SENATE BILL No. 813

February 24, 2016, Introduced by Senator YOUNG and referred to the Committee on Judiciary.

A bill to regulate and tax marihuana; to require registration of marihuana establishments and provide for registration, application, and renewal fees; to regulate growth, manufacture, and retail sale of marihuana; to regulate marihuana testing, labeling, and packaging for retail sale; to restrict marihuana possession, sale, and use by individuals under the age of 21; to limit landlord restrictions on marihuana in rental property; to impose an excise tax and provide for distribution of the proceeds of that tax; to require the promulgation of rules; and to provide sanctions for violations of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act shall be known and may be cited as the "nonmedical marihuana code".

(2) In the interest of allowing law enforcement to focus on
violent and property crimes, generating revenue for education and other public purposes, and individual freedom, the legislature finds and declares that the use of marihuana should be legal for individuals 21 years of age or older and taxed in a manner similar to alcohol.

(3) This act is intended to be complete within itself to regulate the entire field of growth, manufacture, distribution, retail sale, possession, and use of marihuana, other than medical marihuana, and supersedes any conflicting law except a law regulating marihuana for medical use.

Sec. 2. As used in this act unless the context otherwise requires:

(a) "Consumer" means an individual 21 years of age or older who purchases marihuana or marihuana products for personal use by an individual 21 years of age or older, but not for resale.

(b) "Department" means the department of licensing and regulatory affairs or its successor agency.

(c) "Hemp" means a plant of the genus Cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant, or per volume or weight of marihuana product, or the combined percentage of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis, regardless of moisture content.

(d) "Immature marihuana plant" means a marihuana plant that has not flowered and does not have visible buds.

(e) "Local regulatory authority" means the office or entity
designated to process marihuana establishment applications by a municipality or, in reference to a location outside the boundaries of a municipality, by a county.

(f) "Locality" means a municipality or, in reference to a location outside the boundaries of a municipality, a county.

(g) "Marihuana" means any part of the plant of the genus Cannabis; the seeds thereof; the resin extracted from any part of the plant; and a compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. Marihuana does not include hemp; the fiber produced from the stalks; oil or cake made from the seeds of the plant; sterilized seed of the plant that is incapable of germination; or the weight of any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other product.

(h) "Marihuana accessories" means any equipment, products, or materials that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marihuana, or for ingesting, inhaling, or otherwise introducing marihuana into the human body.

(i) "Marihuana cultivation facility" means an entity registered to cultivate, prepare, and package marihuana and to sell marihuana to retail marihuana stores, to marihuana product manufacturing facilities, to marihuana lounges, and to other marihuana cultivation facilities, but not to consumers. A marihuana
cultivation facility shall not produce marihuana concentrates, tinctures, extracts, or other marihuana products.

(j) "Marihuana establishment" means a marihuana cultivation facility, a marihuana lounge, a marihuana testing facility, a marihuana product manufacturing facility, or a retail marihuana store.

(k) "Marihuana lounge" means an entity registered to sell marihuana or marihuana products for on-site consumption by means other than smoking.

(l) "Marihuana product manufacturing facility" means an entity registered to purchase marihuana; manufacture, prepare, and package marihuana products; and sell marihuana and marihuana products to other marihuana product manufacturing facilities and to retail marihuana stores, but not to consumers.

(m) "Marihuana products" means concentrated marihuana products and marihuana products that comprise marihuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(n) "Marihuana testing facility" means an entity registered to test marihuana for potency and contaminants.

(o) "Possession limit" means the maximum amount of marihuana that may be possessed at any 1 time by an individual over 21 years of age and which does not exceed the total of the following:

(i) For a resident of this state:

(A) One ounce of marihuana, not more than 5 grams of which are hashish.

(B) Five marihuana plants.
(C) Any additional marihuana produced by the individual's marihuana plants, but any amount of marihuana in excess of 1 ounce must be possessed in the same secure facility where the plants are cultivated.

(ii) For an individual who is not a resident of this state, not more than 1/2 ounce of marihuana, including not more than 1 gram of hashish.

(p) "Public place" means a place to which the general public has access.

(q) "Retail marihuana store" means an entity registered with the department to purchase marihuana from marihuana cultivation facilities and marihuana and marihuana products from marihuana product manufacturing facilities and to sell marihuana and marihuana products to consumers.

(r) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(s) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or assets that the operation of a marihuana establishment is not worth being carried out in practice by a reasonably prudent businessperson.

Sec. 3. Notwithstanding any other provision of law, except as otherwise provided in this act, all of the following acts are not unlawful and are not a criminal or civil offense under the law of this state or the law of any political subdivision of this state and are not a basis for seizure or forfeiture of assets under the law of this state if performed by an individual 21 years of age or
(a) Possessing, consuming, growing, using, processing, purchasing, or transporting an amount of marihuana that does not exceed the possession limit.

(b) Transferring 1 ounce or less of marihuana or not more than 6 immature marihuana plants to an individual who is 21 years of age or older without remuneration.

(c) Controlling property where actions that are described in this section occur.

(d) Assisting another individual who is 21 years of age or older in any of the acts described in this section.

Sec. 4. (1) A person who cultivates marihuana shall comply with all of the following:

(a) Cultivate marihuana plants in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids, including view from another private property.

(b) Take reasonable precautions to ensure the plants are secure from unauthorized access and access by an individual under 21 years of age. For purposes of illustration and not limitation, cultivating marihuana in an enclosed, locked space for which an individual under 21 years of age does not possess a key constitutes reasonable precaution.

(c) Cultivate only on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(2) A person who violates this section is responsible for a
state civil infraction and may be ordered to pay a civil fine of not more than $750.00.

Sec. 5. An individual shall not smoke marihuana in a public place. An individual who violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

Sec. 6. (1) An individual shall not consume marihuana while operating or driving a motor vehicle, boat, vessel, aircraft, or other motorized device used for transportation.

(2) A violation of this section is punishable as follows:

(a) For a first violation, a fine of not more than $200.00 or driver license suspension for up to 6 months, or both.

(b) For a second or subsequent violation, a fine of not more than $500.00 or driver license suspension for not more than 1 year, or both.

Sec. 7. (1) An individual less than 21 years of age shall not present or offer to a marihuana establishment or the marihuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent, or not actually the individual's own, for any of the following purposes:

(a) Purchasing, attempting to purchase, or otherwise procuring or attempting to procure marihuana.

(b) Gaining access to a marihuana establishment.

(2) An individual who violates this section is guilty of a state civil infraction and may be ordered to pay a civil fine of not more than $400.00.

Sec. 8. (1) A person, other than a marihuana product
manufacturer complying with this act and department regulations, shall not perform solvent-based extractions on marihuana using solvents other than water or vegetable glycerin.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than $5,000.00, or both.

Sec. 9. (1) Notwithstanding any other provision of law, it is not unlawful and not a criminal or civil offense under the law of this state or the law of any political subdivision of this state and not a basis for seizing or forfeiting assets under the law of this state for an individual 21 years of age or older to manufacture, possess, or purchase marihuana accessories, or to distribute or sell marihuana accessories to an individual who is 21 years of age or older.

(2) An individual who is 21 years of age or older may manufacture, possess, and purchase marihuana accessories, and distribute or sell marihuana accessories to an individual who is 21 years of age or older.

Sec. 10. (1) Notwithstanding any other provision of law, the following acts, if performed by a retail marihuana store with a current, valid registration, or an individual 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a retail marihuana store, are not a criminal or civil offense under the law of this state or a basis for seizing or forfeiting assets under the law of this state:

(a) Possessing, displaying, storing, or transporting marihuana or marihuana products.
(b) Purchasing marihuana from a marihuana cultivation facility.

(c) Purchasing marihuana or marihuana products from a marihuana product manufacturing facility.

(d) Delivering or transferring marihuana or marihuana products to a marihuana testing facility.

(e) Delivering, distributing, or selling marihuana or marihuana products to a consumer.

(2) Notwithstanding any other provision of law, the following acts, when performed by a marihuana lounge with a current, valid registration, or an individual 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a marihuana lounge, are not unlawful and are not a criminal or civil offense under the law of this state or a basis for seizure or forfeiture of assets under the law of this state:

(a) Possessing, displaying, storing, or transporting marihuana or marihuana products.

(b) Purchasing marihuana from a marihuana cultivation facility.

(c) Purchasing marihuana or marihuana products from a marihuana product manufacturing facility.

(d) Delivering or transferring marihuana or marihuana products to a marihuana testing facility.

(e) Delivering, distributing, or selling marihuana or marihuana products to consumers.

(3) Notwithstanding any other provision of law, the following acts, if performed by a marihuana cultivation facility with a
current, valid registration, or an individual 21 years of age or
older who is acting in his or her capacity as an owner, employee,
or agent of a marihuana cultivation facility are not unlawful, a
criminal or civil offense under the law of this state, or a basis
for seizing or forfeiting assets under the law of this state:

(a) Cultivating, harvesting, processing, packaging,
transporting, displaying, storing, or possessing marihuana.
(b) Delivering or transferring marihuana to a marihuana
testing facility.
(c) Delivering, distributing, or selling marihuana to a
marihuana cultivation facility, a marihuana product manufacturing
facility, a marihuana lounge, or a retail marihuana store.
(d) Receiving or purchasing marihuana from a marihuana
cultivation facility.
(e) Receiving marihuana seeds or immature marihuana plants
from an individual 21 years of age or older.

(4) Notwithstanding any other provision of law, the following
acts, if performed by a marihuana product manufacturing facility
with a current, valid registration, or an individual 21 years of
age or older who is acting in his or her capacity as an owner,
employee, or agent of a marihuana product manufacturing facility
are not unlawful, an offense under the law of this state, or a
basis for seizing or forfeiting assets under the law of this state:

(a) Packaging, processing, transporting, manufacturing,
displaying, or possessing marihuana or marihuana products.
(b) Delivering or transferring marihuana or marihuana products
to a marihuana testing facility.
(c) Delivering or selling marihuana or marihuana products to a retail marihuana store, a marihuana lounge, or a marihuana product manufacturing facility.

(d) Purchasing marihuana from a marihuana cultivation facility.

(e) Purchasing marihuana or marihuana products from a marihuana product manufacturing facility.

(5) Notwithstanding any other provision of law, the following acts, if performed by a marihuana testing facility with a current, valid registration, or an individual 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a marihuana testing facility, are not unlawful, an offense under the law of this state, or a basis for seizing or forfeiting assets under the law of this state:

(a) Possessing, cultivating, processing, repackaging, storing, transporting, or displaying marihuana or marihuana products.

(b) Receiving marihuana or marihuana products from a marihuana establishment or an individual 21 years of age or older.

(c) Returning marihuana or marihuana products to a marihuana establishment, or an individual 21 years of age or older.

(6) This section does not prohibit penalties for violating this act or rules adopted by the department or localities as authorized under this act.

Sec. 11. (1) A marihuana establishment or an agent or staffer of a marihuana establishment shall not sell, deliver, give, transfer, or otherwise furnish marihuana to an individual under 21 years of age.
(2) Except as otherwise provided in this section, in a prosecution for selling, transferring, delivering, giving, or otherwise furnishing marihuana, marihuana products, or marihuana paraphernalia to an individual who is under 21 years of age, it is a complete defense if both of the following conditions apply:

(a) The person who sold, gave, or otherwise furnished marihuana, marihuana products, or marihuana paraphernalia was a retailer or marihuana lounge or was acting in his or her capacity as an owner, employee, or agent of a retailer or marihuana lounge at the time the marihuana, marihuana products, or marihuana paraphernalia was sold, given, or otherwise furnished to the individual.

(b) Before selling, giving, or otherwise furnishing marihuana, marihuana products, or marihuana paraphernalia to an individual who is under 21 years of age, the individual who furnished the marihuana or marihuana paraphernalia or an employee or agent of the furnishing retailer was shown a document that appeared to be issued by an agency of a federal, state, tribal, or foreign sovereign government indicating that the individual to whom the marihuana or marihuana paraphernalia was furnished was 21 years of age or older at the time of the transaction.

(3) The complete defense set forth in this section does not apply if both of the following conditions are met:

(a) The document that was shown to the individual who sold, gave, or otherwise furnished the marihuana, marihuana products, or marihuana paraphernalia was counterfeit, forged, altered, or issued to an individual other than the individual to whom the marihuana,
marihuana products, or marihuana paraphernalia was sold, given, or otherwise furnished.

(b) Under the circumstances, a reasonable person would have known or suspected that the document was counterfeit, forged, altered, or issued to an individual other than the individual to whom the marihuana, marihuana products, or marihuana paraphernalia was sold, given, or otherwise furnished.

Sec. 12. (1) Not later than 180 days after the effective date of this act, the department shall promulgate rules necessary for implementing this act. The rules must not prohibit the operation of marihuana establishments, either expressly or through rules that make their operation unreasonably impracticable. The rules shall include all of the following:

(a) Procedures for issuing, renewing, suspending, and revoking a registration to operate a marihuana establishment, which procedures are subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(b) A schedule of application, registration, and renewal fees. Each of the 3 types of fees must not exceed $5,000.00 adjusted annually for inflation in the manner provided in section 21(3), unless the department determines a greater fee is necessary to carry out its responsibilities under this act.

(c) Qualifications for registration that are directly and demonstrably related to the operation of a marihuana establishment.

(d) Security requirements including lighting, physical security, video, and alarm requirements.

(e) Requirements for the transportation and storage of
marihuana and marihuana products by marihuana establishments.

(f) Employment and training requirements, including requiring that each marihuana establishment create an identification badge for each employee or agent.

(g) Requirements designed to prevent the sale or diversion of marihuana and marihuana products to individuals under the age of 21.

(h) Standards for marihuana product manufacturers to determine marihuana equivalency amounts for marihuana products.

(i) Requirements for marihuana and marihuana products sold or distributed by a marihuana establishment, including requirements for marihuana products' labels and packaging to include all of the following:

   (i) The length of time it typically takes for a product to take effect.

   (ii) The marihuana equivalency of the product.

   (iii) The ingredients and possible allergens.

   (iv) A nutritional fact panel.

   (v) Packaging that is opaque, child resistant, and designed or constructed to be significantly difficult for children under 5 years of age to open, but not difficult for normal adults to use properly as described in the testing procedures in 16 CFR 1700.20 (1995).

   (vi) For an edible marihuana product, clear indication that it contains marihuana through use of a standard symbol, if practicable.

   (j) Health and safety regulations and standards applicable to
marihuana establishments for marihuana product manufacture and both indoor and outdoor marihuana cultivation.

(k) Restrictions on advertising, marketing, and signage, including, but not limited to, a prohibition on mass-market campaigns that have a high likelihood of reaching individuals less than 21 years of age.

(l) Restrictions on marihuana and marihuana product display, including restrictions to ensure that marihuana and marihuana product displays are not visible to the general public from a public right-of-way.

(m) Restrictions or prohibitions on additives to marihuana and marihuana-infused products, including, but not limited to, those that are toxic, designed to make the product more addictive or more appealing to children, or misleading to consumers. The restrictions must not extend to common baking and cooking additives.

(n) Restrictions on the use of pesticides that are injurious to human health.

(o) Regulations governing visits to cultivation facilities and product manufacturers, including requirements for a marihuana establishment to maintain a visitor log.

(p) A definition of the amount of delta-9 tetrahydrocannabinol that constitutes a single serving of or dose in a marihuana product.

(q) Safety standards for manufacturing marihuana extracts and concentrates.

(r) Requirements for educational materials to be disseminated to consumers who purchase marihuana-infused products.
(s) Requirements for random sample tests to ensure quality control, including accurate potency labels for marihuana and marihuana-infused products. The sampling must include tests for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; harmful microbes such as E. coli or salmonella; and pesticides.

(t) Standards for operating testing laboratories, including equipment requirements and personnel qualifications.

(u) Civil fines for failure to comply with rules promulgated under this act.

(v) Procedures for assisting the department of treasury in collecting taxes levied on marihuana cultivation facilities under section 21.

(2) To ensure that individual privacy is protected, the department shall not require a consumer to provide a retail marihuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marihuana store shall not be required to acquire or record personal information about consumers.

Sec. 13. (1) A person shall not operate a marihuana establishment unless the person is registered with the department as provided in this act. To register, a person shall submit an application to the department. The term of a registration is 1 year. An applicant shall not submit a renewal application more than 90 days before the applicant's registration expires.

(2) The department shall begin accepting and processing applications to operate a marihuana establishment 1 year after the
(3) If the locality in which the applicant proposes to operate
the marihuana establishment has designated a local regulatory
authority, immediately upon receiving the application or renewal
application for a marihuana establishment registration, the
department shall forward a copy of the application and 1/2 of the
application fee to that local regulatory authority. That forwarded
application serves as the application for registration with the
locality.

(4) Unless the department finds the applicant is not in
compliance with rules promulgated under section 12 or the
department is notified by the relevant locality that the applicant
is not in compliance with ordinances and rules adopted under
section 14 and in effect at the time of application, the department
shall issue an annual registration or renewal to the applicant
within 90 days after receiving the application.

(5) If a locality has adopted a numerical limit on the number
of marihuana establishments under section 14 and a greater number
of applicants seek registrations, the department shall solicit and
consider input from the local regulatory authority as to the
locality's preference or preferences for registration.

(6) The department shall notify the applicant in writing of
the specific reason for its denial of an application.

(7) A marihuana establishment registration shall specify the
location where the marihuana establishment will operate. A separate
registration is required for each location at which a marihuana
establishment operates.
(8) A marihuana establishment and the books and records maintained and created by marihuana establishments are subject to inspection by the department or an agent of the department.

Sec. 14. (1) A marihuana lounge may operate only if the local regulatory authority in the locality where it operates issues a permit, license, or registration that expressly allows the operation of the marihuana lounge.

(2) A locality may prohibit any type of marihuana establishment by ordinance or an initiated or referred measure; however, an initiated or referred measure under this subsection must be adopted at a general election.

(3) A locality may enact an ordinance or regulation not in conflict with this act or with rules promulgated under this act that governs the time, place, manner, and number of marihuana establishment operations, which may include civil fines for violation of the ordinance or regulation.

(4) A locality may designate a local regulatory authority that is responsible for processing applications submitted for registration to operate a marihuana establishment in the locality.

(5) A locality may establish procedures for issuing, suspending, or revoking a registration issued by the locality under this section, consistent with the applicant's right to due process of law.

(6) A locality may establish a schedule of annual operating, registration, and application fees for marihuana establishments.

Sec. 15. This act does not require an employer to permit or accommodate the use, consumption, possession, transfer, display,
transportation, sale, or growing of marihuana in the workplace and
does not limit an employer's policy restricting employee marihuana
use or prescribing employee discipline for being under the
influence of marihuana in the workplace.

Sec. 16. This act does not authorize operating a motor vehicle
under the influence of marihuana or operating a motor vehicle while
impaired by marihuana or supersede laws related to operating a
motor vehicle under the influence of marihuana or operating a motor
vehicle while impaired by marihuana.

Sec. 17. This act does not permit the transfer of marihuana,
with or without remuneration, to an individual under the age of 21
or allow an individual under the age of 21 to purchase, possess,
use, transport, grow, or consume marihuana.

Sec. 18. (1) Except as provided in this section, this act does
not require an individual, corporation, or any other entity that
occupies, owns, or controls a property to allow the consumption,
cultivation, display, sale, or transfer of marihuana on or in that
property.

(2) A landlord shall not prohibit the possession or
consumption of marihuana by nonsmoked means on residential property
unless 1 of the following circumstances applies:

(a) The tenant is a roomer who is not leasing the entire
residential dwelling.

(b) The residence is incidental to detention or the provision
of medical, geriatric, educational, counseling, religious, or
similar service.

(c) The residence is a transitional housing facility.
(d) Failing to prohibit marihuana possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Sec. 19. A contract entered into by a registered marihuana establishment or its employee or agent, or by another person, for property to be used by a registered marihuana establishment, its employees, or its agents under a valid registration, is enforceable under the law of this state, even if cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using marihuana or hemp is prohibited by federal law.

Sec. 20. The marihuana regulation revolving fund is established in the state treasury and revenue from fees and civil fines collected by or on behalf of the department under this act shall be credited to the fund. The department is the administrator of the fund for auditing purposes. Money in the fund is continuously appropriated only for the costs of registering and monitoring marihuana establishments and performing other activities authorized under this act.

Sec. 21. (1) An excise tax is imposed on the sale or transfer of marihuana from a marihuana cultivation facility to a retail marihuana store, marihuana lounge, or marihuana product manufacturing facility at the following rates:

(a) $50.00 per ounce of marihuana flowers.
(b) $25.00 per immature marihuana plant.
(c) $15.00 per ounce on marihuana other than marihuana flowers
or immature marihuana plants.

(2) The tax rates in this section apply proportionately to fractions of an ounce.

(3) The state treasurer shall adjust the tax rate under this section by an amount determined by the state treasurer at the end of each calendar year to reflect the cumulative annual percentage change in the consumer price index. As used in this subsection, "consumer price index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor.

(4) On the fifteenth day of each month, a marihuana cultivation facility shall remit to the department of treasury the excise taxes due on the marihuana that the marihuana cultivation facility transferred or sold in the prior calendar month.

Sec. 22. (1) The marihuana excise tax fund is created within the state treasury.

(2) The state treasurer may receive money generated by the marihuana excise tax for deposit into the marihuana excise tax fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) Money from the fund shall be distributed by the treasurer and expended, upon appropriation, only as follows:

(a) Not more than 10% of the total collected to the department for the necessary expenses of implementing and enforcing this act.
(b) The balance in the fund after the distribution under subdivision (a) shall be distributed every 3 months as follows:

(i) Thirty percent to the department of education.

(ii) Ten percent to the department of health and human services for use in evidence-based, voluntary programs for treatment of alcohol, tobacco, and marihuana abuse.

(iii) Ten percent to the department of community health for a scientifically and medically accurate public education campaign to educate youth and adults about the health and safety risks of alcohol, tobacco, and marihuana.

(d) Fifty percent to the general fund.

Sec. 23. (1) This act does not limit any privilege or right of a medical marihuana patient, primary caregiver, or medical marihuana establishment under the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

(2) This act does not prohibit the operation of a facility licensed to distribute marihuana under any other law of this state.

(3) Possession of 1 ounce or less of marihuana by an individual under the age of 21 is a civil offense punishable by forfeiture of the marihuana and completion of up to 4 hours of instruction in a drug awareness program. The law enforcement agency issuing the citation shall notify the parents or legal guardian of any offender under the age of 18 of the offense and of available drug awareness programs. An offender who fails to complete a drug awareness program within 1 year after notice of the offense and available programs is sent is subject to a civil fine of not more than $300.00 or up to 40 hours of community service, or both.
Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This act does not take effect unless Senate Joint Resolution 0 of the 98th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.