

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT

Initiated Law 1 of 2018

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 6, 2018.

History: 2018, Initiated Law 1, Eff. Dec. 6, 2018

Compiler's Notes: This new act was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. The proposed language was certified to the legislature on April 26, 2018 with the 40-day consideration period lapsing on June 5, 2018. The initiative petition was submitted to the voters as proposal 18-1 at the November 6, 2018 general election where it was approved 2,356,422 for and 1,859,675 against. For the transfer of powers and duties of the department of licensing and regulatory affairs, including its bureau of marijuana regulation, to the marijuana regulatory agency, and abolishment of the bureau of marijuana regulation, see E.R.O. No. 2019-2, compiled at MCL 333.27001.

The People of the State of Michigan enact:

Document	Type	Description
Section 333.27951	Section	Short title.
Section 333.27952	Section	Purpose and intent.
Section 333.27953	Section	Definitions.
Section 333.27953.amended	Section	Definitions.
Section 333.27954	Section	Scope of act; unauthorized activities with marihuana and marihuana accessories; limitations; application of privileges, rights, immunities, and defenses under other marihuana laws; employer rights; property owner rights.

Section 333.27955	Section Lawful activities by person 21 years of age or older; terms, conditions, limitations, and restrictions; denial of custody or visitation prohibited.
Section 333.27956	Section Adoption or enforcement of ordinances by municipality; marihuana establishment local license; annual fee; restrictions on transportation or other facilities prohibited.
Section 333.27957	Section Implementation, administration, and enforcement by department; powers; duties; public meetings; annual report.
Section 333.27958	Section Rules; limitations.
Section 333.27958.amended	Section Rules; limitations.
Section 333.27959	Section License to operate a marihuana establishment; application; qualifications; issuance; disclosure.
Section 333.27959a	Section Operation of a marihuana establishment; approval; marijuana regulatory agency; notice of violation.
Section 333.27960	Section Lawful activities by marihuana grower, processor, transporter, or retailer; limitations; contracts related to operation of marihuana establishments.
Section 333.27961	Section Marihuana establishments; requirements; limitations.
Section 333.27961a.added	Section Direct sale or transfer of marihuana to minor or intoxicated individual; prohibition; right of action; indemnification; defenses; rebuttable presumption; damages; insurance coverage required; civil action; definitions.
Section 333.27962	Section Deduction of certain expenses from income.

[Section 333.27963](#)

Section Imposition of excise tax.

[Section 333.27964](#)

Section Marihuana regulation fund; creation; administration; allocation of expenditures.

[Section 333.27965](#)

Section Violations; penalties.

[Section 333.27966](#)

Section Failure to act by department; application to municipality.

[Section 333.27967](#)

Section Construction of act; effect of federal law; severability.