefit from the medical use
3 of marihuana to treat or alleviate the **registered qualifying**
4 patient's serious or debilitating medical condition or symptoms of
5 the **registered qualifying** patient's serious or debilitating medical
6 condition. †

7 (b) ~~(2)~~—The **registered qualifying** patient, and ~~the patient's a~~
8 **registered** primary caregiver or **licensed specialty medical grower**
9 **to whom the registered qualifying patient is connected through the**
10 **marijuana regulatory agency's registration process**, if any, were
11 collectively in possession of a quantity of marihuana that was not
12 more than was reasonably necessary to ensure the uninterrupted
13 availability of marihuana for the purpose of treating or
14 alleviating the **registered qualifying** patient's serious or
15 debilitating medical condition or symptoms of the **registered**
16 **qualifying** patient's serious or debilitating medical condition. †
17 and

18 (c) ~~(3)~~—The **registered qualifying** patient and ~~the patient's a~~
19 **registered** primary caregiver or **licensed specialty medical grower**
20 **to whom the registered qualifying patient is connected through the**
21 **marijuana regulatory agency's registration process**, if any, were
22 engaged in the acquisition, possession, cultivation, manufacture,
23 use, delivery, transfer, or transportation of marihuana or
24 paraphernalia relating to the use of marihuana to treat or
25 alleviate the **registered qualifying** patient's serious or
26 debilitating medical condition or symptoms of the **registered**
27 **qualifying** patient's serious or debilitating medical condition.

28 (2) ~~(b)~~—A person may assert the medical purpose for using
29 marihuana in a motion to dismiss, and the charges ~~shall~~**must** be

1 dismissed following an evidentiary hearing ~~where~~ **at which** the
 2 person shows the elements listed in subsection ~~(a)~~ **(1)**.

3 **(3)** ~~(e)~~ If a **registered qualifying** patient, or a patient's
 4 **registered** primary caregiver or **licensed specialty medical grower**
 5 **to whom the registered qualifying patient is connected through the**
 6 **marijuana regulatory agency's registration process, if any,**
 7 demonstrates the **registered qualifying** patient's medical purpose
 8 for using marihuana pursuant to this section, the **registered**
 9 **qualifying** patient, ~~and the patient's registered~~ primary caregiver,
 10 ~~shall and the licensed specialty medical grower are~~ not be subject
 11 to the following for the **registered qualifying** patient's medical
 12 use of marihuana:

13 **(a)** ~~(1) disciplinary~~ **Disciplinary** action by a business or
 14 occupational or professional licensing board or bureau. ~~for~~

15 **(b)** ~~(2) forfeiture~~ **Forfeiture** of any interest in or right to
 16 property.

17 Enacting section 1. This amendatory act does not take effect
 18 unless all of the following bills of the 101st Legislature are
 19 enacted into law:

20 (a) Senate Bill No. ____ or House Bill No.5300.

21 (b) Senate Bill No. ____ or House Bill No. ____ (request no.
 22 04326'21).

23 (c) Senate Bill No. ____ or House Bill No. ____ (request no.
 24 04327'21).

25 (d) Senate Bill No. ____ or House Bill No.5302.