

HOUSE BILL NO. 4249

February 16, 2021, Introduced by Reps. Hammoud, Tyrone Carter, Sowerby, Stone, O'Neal, Cynthia Johnson and Weiss and referred to the Committee on Regulatory Reform.

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 502 and 504 (MCL 333.27502 and 333.27504), section 502 as amended by 2018 PA 648 and section 504 as amended by 2018 PA 10, and by adding section 407b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 407b. A processor that violates section 502(7) or a**
2 **provisioning center that violates section 504(4)(f) is guilty of a**
3 **misdemeanor punishable by a fine of not more than \$10,000.00.**

1 Sec. 502. (1) A processor license authorizes purchase of
2 marihuana only from a grower and sale of marihuana-infused products
3 or marihuana only to a provisioning center or another processor.

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

10 (a) The grower or provisioning center occupies the same
11 location as the processor and the marihuana is transferred using
12 only private real property without accessing public roadways.

13 (b) The processor enters each transfer into the statewide
14 monitoring system.

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

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

23 (a) Marihuana plants.

24 (b) Usable marihuana.

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

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

29 (b) While holding a license as a processor, not be a

1 registered primary caregiver and not employ an individual who is
2 simultaneously a registered primary caregiver.

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

6 (6) This act does not prohibit a processor from handling,
7 processing, marketing, or brokering, as those terms are defined in
8 section 2 of the industrial hemp research and development act, MCL
9 286.842, industrial hemp.

10 **(7) A processor shall not process marihuana intended for**
11 **inhalation or a marihuana-infused product intended for inhalation**
12 **if the marihuana or marihuana-infused product contains or has been**
13 **combined with vitamin E acetate.**

14 Sec. 504. (1) A provisioning center license authorizes the
15 purchase or transfer of marihuana only from a grower or processor
16 and sale or transfer to only a registered qualifying patient or
17 registered primary caregiver. Except as otherwise provided in
18 section 505 and this subsection, all transfers of marihuana to a
19 provisioning center from a separate marihuana facility must be by
20 means of a secure transporter. A transfer of marihuana to a
21 provisioning center from a marihuana facility that occupies the
22 same location as the provisioning center does not require a secure
23 transporter if the marihuana is transferred to the provisioning
24 center using only private real property without accessing public
25 roadways.

26 (2) A provisioning center license authorizes the provisioning
27 center to transfer marihuana to or from a safety compliance
28 facility for testing by means of a secure transporter or as
29 provided in section 505.

1 (3) To be eligible for a provisioning center license, the
2 applicant and each investor in the provisioning center must not
3 have an interest in a secure transporter or safety compliance
4 facility.

5 (4) A provisioning center shall comply with all of the
6 following:

7 (a) Sell or transfer marihuana to a registered qualifying
8 patient or registered primary caregiver only after it has been
9 tested and bears the label required for retail sale.

10 (b) Enter all transactions, current inventory, and other
11 information into the statewide monitoring system as required in
12 this act, rules, and the marihuana tracking act.

13 (c) Before selling or transferring marihuana to a registered
14 qualifying patient or to a registered primary caregiver on behalf
15 of a registered qualifying patient, inquire of the statewide
16 monitoring system to determine whether the patient and, if
17 applicable, the caregiver hold a valid, current, unexpired, and
18 unrevoked registry identification card and that the sale or
19 transfer will not exceed the daily and monthly purchasing limit
20 established by the ~~medical marihuana licensing board~~ **marijuana**
21 **regulatory agency** under this act.

22 (d) Not allow the sale, consumption, or use of alcohol or
23 tobacco products on the premises.

24 (e) Not allow a physician to conduct a medical examination or
25 issue a medical certification document on the premises for the
26 purpose of obtaining a registry identification card.

27 **(f) Not sell marihuana intended for inhalation or a marihuana-**
28 **infused product intended for inhalation if the marihuana or**
29 **marihuana-infused product contains or has been combined with**

1 vitamin E acetate.